

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT PLANNING COMMISSION

5:30 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
AGENDA**

October 5, 2021

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of September 7, 2021

2. Consider Items Removed from Consent

3. Information Items

- a. Transitional Zoning Committee Update

4. Administration

- a. Discussion regarding Zoning Code § 157.031 Uses Permitted in Districts and Setback Regulations

5. Public Hearings

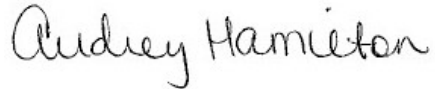
- a. Discussion, Consideration and Possible Action on PC2021-28 a Rezoning request from A-1, General Agriculture to R-3, General Residential for property located near Lindenwoods Drive and Thomas Circle
- b. Discussion, Consideration and Possible Action on PC2021-29 a Rezoning request from R-1, Single Family Residential to C-2, Highway Commercial and Commercial Recreation for property located at 1528 Estelle Street

6. New Business

ADJOURNMENT

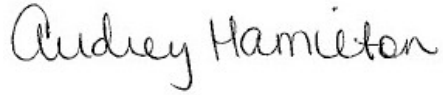
CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 9th day of September, 2021 and that an agenda of said meeting was posted at the place of such meeting at 09:00 a.m. on the 1st day of October, 2021.

A handwritten signature in cursive script that reads "Audrey Hamilton".

Cynthia J. Price, City of Durant

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 7th day of July, 2021 and that an agenda of said meeting was posted at the place of such meeting at 9:00 a.m. on the 3rd day of September, 2021.



Audrey Hamilton, City of Durant

MINUTES OF THE MEETING OF DURANT PLANNING COMMISSION
September 7, 2021 AT 6:00 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma

CALL TO ORDER

Planning Commission Chair Kevin Keener called the meeting to order at 6:02 p.m.

INVOCATION/FLAG SALUTE

Commission Member Jackson provided the invocation. Commission Member Knight led the flag salute.

ROLL CALL

Present:

Planning Commission Chairman Kevin Keener
Planning Commission Vice Chairman Drew Jackson
Planning Commissioner Clent Horner
Planning Commissioner Shane Knight
Planning Commissioner Whitney Kerr

Absent:

None

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

a. Consider Approval of Regular Meeting Minutes of August 3, 2021

Motion was made by Commission Member Jackson and seconded by Commission Member Horner to approve the minutes as presented.

b. Discussion, Consideration and Possible Action on Amending the 2021 Calendar

Danielle O'Neal reviewed with the Planning Commission members a request to possibly amend the 2021 Calendar for Planning Commission meetings as it pertains to the start time of the meetings. At the last City Council meeting, the City Council repealed the ordinance for the Regional Planning Commission. In July, the Planning Commission approved a time change to start at 6:00 p.m. while the Regional Planning Commission starts at 5:30 p.m. Since the City Council repealed the ordinance for the Regional Planning Commission, staff wanted to see if the Planning Commission wanted to move the time of the meetings back to the original start time of 5:30 p.m.

Motion was made by Commission Member Horner and seconded by Commission Member Knight to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Administration

a. Discussion, Consideration and Possible Action on Ordinance O-2021-22 Regarding Transitional Zoning

Danielle O'Neal reviewed with the Planning Commission members additional information regarding transitional zoning. Since last month's meeting, staff has been able to connect with someone who is familiar with transitional zoning and was able to conduct research on how other cities are handling the idea of transitional zoning. After learning of the various ways that we could potentially address transitional zoning, staff discussed with the City Manager and the City Attorney the possibility of forming a committee of two Planning Commissioners and two City Council members. This committee would further discuss what we are trying to accomplish or fix. Both were in agreement of forming this committee. The committee would determine if transitional zoning is something that we want to take on at this time.

Robert Bauchman spoke in favor of this item.

Commission Chairman Keener called for no action to be taken on the item at this time.

4. Public Hearings

a. Discussion, Consideration and Possible Action on PC2021-01, the 2040 Comprehensive Plan and Future Land Use Map

Danielle O'Neal reviewed with the Planning Commission members an update to the

Comprehensive Plan and the Future Land Use Map for the City of Durant. After the joint meeting with a couple of Planning Commissioners and City Council members, staff went through and made some adjustments to both the plan and the Future Land Use map, as guided by this meeting.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request contingent upon adding the designation of the school district to the Future Land Use Map.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

b. Discussion, Consideration and Possible Action on PC2021-17 a Preliminary Plat request for property located near Larkspur Lane and Prairie Crossing
Danielle O'Neal reviewed with the Planning Commission members a request from Sunstar, LLC, for a Preliminary Plat Request for property located near Larkspur Lane and Prairie Crossing. The subject property is approximately a total of 36 acres. The applicant is planning to have a total of 116 lots with single family homes and their own driveways. Each lot does meet or exceed the lot size requirements for this zoning district. There is also an easement that goes through the area of Block 2 Lot 9 that is used for a driveway for the property that is Southeast of this development, also shown on the plat. This lot would not be able to be developed unless an agreement was made between the two property owners. The current Land Use Map appears to have this area as a low density residential; therefore, this request is generally in compliance with the Comprehensive Plan. It should be noted that the Future Land Use Map and Comprehensive Plan are in the process of being updated. Notifications have been made to the surrounding property owners and at the time of this report a couple of residents reached out expressing some concerns. Several letters and emails were received when this item was first published but no action could be taken due to an issue with the warranty deed.

Tasha Cummings spoke regarding the easement giving access to her property.

Dillon Cummings also spoke regarding the easement giving access to his property and proper drainage.

Buddy Holder, the applicant, spoke regarding the easement and the drainage.

Charles Bauchman spoke in opposition and also presented a petition to the Planning Commission.

Linda Tucker spoke in opposition.

Peggy Savage spoke in opposition.

Carol McDaniel spoke in opposition.

Jason Rhynes spoke regarding the electrical easement.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request with the following stipulations: a corrective warranty deed being filed, approval of pending sewer plans, and a stormwater permit to be filed with the Oklahoma Department of Environmental Quality and a copy submitted to city staff.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on PC2021-23 a Rezoning request from R-2, Two-Family Residential to C-3, General Commercial for property located near North 2nd Avenue and Cedar Street

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from R-2, Two-Family Residential District to C-3, General Commercial District for property located near North 2nd Avenue and Cedar Street. Management and staff had several discussions regarding this particular area with regards to the zoning and land use. The use has been an office building, but the zoning reflects that this lot should be used for residential. The conflict between the zoning map and use is something that can cause the owners to be able to use their lot as it is built and to gain permits. Staff was made aware of this area due to various inquiries into these properties. Staff chose to move forward by having the property rezoned to where it would match the surrounding area as well as match the current use. The lot does have city sewer and water nearby. The subject property is approximately 9,300 sq. ft (0.20 acres) and currently has an office building on this piece of property. The area is made up of a mixture of Residential and Commercial Zoned properties. The subject property does meet the requirements for lot area that is required within the requested zoning type. The current Land Use Map has this area as medium density residential land uses; therefore, this rezoning request does not appear to be in compliance with the current Comprehensive Plan. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request.

Tom Marcum, City Attorney, spoke regarding the legality of the rezoning request.

Motion was made by Commission Member Jackson and seconded by Commission Member Horner to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on PC2021-24 a Rezoning request from R-3, General Residential to C-3, General Commercial for property located near North 2nd Avenue and Beech Street

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from R-2, Two-Family Residential District to C-3, General Commercial District for property located near North 2nd Avenue and Beech Street. Management and staff had several discussions regarding this particular area with regards to the zoning and land use. The use has been commercial and church uses, but the zoning reflects that this lot should be used for residential. The conflict between the zoning map and use is something that can cause the owners to be able to use their lot as it is built and to gain permits. Staff was made aware of this area due to various inquiries into these properties. Staff chose to move forward by having the property rezoned to where it would match the surrounding area as well as match the current use. The lot does have city sewer and water nearby. The subject property is approximately 26,900 sq. ft (0.60 acres) and currently church facilities, a parking lot and part of an auto repair business are this piece of property. The area is made up of a mixture of Residential and Commercial Zoned properties. The subject property does meet the requirements for lot area that is required within the requested zoning type. The current Land Use Map appears to have this area as high density residential land uses; therefore, this rezoning request does not appear to be in compliance with the current Comprehensive Plan. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request. Staff did talk with one of the property owners and they were in support of this zoning change.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- e. Discussion, Consideration and Possible Action on PC2021-26 a Rezoning request from I-1, Light Industrial to I-2, Medium Industrial for property located near McLean Dr. and the Kiamichi Railroad

Danielle O'Neal reviewed with the Planning Commission members a Rezoning request from the Durant Industrial Authority for a rezoning of the property located near McLean Dr. and the Kiamichi Railroad from I-1, Light Industrial District to I-2, Medium Industrial District. The applicant approached staff regarding the rezoning of this property for a potential new development. The applicant states that the rezoning request would help attract more people to this piece of property and there may be an interested party in this piece of property depending on this rezoning request. The lot does have city water nearby but does not appear to have city sewer. The subject property is approximately a total of 39 acres and currently is a vacant piece of property. The area is made up of a mixture of Industrial and Agriculture Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type. The current Land Use Map has this area as low density residential land uses; therefore, this rezoning request appears to not be in compliance with the current Future Land Use Map. It should be noted that we are currently working on updating the Comprehensive Plan and Future Land Use Map. Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request.

Lisa Taylor, DIA Director, spoke in support of the request.

Motion was made by Commission Member Knight and seconded by Commission Member Horner to deny the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on PC2021-27 a Re-Plat request for property located at 401 S. 9th Avenue

Danielle O'Neal reviewed with the Planning Commission members a request from Impact Realty, LLC, for a re-plat of property located at 401 S. 9th. The applicant approached staff regarding the desire to separate a single lot into two lots. The property owner owns both of the lots and the lots are conjoined. The applicant desires to have an additional development behind their business that faces South 9th Avenue. The lots have been previously platted; therefore, a re-plat would be required to separate the lot into two lots. The subject property is approximately 9,700 square feet (0.22 acres) in total. Individually the proposed East lot is approximately 7,300 square feet (0.17 acres) and the proposed West lot is approximately 6,000 square feet (0.14 acres). The new lots would meet the lot area requirement of the C-3 zoning category. There appears to

be city water and sewer in the area; however, easements may be needed for sewer depending on how connections are made to the properties. It should be noted that the applicant also has an application submitted for the Board of Adjustment requesting a variance on the lot size requirements to place a duplex on the property. According to the applicant, they desire to develop this lot regardless of the outcome from the Board of Adjustment. The current Future Land Use Map appears to have this area as highway commercial; therefore, this re-plat request does not appear to be in compliance with the Comprehensive Plan. The property owner is not attempting to amend or remove any covenants or restrictions that were previously incorporated in the final plat. Notifications have been made to the surrounding property owners and at the time of this report no letters or phone calls have been received by staff.

Motion was made by Commission Member Knight and seconded by Commission Member Jackson to approve the request as presented.

Motion Passed with the following vote:

Ayes: Keener, Jackson, Horner, Knight, Kerr

Nays: None

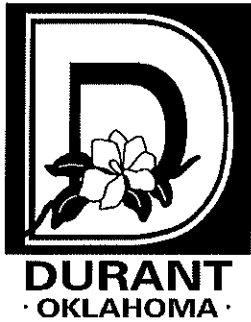
Abstain: None

5. New Business

Danielle O'Neal asked Chaiman Keener to contact her regarding the Committee for the Transitional Zoning.

ADJOURNMENT

Motion made by Commission Member Knight and seconded by Commission Member Jackson to adjourn the meeting.



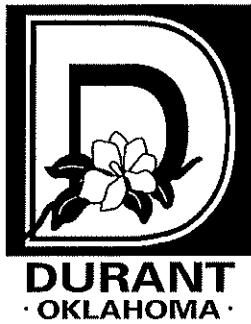
THE CITY OF DURANT

Office of Community Development

Date: 10/05/2021
To: Planning Commission
From: Danielle O'Neal, Community Development Director
Re: Transitional Zoning Committee Update

Information: As requested at the last Planning Commission meeting, staff will be providing an update to you all regarding the Transitional Zoning Committee. The first meeting has been set up for Friday, October 1, 2021. Staff will provide an update at the Planning Commission meeting.

Required Action: No action required, this is for information only.



THE CITY OF DURANT

Office of Community Development

Date: 10/05/2021
To: Planning Commission
From: Danielle O'Neal, Community Development Director
Re: Discussion of Zoning Ordinance and Setback Regulations

Request: After the last Planning Commission meeting, there were several questions about the zoning ordinance in particular §157.031, the Uses Permitted in Districts. The main question was around the ability to allow a more restrictive use in a less restrictive zoning category. An additional question regarding the setback regulations in particular for properties that are zoned as C-3 and Industrial was asked. It was requested that we have a discussion item on the agenda to gain feedback from the Planning Commission.

Information: Since the last Planning Commission meeting, staff reviewed five different cities regulations as they pertain to both questions that was asked. Staff examined Bethany, Tahlequah, Ada, McAlester and Tecumseh. Below is a short synopsis of what was discovered. Staff is also attaching the full ordinance sections that pertain to the questions asked.

Bethany – Does not list the ability to allow more restrictive uses in less restrictive districts. Does have mixed use and overlays that could be used to allow this.

There are setbacks of some kind within each zoning district.

Additional information attached.

Tahlequah – Their ordinances do allow more restrictive uses in less restrictive districts. The only exception is in Industrial districts; they allow for commercial uses but no residential uses.

There are setbacks of some kind within each zoning district.

Additional information attached.

Ada – Has separate agricultural zoning districts with the types of uses allowed in each one, and does appear to have some overlapping allowable uses; however, there are different requirements within each district. The residential districts and commercial districts do allow for more restrictive uses in less

restrictive districts. However, industrial does not allow for residential uses and only some commercial uses are listed.

There are setbacks of some kind within each zoning district.

Additional information attached.

McAlester – Has zoning districts divided up, it does appear that similar or the same uses are allowed within the various residential districts and same for commercial & industrial districts. It appears this ordinance (in general) keeps each category within itself (i.e. residential within residential, commercial within commercial).

There are setbacks of some kind within each zoning district.

Additional information attached.

Tecumseh – Has zoning districts divided up and provides a table of what use is allowed in what district. It appears generally they separate each use within a particular district. They do have a mixed-use type of district.

There are setbacks of some kind listed within each zoning district.

Additional information attached.

Required Action: Hold a discussion and gain feedback from the Planning Commissioners.

PART II - CODE OF ORDINANCES
Chapter 58 - PLANNING, ZONING AND DEVELOPMENT
ARTICLE III. - ZONING
DIVISION 3. - DISTRICTS
Subdivision II. A-1 General Agricultural District

Subdivision II. A-1 General Agricultural District

Sec. 58-136. Intent.

The A-1 general agricultural district is intended to provide an area primarily for either agricultural endeavors involving 20 or more acres under one ownership or the extraction of various products such as oil, minerals, rock and gravel from the earth. The rural nature and low density of population in the A-1 general agricultural district require only that uses essential to agriculture, mining, quarrying and earth-extraction endeavors have a reasonable setback of buildings from streets or highways. It is the purpose of this district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made.

(Code 1985, § 12-210)

Sec. 58-137. Uses permitted.

Property and buildings in an A-1 general agricultural district shall be used only for the following purposes.

- (1) Dwelling structure for farm owner, operator or employee;
- (2) All agricultural land uses, buildings and activities;
- (3) Drilling for and extraction of oil and natural gas;
- (4) Transportation, pipeline and utility easements and rights-of-way;
- (5) Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to 15 percent of the display area for produce may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway onto private property and shall provide parking and ingress and egress, and shall not be constructed in such a location as would create an undue traffic hazard subject to the regulations and recommendations of the engineer;
- (6) All of the following uses:
 - a. [Reserved];
 - b. Airport or landing field;
 - c. Cemetery;
 - d. Church;
 - e. Country club;
 - f. Family day care home;
 - g. Golf course;
 - h. Governmental use;
 - i. Home occupation;

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- j. Library;
 - k. Park or playground;
 - l. Plant nursery;
 - m. Public stable or riding arena;
 - n. Public utility buildings and facilities;
 - o. School; and
 - p. Veterinary clinic for small and large animals;
- (7) Accessory buildings which are not a part of the main building including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

(Code 1985, § 12-211; Ord. No. 05-11, § 3, 5-2-2005)

Sec. 58-138. Uses permitted on review.

The following uses may be permitted on review in the A-1 general agricultural district in accordance with provisions contained in section 58-79:

- (1) Mining, quarrying and earth-extraction industries;
- (2) All of the following uses:
 - a. Adult day care center;
 - b. Adult day care home;
 - c. Alcoholic or substance abuse rehabilitation center;
 - d. Battered women's home;
 - e. Bed and breakfast;
 - f. Day care center for children;
 - g. Developmental or physically disabled-center;
 - h. Developmental or physically disabled-home;
 - i. Fraternities and sororities;
 - j. Half-way house for releases from correctional institutions;
 - k. Juvenile shelter;
 - l. Nursing, convalescent home and hospice;
 - m. Rooming and boarding house;
 - n. Shelter for the homeless;
 - o. Wedding chapel; and
 - p. Winery.

(Code 1985, § 12-212; Ord. No. 11-07, § 2, 5-2-2011; Ord. No. 12-20, § 2, 12-17-2012)

Sec. 58-139. Area regulations.

- (a) All buildings in the A-1 general agricultural district shall be set back from street right-of-way lines to comply with the following yard requirements except on land that has been subdivided and the plat has been approved and filed in the courthouse and as provided in section 58-446.
- (b) The front yard requirements in the A-1 general agricultural district for those areas are as follows:
 - (1) The minimum depth of the front yard shall be 50 feet in unplatted areas;
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 50 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 100 feet; and
 - (3) When a yard has double frontage the front yard requirements shall be provided on both streets.
- (c) There is a 20-foot side yard and a 50-foot rear yard setback requirement in the A-1 general agricultural district for main and accessory buildings except that clusters of three or more dwellings on one parcel of land under one ownership shall be located on the parcel in such a manner that they will comply with the minimum side yard and rear yard requirements of the A-2 suburban district, in the event that one or more of the home sites is conveyed to a second party.

Secs. 58-140—58-155. Reserved.***Subdivision III. A-2 Suburban District*****Sec. 58-156. Intent.**

The A-2 suburban district is intended to provide a location for the land situated on the fringe of the urban area that may be either agricultural or urban in character. The A-2 suburban district may have been subdivided by ownership into various shaped tracts ranging from 22,500 square feet to 20 acres in size. The use of land in the A-2 suburban district will represent a variety of urban and rural uses including the single-family dwelling unit on a small tract, residential uses with farm animals on acreage and agricultural endeavors of a limited scale. It is the purpose of the A-2 suburban district to promote a compatibility between uses and to encourage and provide an orderly transition from agricultural to urban uses.

(Code 1985, § 12-220)

Sec. 58-157. Uses permitted.

Property and buildings in an A-2 suburban district shall be used only for the following purposes:

- (1) Detached one-family dwelling that is located on a minimum lot size of 22,500 square feet;
- (2) Church;
- (3) Public school or school offering general education courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping;
- (4) Agricultural crops;

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- (5) The raising of farm animals in accordance with city or county regulations and the regulations of the city-county health department, but this is not to be construed to allow commercial feed lots for cattle or hogs;
 - (6) All of the following uses:
 - a. Cemetery;
 - b. Country club;
 - c. Family day care home;
 - d. Golf course or driving range;
 - e. Governmental use;
 - f. Home occupation;
 - g. Library;
 - h. Park or playground; and
 - i. Plant nursery;
 - (7) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area attached to the main building;
 - (8) Bulletin board or sign, not exceeding 40 square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold;
 - (9) Accessory buildings which are not part of the main building, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building;
 - (10) Drilling for and extraction of oil and natural gas; and
 - (11) Transportation, pipeline and utility easements and rights-of-way.

(Code 1985, § 12-221)

Sec. 58-158. Uses permitted on review.

The following uses may be permitted in the A-2 suburban district on review in accordance with provisions contained in section 58-79:

- (1) All of the following uses:
 - a. Adult day care center;
 - b. Adult day care home;
 - c. Battered women's home;
 - d. Bed and breakfast;
 - e. Day care center for children;
 - f. Developmental or physically disabled-center;

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- g. Developmental or physically disabled-home;
 - h. Fraternities and sororities;
 - i. Juvenile shelter;
 - j. Nursing, convalescent home and hospice;
 - k. Rooming and boarding house;
 - l. Shelter for the homeless;
 - m. Veterinary clinic;
 - n. Wedding chapel; and
 - o. Winery.

(Code 1985, § 12-222; Ord. No. 11-07, § 3, 5-2-2011; Ord. No. 12-20, § 3, 12-17-2012)

Sec. 58-159. Area regulations.

- (a) All buildings in the A-2 suburban district shall be set back from street right-of-way lines to comply with the following yard requirements except as provided in section 58-446.
- (b) Front yard requirements in the A-2 suburban district are as follows:
 - (1) The minimum depth of the front yard shall be 40 feet;
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 40 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 60 feet; and
 - (3) When a yard has double frontage, the front yard requirements shall be provided on both streets.
- (c) Side yard requirements in the A-2 suburban district are as follows:
 - (1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than ten feet for dwellings of one story and of not less than 15 feet for dwellings of more than one story, except as provided in section 58-446;
 - (2) For unattached buildings of accessory use there shall be a side yard of not less than ten feet;
 - (3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than 30 feet in case such lot is back to back with another corner lot, and 40 feet in every other case; provided, however, that the side yard setback adjacent to a federal, state or county highway and section line road shall be the same as the front yard setback required on these facilities. The interior side yard on a corner shall be the same as for dwellings and accessory buildings on an interior lot; and
 - (4) Churches, wedding chapels and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than 35 feet. The side yard setback from the intersecting street on the corner lot shall be the same as required for residential uses in subsection (c)(3) of this section.
- (d) There shall be a rear yard building setback in the A-2 suburban district of not less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller.

(Code 1985, § 12-223; Ord. No. 11-07, § 4, 5-2-2011)

Sec. 58-160. Lot width.

For dwellings in the A-2 suburban district there shall be a minimum lot width of 75 feet at the front building line, and such lot shall abut on a street for a distance of not less than 50 feet.

(Code 1985, § 12-224)

Sec. 58-161. Intensity of use.

- (a) For a one-family dwelling in the A-2 suburban district there shall be a lot area of not less than 22,500 square feet for each dwelling and buildings accessory thereto, except as provided in section 58-446.
- (b) Where a lot in the A-2 suburban district has less area than required in this section and all the boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this chapter is derived, that lot may be used for any of the uses, except churches permitted by this section.
- (c) For churches, wedding chapels and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 4, subdivision II of this article; provided, however, that the lot area for a church or wedding chapel shall not be less than 22,500 square feet, and for each increment in seating capacity of 20 persons beyond a seating capacity of 100 persons in the main auditorium, an additional 3,000 square feet of lot area shall be provided.

(Code 1985, § 12-225; Ord. No. 11-07, § 5, 5-2-2011)

Sec. 58-162. Coverage.

Main and accessory buildings in the A-2 suburban district shall not cover more than 25 percent of the lot area on interior lots and 30 percent of the lot area on corner lots.

(Code 1985, § 12-226)

Sec. 58-163. Height regulations.

No building in the A-2 suburban district shall exceed 2½ stories or 35 feet in height except as provided in section 58-447.

(Code 1985, § 12-227)

Secs. 58-164—58-180. Reserved.

Subdivision IV. R-1 One-Family District

Sec. 58-181. Intent.

The R-1 one-family district is the most restrictive residential district. The principal use of land in the R-1 one-family district is for single-family dwellings and related recreational, religious and educational facilities normally

required to provide the basic elements of a balanced and attractive residential area. The R-1 one-family district is intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each element.

(Code 1985, § 12-230)

Sec. 58-182. Uses permitted.

Property and buildings in an R-1 one-family district shall be used only for the following purposes:

- (1) Detached one-family dwelling;
- (2) Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping;
- (3) Public park or playground;
- (4) General purpose farm or garden but not the raising of livestock;
- (5) Home occupation;
- (6) Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building;
- (7) Bulletin board or sign, not exceeding 12 square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

(Code 1985, § 12-231)

Sec. 58-183. Uses permitted on review.

The following uses may be permitted in the R-1 one-family district on review in accordance with provisions contained in section 58-79:

- (1) Church, temple or other place of worship;
- (2) County use, city use, public building, public utility and library;
- (3) Plant nursery in which no building or structure is maintained in connection therewith;
- (4) Golf course and club house;
- (5) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area attached to the main building; and
- (6) Wedding chapel; and
- (7) All of the following uses:
 - a. Adult day care home;
 - b. Developmental or physically disabled group home; and

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- c. Family day care home.

(Code 1985, § 12-232; Ord. No. 11-07, § 6, 5-2-2011)

Sec. 58-184. Area regulations.

- (a) All buildings in the R-1 one-family district shall be set back from street right-of-way lines to comply with the following yard requirements except as provided in section 58-446.
- (b) Front yard requirements in the R-1 one-family district are as follows:
 - (1) The minimum depth of the front yard shall be 25 feet;
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet; and
 - (3) When a yard has double frontage, the front yard requirements shall be provided on both streets.
- (c) Side yard requirements in the R-1 one-family district are as follows:
 - (1) For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than ten percent of the average width of the lot and not less than 15 percent of the average width of the lot for main buildings of more than one story except as provided in section 58-446; provided, however, that the minimum side yard shall not be less than five feet for one-story main buildings and not less than eight feet for main buildings of more than one story, and that the maximum setback required from an interior lot line shall be 12 feet for a one-story dwelling and 15 feet for a dwelling of two stories or more. For unattached buildings of accessory use, there shall be a side yard of not less than five feet;
 - (2) For dwellings, accessory buildings and all other structures located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;
 - (3) In no case shall a garage which faces a street be closer than 20 feet to that street property line; and
 - (4) Churches, wedding chapels and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than 35 feet.
- (d) There shall be a rear yard for a main building in the R-1 one-family district of not less than 20 feet. Unattached buildings of accessory use may be located in the rear yard of a main building, however, they must observe a minimum set back of ten feet from the rear property line.

(Code 1985, § 12-233; Ord. No. 11-07, § 7, 5-2-2011)

Sec. 58-185. Lot width.

For dwellings in the R-1 one-family district there shall be a minimum lot width of 50 feet at the front building line, and such lot shall abut on a street for a distance of not less than 35 feet.

(Code 1985, § 12-234)

Sec. 58-186. Intensity of use.

- (a) For a one-family dwelling in the R-1 one-family district there shall be a lot area of not less than 6,000 square feet for each dwelling and buildings accessory thereto, except as provided in section 58-446.
- (b) For churches, wedding chapels and main and accessory buildings in the R-1 one-family district, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 4, subdivision II of this article; provided, however, that the lot area for a church or wedding chapel shall not be less than 21,000 square feet and for each increment in seating capacity of 20 persons beyond a seating capacity of 100 persons in the main auditorium, an additional 3,000 square feet of lot area shall be provided.

(Code 1985, § 12-235; Ord. No. 11-07, § 8, 5-2-2011)

Sec. 58-187. Coverage.

Main and accessory buildings in the R-1 one-family district shall not cover more than 35 percent of the lot area. Accessory buildings shall not be larger than 800 square feet for parcels of up to 10,000 square feet; 1,000 square feet for parcels up to 15,000 square feet; 1,200 square feet for parcels up to 22,000 square feet; 2,000 square feet for parcels up to and including one acre; and 4,000 square feet for parcels greater than one acre. The total square footage of all accessory structures shall not exceed the square footage of the main dwelling structure.

(Code 1985, § 12-236; Ord. No. 13-16, § 1, 9-3-2013)

Sec. 58-188. Height regulations.

- (a) No main building in the R-1 one-family district shall exceed two and one-half stories or 35 feet in height except as provided in section 58-447.
- (b) Any accessory building in the R-1 one-family district exceeding 12 feet in height shall have the required side and rear yard setbacks increased by two feet for each additional foot of height above 12 feet and increased by one foot for each additional 200 square feet of area above 800 square feet of floor space, provided, however, that no accessory building shall exceed the height of 20 feet.

(Code 1985, § 12-237; Ord. No. 13-16, § 1, 9-3-2013)

Secs. 58-189—58-205. Reserved.***Subdivision V. R-2 Two-Family District*****Sec. 58-206. Intent.**

The R-2 two-family district is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

(Code 1985, § 12-240)

Sec. 58-207. Uses permitted.

Property and buildings in an R-2 two-family district shall be used only for the following purposes:

- (1) Any uses permitted in the R-1 one-family district;
- (2) Two-family dwelling or a single-family dwelling and a garage apartment; and
- (3) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

(Code 1985, § 12-241)

Sec. 58-208. Uses permitted on review.

The following uses may be permitted in the R-2 two-family district on review in accordance with provisions contained in section 58-79:

- (1) Church, temple or other place of worship;
- (2) County use, city use, public building and public utility;
- (3) Plant nursery in which no building or structure is maintained in connection therewith;
- (4) Golf course and club house;
- (5) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area, attached to the main building;
- (6) All of the following uses:
 - a. Adult day care home;
 - b. Developmental or physically disabled group home; and
 - c. Family day care home;
- (7) Home counseling service when located in a dwelling, provided such activity is conducted within the main dwelling and is operated by no more than two counselors at one time. The use shall be conducted in such a way that it shall not change the exterior dwelling appearance. The dwelling shall not be used for overnight sleeping purposes by those persons seeking counseling services. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area, attached to the main building;
- (8) Wedding chapel.

(Code 1985, § 12-242; Ord. No. 11-07, § 9, 5-2-2011)

Sec. 58-209. Area regulations.

- (a) All buildings shall in the R-2 two-family district be set back from street right-of-way lines to comply with the following yard requirements except as provided in section 58-446.

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- (b) The front yard requirements in the R-2 two-family district are as follows:
- (1) The minimum depth of the front yard shall be 25 feet;
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet; and
 - (3) When a yard has double frontage the front yard requirements shall be provided on both streets.
- (c) Side yard requirements in the R-2 two-family district are as follows:
- (1) For dwellings of one story located on interior lots, there shall be a side yard on each side of the main building of not less than ten percent of the average width of the lot and not less than 15 percent of the average width of the lot for main buildings of more than one story except as provided in section 58-446; provided, however, that the minimum side yard shall not be less than five feet for one-story main buildings and not less than eight feet for main buildings of more than one story;
 - (2) For unattached buildings of accessory use, there shall be a side yard of not less than five feet;
 - (3) For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;
 - (4) In no case shall a garage which faces a street be located closer than 20 feet to the street property line; and
 - (5) Churches, wedding chapels and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than 35 feet.
- (d) For main buildings in the R-2 two-family district, other than garage apartments, there shall be a rear yard of not less than 20 feet. A garage apartment may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building, however, they must observe a minimum set back of ten feet from the rear property line.

(Code 1985, § 12-243; Ord. No. 11-07, § 10, 5-2-2011)

Sec. 58-210. Lot width.

For single-family dwellings, two-family dwellings or single-family dwellings and garage apartments in the R-2 two-family district, there shall be a minimum lot width of 50 feet at the front building line, and the lot shall abut on a street for a distance of not less than 35 feet.

(Code 1985, § 12-244)

Sec. 58-211. Intensity of use.

- (a) For each single-family dwelling and accessory building in the R-2 two-family district, there shall be a lot area of not less than 6,000 square feet, except as provided in section 58-446.
- (b) For each two-family dwelling and accessory buildings in the R-2 two-family district, there shall be a lot area of not less than 7,000 square feet. A garage apartment located on the same lot with a single-family dwelling

shall have the same area requirements as a two-family dwelling. In all other cases, a garage apartment shall be provided with the same lot area required by single-family dwelling, except as provided in section 58-446.

- (c) Where a lot has less area than required in this section and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations, that lot may be used for any use, except churches, permitted in the R-1 one-family district.
- (d) For churches, wedding chapels and main accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 4, subdivision II of this article; provided, however, that the lot area for a church or wedding chapel shall not be less than 21,000 square feet, and for each increment in seating capacity of 20 persons beyond a seating capacity of 100 persons in the main auditorium, an additional 3,000 square feet of lot area shall be provided.

(Code 1985, § 12-245; Ord. No. 11-07, § 11, 5-2-2011)

Sec. 58-212. Coverage.

Main and accessory buildings in the R-2 two-family district shall not cover more than 30 percent of the lot area. Accessory buildings shall not be larger than 800 square feet for parcels of up to 10,000 square feet; 1,000 square feet for parcels up to 15,000 square feet; 1,200 square feet for parcels up to 22,000 square feet; 2,000 square feet for parcels up to and including one acre; and 4,000 square feet for parcels greater than one acre. The total square footage of all accessory structures shall not exceed the square footage of the main dwelling structure.

(Code 1985, § 12-246; Ord. No. 13-16, § 1, 9-3-2013)

Sec. 58-213. Height regulations.

- (a) No building in the R-2 two-family district shall exceed two and one-half stories or 35 feet in height except as provided in section 58-447.
- (b) Any accessory building in the R-2 two-family district exceeding 12 feet in height shall have the required side and rear yard setbacks increased by two feet for each additional foot of height above 12 and increased by one foot for each additional 200 square feet of area above 800 square feet of floor space, provided, however, that no accessory building shall exceed the height of 20 feet.

(Code 1985, § 12-247; Ord. No. 13-16, § 1, 9-3-2013)

Secs. 58-214—58-230. Reserved.

Subdivision VI. R-3-L Low Density Multiple-Family District

Sec. 58-231. Intent.

The R-3-L low density multiple-family district is intended to provide for multiple-family development which may have a relatively intense concentration of dwelling units served by large open spaces including common areas and facilities, thereby resulting in low gross densities. The principal use of land may be for one or several dwelling types ranging from single-family to low-rise multiple-family dwellings, and including garden apartments, condominiums, townhouses and patio homes.

(Code 1985, § 12-250)

Sec. 58-232. Uses permitted.

Property and buildings in an R-3-L low density multiple-family district shall be used only for the following purposes:

- (1) Any uses permitted in the R-2 two-family district;
- (2) Townhouses, garden apartments, condominiums and patio homes not exceeding eight units per cluster;
- (3) Multiple-family dwellings; and
- (4) Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

(Code 1985, § 12-251)

Sec. 58-233. Uses permitted on review.

The following uses may be permitted on review in the R-3-L low density multiple-family district in accordance with provisions contained in section 58-79:

- (1) Church, temple or other place of worship;
- (2) County use, municipal use, public building, public library;
- (3) Plant nursery in which no building or structure is maintained in connection therewith;
- (4) Golf course and club house;
- (5) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area, attached to the main building;
- (6) Wedding chapel; and
- (7) All of the following uses;
 - a. Adult day care home;
 - b. Developmental or physically disabled group home; and
 - c. Family day care home.

(Code 1985, § 12-252; Ord. No. 11-07, § 12, 5-2-2011)

Sec. 58-234. Area regulations.

- (a) All buildings in the R-3-L low density multiple-family district shall be set back from street right-of-way lines to comply with the following yard requirements except as provided in section 58-446.
- (b) The front yard requirements in the R-3-L low density multiple-family district are as follows:
 - (1) The minimum depth of the front yard shall be 25 feet; and

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- (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet.
 - (c) Side yard requirements in the R-3-L low density multiple-family district are as follows:
 - (1) For detached dwellings and for unattached sides of attached dwellings located on a interior lot, a side yard of not less than five feet shall be provided on the unattached sides of the main dwelling for the first story and an additional three feet of side yard shall be provided for each additional story or part thereof. For detached buildings of accessory use there shall be a side yard of not less than five feet;
 - (2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and
 - (3) Churches, wedding chapels and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than 35 feet.
 - (d) For main buildings in the R-3-L low density multiple-family district, there shall be a rear yard of not less than 20 feet. Unattached buildings of accessory use may be located in the rear yard of a main building, however, they must observe a minimum setback of ten feet from the rear property line.

(Code 1985, § 12-253; Ord. No. 11-07, § 13, 5-2-2011)

Sec. 58-235. Lot width.

- (a) For single-family dwellings in the R-3-L low density multiple-family district, there shall be a minimum lot width of 50 feet at the front building line, and the lot shall abut on a street for a distance of not less than 35 feet.
- (b) For each townhouse dwelling in the R-3-L low density multiple-family district, there shall be a minimum lot width of 22 feet at the front building line, and the front lot line shall abut a street for a distance of not less than 22 feet.
- (c) For multiple-family dwellings in the R-3-L low density multiple-family district, there shall be a minimum lot width of 60 feet at the front building line and the width shall be increased by ten feet for each additional dwelling unit exceeding two which is located in the dwelling.

(Code 1985, § 12-254)

Sec. 58-236. Intensity of use.

- (a) For a single-family dwelling in the R-3-L low density multiple-family district, there shall be a lot area of not less than 6,000 square feet.
- (b) For all dwellings other than single-family in the R-3-L low density multiple-family district, there shall be a lot area of not less than 5,000 square feet per dwelling unit, including private and common area.
- (c) For churches, wedding chapels and main and accessory buildings in the R-3-L low density multiple-family district, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 4, subdivision II of this article; provided, however, that the lot area for a church or wedding chapel shall not be less than 21,000

square feet, and for each increment in seating capacity of 20 persons beyond a seating capacity of 100 persons in the main auditorium, an additional 3,000 square feet of lot area shall be provided.

(Code 1985, § 12-255; Ord. No. 11-07, § 14, 5-2-2011)

Sec. 58-237. Coverage.

Main and accessory buildings in the R-3-L low density multiple-family district shall not cover more than 30 percent of the lot area. Accessory buildings shall not be larger than 800 square feet.

(Code 1985, § 12-256)

Sec. 58-238. Height regulations.

- (a) No main building in the R-3-L low density multiple-family district shall exceed 35 feet in height, except as provided in section 58-447.
- (b) Any accessory building in the R-3-L low density multiple-family district exceeding 12 feet in height shall have the required side and rear yard setbacks increased by one foot for each additional foot of height above 12 feet. Provided, however, that no accessory building shall exceed 20 feet in height.

(Code 1985, § 12-257)

Sec. 58-239. Off of street right-of-way parking required.

- (a) Two parking spaces are required for each dwelling unit within each structure.
- (b) The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet plus adequate area for ingress and egress.

(Code 1985, § 12-258)

Secs. 58-240—58-255. Reserved.

Subdivision VII. R-3 Multiple-Family District

Sec. 58-256. Intent.

The R-3 multiple-family district is a residential district to provide for medium and high population density. The principal use of land in the R-3 multiple-family district can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted in the R-3 multiple-family district, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities, and through consideration of the proper functional relationship of each element.

(Code 1985, § 12-260)

Sec. 58-257. Uses permitted.

Property and buildings in an R-3 multiple-family district shall be used only for the following purposes:

- (1) Any use permitted in an R-2 two-family district;
- (2) Townhouse, not exceeding eight units per cluster;
- (3) Multiple-family dwelling; and
- (4) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

(Code 1985, § 12-261)

Sec. 58-258. Uses permitted on review.

The following uses may be permitted on review in the R-3 multiple-family district in accordance with provisions contained in section 58-79:

- (1) Church, temple or other place of worship;
- (2) County use, city use, public building, public utility, library;
- (3) Plant nursery in which no building or structure is maintained in connection therewith;
- (4) Golf course and club house;
- (5) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area, attached to the main building;
- (6) All of the following uses:
 - a. Adult day care center;
 - b. Adult day care home;
 - c. Alcoholic or substance abuse rehabilitation center;
 - d. Battered women's home;
 - e. Bed and breakfast;
 - f. Day care center for children;
 - g. Developmental or physically disabled group center;
 - h. Developmental or physically disabled group home;
 - i. Fraternities and sororities;
 - j. Juvenile shelter;
 - k. Nursing, convalescent home and hospice;
 - l. Rooming and boarding house; and
 - m. Shelter for homeless;
- (7) Doctor's or dentist's office;

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- (8) Hospital;
 - (9) Mobile/manufactured home park;
 - (10) Mobile/manufactured home subdivision; and
 - (11) Off-street parking lot associated with a commercial use as a regulated under the provisions contained in section 58-79;
 - (12) Home counseling service when located in a dwelling provided such activity is conducted within the main dwelling and is operated by no more than two counselors at one time. The use shall be conducted in such a way that it shall not change the exterior dwelling appearance. The dwelling shall not be used for overnight sleeping purposes by those persons seeking counseling services. No sign shall be permitted except one nonilluminated nameplate not exceeding two square feet in area, attached to the main building;
 - (13) Wedding chapel.

(Code 1985, § 12-262; Ord. No. 11-07, § 15, 5-2-2011)

Sec. 58-259. Area regulations.

- (a) All buildings in the R-3 multiple-family district shall be set back from street right-of-way or property lines to comply with the following yard requirements, except as set forth in section 58-446.
- (b) The front yard requirements in the R-3 multiple-family district are as follows:
 - (1) The minimum depth of the front yard shall be 25 feet;
 - (2) If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than 40 feet; and
 - (3) When a yard has double frontage the front yard requirements shall be provided on both streets.
- (c) Side yard requirements in the R-3 multiple-family district are as follows:
 - (1) For detached dwellings and for unattached sides of attached dwellings located on an interior lot, a side yard of not less than five feet shall be provided on the unattached sides of the main dwelling for the first story and an additional three feet of side yard shall be provided for each additional story or part thereof. For detached buildings of accessory use, there shall be a side yard of not less than five feet;
 - (2) For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;
 - (3) In no case shall a garage which faces a street be located closer than 20 feet to that street property line; and
 - (4) Churches, wedding chapels and main and accessory buildings other than dwellings and buildings accessory to dwellings and trailers, shall set back from all interior side lot lines a distance of not less than 35 feet.
- (d) For main buildings in the R-3 multiple-family district there shall be a rear yard of not less than 20 feet. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than

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ten feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building, however, they must observe a minimum set back of ten feet from the rear property line.

(Code 1985, § 12-263; Ord. No. 11-07, § 16, 5-2-2011)

Sec. 58-260. Lot width.

- (a) For single-family dwellings, two-family dwellings and for a single-family dwelling and garage apartment located on the same lot in the R-3 multiple-family district, there shall be a minimum lot width of 50 feet at the front building line, and the front lot line shall abut a street for a distance of not less than 35 feet.
- (b) For each townhouse dwelling in the R-3 multiple-family district, there shall be a minimum lot width of 22 feet at the front building line, and the front lot line shall abut a street for a distance of not less than 22 feet.
- (c) For multiple-family dwellings in the R-3 multiple-family district, there shall be a minimum lot width of 60 feet at the front building line and the width shall be increased by ten feet for each additional dwelling unit exceeding three which is located in the dwelling; however, for dwellings in excess of ten units, the width shall be increased by three feet per unit.

(Code 1985, § 12-264)

Sec. 58-261. Intensity of use.

- (a) For each single-family dwelling and accessory buildings in the R-3 multiple-family district, there shall be a lot area of not less than 6,000 square feet.
- (b) For each two-family dwelling and accessory buildings in the R-3 multiple-family district, there shall be a lot area of not less than 7,000 square feet.
- (c) Where a garage apartment is located on the same lot with a single-family dwelling in the R-3 multiple-family district, there shall be a lot area of not less than 7,000 square feet. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling, the lot area shall provide not less than 3,500 square feet more than is required for the two-family or multiple-family dwelling.
- (d) For each multifamily dwelling of less than five stories in height in the R-3 multiple-family district, there shall be provided a minimum lot area of 3,500 square feet for the first three or four units, and 3,000 square feet for each additional dwelling unit more than four built in the same structure.
- (e) For multiple-family dwellings of five stores or greater in height in the R-3 multiple-family district, there shall be provided a lot area equal to not less than two times the gross floor area of the building plus the coverage of the building.
- (f) Where a lot has less area than required in this section and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this chapter is derived, that lot may be used for any use, except churches, permitted in the R-1 one-family district.
- (g) For churches, wedding chapels and main and accessory buildings, other than dwellings and buildings accessory to dwellings in the R-3 multiple-family district, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in division 4, subdivision II of this article. Provided, however, that the lot area for a church or wedding chapel shall not be less than 21,000 square feet, and for each increment in seating capacity of 20 persons beyond a seating capacity of 100 persons in the main auditorium, an additional 3,000 square feet of lot area shall be provided.

(Code 1985, § 12-265; Ord. No. 11-07, § 17, 5-2-2011)

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Sec. 58-262. Coverage.

Main and accessory buildings in the R-3 multiple-family district shall not cover more than 35 percent of the lot area; provided, however, that a townhouse, garden apartment or condominium located on a lot with a rear yard abutting a common open space, as authorized in these regulations may cover not more than 40 percent of the lot area.

(Code 1985, § 12-266)

Sec. 58-263. Height regulations.

No building in the R-3 multiple-family district shall exceed 70 feet in height, except as provided in section 58-447.

(Code 1985, § 12-267)

Sec. 58-264. Off-street parking required.

- (a) Two parking spaces are required for each dwelling unit in the R-3 multiple-family district.
- (b) The size of a parking space for one vehicle in the R-3 multiple-family district shall consist of a rectangular area having dimensions of not less than nine feet by 20 feet plus adequate area for ingress and egress.

(Code 1985, § 12-268)

Secs. 58-265—58-280. Reserved.***Subdivision VIII. C-1-R Restricted Neighborhood Commercial District*****Sec. 58-281. Intent.**

The C-1-R restricted neighborhood commercial district is intended to provide for selective placement within the city for those types of offices, restrictive retail commercial activities and certain institutional activities that are needed and are appropriate to be located in a suburban location near or adjacent to residential neighborhoods. These highly selective land use activities may require separate buildings or building groups with appropriate off-street parking that are surrounded by landscaped yards and open areas. The use of the C-1-R restricted neighborhood commercial district will require close attention to aesthetic requirements such as landscaping, setbacks, sign control and restricted building heights that are in keeping with the quietness and low-density nature of residential areas.

(Code 1985, § 12-270)

Sec. 58-282. Uses permitted.

Property and buildings in a C-1-R restricted neighborhood commercial district shall be used only for the following purposes:

- (1) Permitted residential uses:

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- a. Single-family detached dwelling (use area and intensity of use regulations in sections 58-234 and 58-236 for R-3-L low density multiple-family district); and
 - b. Multiple-family dwellings (use area and intensity of use regulations in sections 58-234 and 58-236 for R-3-L low density multiple-family district);
- (2) Any of the following uses:
- a. Antique shop;
 - b. Art gallery or museum;
 - c. Artist materials and supplies;
 - d. Barber shop;
 - e. Beauty shop;
 - f. Book or stationery store;
 - g. Business school;
 - h. Camera shop;
 - i. Candy store;
 - j. Dancing and music academies;
 - k. Drugstore with lunch counter and soda fountain;
 - l. Floral shop;
 - m. Hospitals;
 - n. Medical equipment and supplies;
 - o. Medical laboratories for research and testing;
 - p. Office buildings in which no activity is carried on catering to the retail trade except for those uses specifically listed under this section. These office uses shall include, but shall not necessarily be limited to, doctors, dentists, psychologists, chiropractors, lawyers, architects, engineers, realtors, insurance agents and other similar activities requiring office locations;
 - q. Optometrist sales and service;
 - r. Photographer studio;
 - s. Pharmacy; and
 - t. Physical fitness salons.

(Code 1985, § 12-271)

Sec. 58-283. Uses permitted on review.

The following uses may be permitted on review in the C-1-R restricted neighborhood commercial district in accordance with provisions contained in section 58-79:

- (1) Adult day care center;
- (2) Adult day care home;
- (3) Alcoholic or substance rehabilitation center;

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- (4) Battered women's home;
 - (5) Bed and breakfast;
 - (6) Day care center for children;
 - (7) Developmental or physically disabled-center;
 - (8) Developmental or physically disabled-home;
 - (9) Fraternities and sororities;
 - (10) Juvenile shelter;
 - (11) Nursing, convalescent home and hospice;
 - (12) Rooming and boarding house; and
 - (13) Shelter for the homeless.

(Code 1985, § 12-272)

Sec. 58-284. Area regulations.

The area requirements for dwellings and buildings accessory thereto in the C-1-R restricted neighborhood commercial district shall be the same as the area requirements for the R-3-L low density multiple-family district. The following requirements shall apply to all other uses permitted in the C-1-R restricted neighborhood commercial district:

- (1) All buildings shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth;
- (2) For all exterior yards located adjacent to a street, there shall be a side yard of not less than 25 feet. For all interior side yards, there shall be a side yard of not less than ten feet on both sides. All unattached buildings of accessory use must be one-story and be located completely behind the rear wall of the main building;
- (3) No building shall be located closer than 35 feet to the rear lot line;
- (4) Main and accessory buildings shall not cover more than 40 percent of the lot area, and in no case shall the total gross floor area of the main building exceed the area of the lot;
- (5) Whenever off-street parking lots are established so as to abut the side or rear line of a residential lot, an opaque, ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district. No parking shall be permitted within a front yard setback line established ten feet back of the property line of interior and corner lots and on any corner lot formed by two intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of two feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of 30 feet along the front and side lot lines from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection;
- (6) All of the lot used for parking and driveway purposes shall be paved (see definition of "parking space") and maintained in such a manner that no dust will be produced by continued use;

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- (7) Driveways used for ingress and egress shall be confined to and shall not exceed 25 feet in width, exclusive of curb returns;
 - (8) All yards shall be landscaped with grass, shrubs, evergreen cover and maintained in good condition the year round; and
 - (9) No outdoor signs shall be located in this district except in accordance with the following provisions:
 - a. One permanent ground mounted sign for each separately owned parcel of land may be placed within the 25-foot front-yard setback area or in the 25-foot side-yard setback area of corner lots. No part of this sign may project more than four feet above that level of the ground and may not have a total area of more than 24 feet, including the base or any type of mount. This sign may be illuminated by ground lights at the base of the sign or illuminated from within the sign itself. No attached or goose-neck type light may be used; and
 - b. One permanent wall-type sign, mounted flat against the wall of the building, may be allowed for each entrance of the building intended to be used as a business entrance for the general public. This sign may not have an area of more than 16 square feet with the narrowest dimension of the sign not less than two feet and the sign may not project more than one foot past any of the walls, sides, roof line or other overhangs of the building. Signs allowed on the side of the building may be illuminated by ground mounted lights or by illumination from within and part of the sign. No attached or goose-neck type light may be used. It is the intent of the C-1-R restricted neighborhood commercial district to provide for a subdued level of night lighting for outdoor signs. No revolving or flashing lights will be allowed.

(Code 1985, § 12-273)

Sec. 58-285. Architectural design of accessory buildings and fences.

The architectural design and materials used for the construction of accessory buildings and fences in the C-1-R restricted neighborhood commercial district shall harmonize with the main building to which the building or fence is accessory. No accessory building in the C-1-R restricted neighborhood commercial district shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building on the lot is also being used.

(Code 1985, § 12-274)

Sec. 58-286. Height regulations.

- (a) No main building in the C-1-R restricted neighborhood commercial district shall exceed 2½ stories or 35 feet in height except as provided in section 58-447.
- (b) Any accessory building in the C-1-R restricted neighborhood commercial district exceeding 12 feet in height shall have the required side and rear yard setbacks increased by one foot for each additional foot of height above 12 feet. Provided, however, that no accessory building shall exceed the height of 20 feet.

(Code 1985, § 12-275)

Secs. 58-287—58-305. Reserved.

Subdivision IX. C-O Office Commercial District

Sec. 58-306. Intent.

The C-O office commercial district is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods.

(Code 1985, § 12-280)

Sec. 58-307. Uses permitted.

Property and buildings in a C-O office commercial district shall be used only for the following purposes:

- (1) Any use permitted in an R-3-L low density multiple-family district, except high-rise apartments; and
- (2) Any of the following uses:
 - a. Art gallery;
 - b. Assembly halls for nonprofit corporations;
 - c. Business colleges;
 - d. Church, temple or other place of worship;
 - e. Hospitals;
 - f. Laboratories for research and testing;
 - g. Libraries;
 - h. Museums;
 - i. Music conservatories;
 - j. Office buildings in which no activity is carried on catering to the retail trade with the general public and no stock of goods is maintained for sale to customers. These shall include, but shall not necessarily be limited to, doctors, dentists, stock and bond brokers, lawyers, architects and engineers; provided, however, that this shall in no way be construed as permitting undertaking establishments and funeral homes;
 - k. Public and private schools and colleges with students in residence and dormitories associated therewith;
 - l. Trade schools and schools for vocational training; and
 - (m) Wedding chapel.
- (3) Shops, stores and related eating facilities associated with and incidental to the uses listed under subsection (2) of this section and maintained primarily for serving the occupants thereof;
- (4) Buildings, structures and uses customarily incidental and accessory to the uses in this section; and
- (5) Nameplate or sign relating only to the principal use.

(Code 1985, § 12-281; Ord. No. 11-07, § 18, 5-2-2011)

Sec. 58-308. Uses permitted on review.

The following uses may be permitted on review in the C-O office commercial district in accordance with provisions contained in section 58-79:

- (1) Adult day care center;
- (2) Adult day care home;
- (3) Alcoholic or substance abuse rehabilitation center;
- (4) Battered women's home;
- (5) Bed and breakfast;
- (6) Day care center for children;
- (7) Developmental or physically disabled-center;
- (8) Developmental or physically disabled-home;
- (9) Family day care home;
- (10) Fraternities and sororities;
- (11) Half-way house for releases from correctional institutions;
- (12) Juvenile shelter;
- (13) Nursing, convalescent home and hospice;
- (14) Rooming and boarding house;
- (15) Shelter for the homeless; and
- (16) Funeral home (no ambulance service).

(Code 1985, § 12-282; Ord. No. 97-6, 6-2-1997)

Sec. 58-309. Area regulations.

The area requirements for dwellings and buildings accessory thereto in the C-O office commercial district shall be the same as the requirements of the R-3-L low density multiple-family district. The following requirements shall apply to all other uses permitted in the C-O office commercial district:

- (1) All buildings shall be set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth;
- (2) Where a side interior yard is adjacent to a dwelling district, no building shall be located closer than 25 feet to the side lot line. Where a side interior yard is adjacent to a commercial or industrial district, no building shall be located closer than ten feet to the side lot line. For all exterior side yards located adjacent to a street, there shall be a side yard of not less than 25 feet;
- (3) No building shall be located closer than 35 feet to the rear lot line;
- (4) Main and accessory buildings shall not cover more than 35 percent of the lot area, and in no case shall the total floor area of the main building exceed the area of the lot; and
- (5) Whenever off-street parking lots are established so as to abut the side or rear line of a residential lot, an opaque ornamental fence or wall not less than five feet high and not more than 6½ feet high shall

be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district. No parking shall be permitted within a front yard setback line established ten feet back of the property line of interior and corner lots and on any corner lot formed by two intersecting streets, no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of two feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of 30 feet along the front and side lot lines from their point of intersection, and connecting the points so established to form a triangle on the area of the lot adjacent to the street intersection.

(Code 1985, § 12-283)

Sec. 58-310. Height regulations.

No building or structure in the C-O office commercial district shall exceed 45 feet in height, except as otherwise provided in section 58-447.

(Code 1985, § 12-284)

Secs. 58-311—58-325. Reserved.

Subdivision X. C-1 Neighborhood Commercial District

Sec. 58-326. Intent.

The C-1 neighborhood commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.

(Code 1985, § 12-290)

Sec. 58-327. Uses permitted.

- (a) Property and buildings in a C-1 neighborhood commercial district shall be used only for the following purposes:
- (1) Any use permitted in an R-3 multiple-family district;
 - (2) Antique shop;
 - (3) Appliance store;
 - (4) Art school, gallery or museum;
 - (5) Artist materials, supplies, studio;
 - (6) Automobile parking lot;

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- (7) Automobile service station;
 - (8) Automobile supply store;
 - (9) Baby shop;
 - (10) Bakery goods retail store;
 - (11) Bank;
 - (12) Barbershop;
 - (13) Beauty shop;
 - (14) Book or stationery store;
 - (15) Camera shop;
 - (16) Candy store;
 - (17) Catering establishment;
 - (18) Church, temple or other place of worship;
 - (19) Cleaning, pressing, laundry agency, providing cleaning and pressing is not done on the premises;
 - (20) Curio shop or gift shop;
 - (21) Dairy products or ice cream store;
 - (22) Delicatessen;
 - (23) Department store;
 - (24) Dress shop;
 - (25) Drug store or fountain;
 - (26) Dry goods store, department store;
 - (27) Florist shop, greenhouse, nursery;
 - (28) Funeral parlor or mortuary (no ambulance service);
 - (29) Furniture store;
 - (30) Grocery store or supermarket (permits sale of package beer and wine);
 - (31) Hardware store;
 - (32) Help-yourself laundry or laundromat;
 - (33) Hotel;
 - (34) Jewelry or notion store;
 - (35) Lodge hall;
 - (36) Meat market;
 - (37) Medical facility;
 - (38) Messenger or telegraph service;
 - (39) Musical instrument sales;
 - (40) Newspaper or magazine sales;

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- (41) Office business;
 - (42) Office supply;
 - (43) Optometrist sales and service;
 - (44) Paint and decorating shop;
 - (45) Parking lot;
 - (46) Pet store;
 - (47) Pharmacy;
 - (48) Photographer studio;
 - (49) Radio and television sales and service;
 - (50) Restaurant;
 - (51) Sewing machine sales, instruction;
 - (52) Shoe repair shop;
 - (53) Sporting goods store;
 - (54) Tailor shop;
 - (55) Toy store;
 - (56) Variety store; and
 - (57) Wedding chapel.
- (b) The following home bound services and residential living services are also permitted in the C-1 neighborhood commercial district:
- (1) Adult day care center;
 - (2) Adult day care home;
 - (3) Battered women's home;
 - (4) Bed and breakfast;
 - (5) Day care center for children;
 - (6) Developmental or physically disabled-center;
 - (7) Developmental or physically disabled-home;
 - (8) Family day care home for children;
 - (9) Fraternities and sororities;
 - (10) Juvenile shelter;
 - (11) Nursing, convalescent home and hospice;
 - (12) Rooming and boarding house; and
 - (13) Shelter for the homeless.
- (c) The following uses are also permitted in the C-1 neighborhood commercial district:
- (1) Nameplate and sign relating only to the use of the store and premises or to products sold on the premises; and

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- (2) Accessory buildings and uses customarily incidental to the uses in this section.
- (d) A building used for any of the uses enumerated in this section may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections (a) through (c) of this section shall be displayed or stored outside of a building.

(Code 1985, § 12-291; Ord. No. 11-07, § 19, 5-2-2011; Ord. No. 18-12, § 1, 9-4-2018)

Sec. 58-328. Uses permitted on review.

The following uses may be permitted on review in accordance with the provisions contained in section 58-79:

- (1) Pawn shops;
- (2) Alcoholic or substance abuse rehabilitation center;
- (3) Half-way house for releasees from correctional institutions; and
- (4) Small animal veterinary clinics.

(Code 1985, § 12-292)

Sec. 58-329. Area regulations.

The area requirements for dwellings in the C-1 neighborhood commercial district shall be the same as the requirements of R-3 multiple-family district, except high-rise apartments. The following requirements shall apply to all other uses permitted in the C-1 neighborhood commercial district:

- (1) All buildings shall be set back from the street right-of-way property line to provide a front yard having not less than 25 feet in depth;
- (2) Where a side interior yard is adjacent to a dwelling district, no building shall be located closer than 25 feet to the side lot line. Where a side interior yard is adjacent to a commercial or industrial district, no building shall be located closer than ten feet to the side lot line. For all exterior side yards located adjacent to a street, there shall be a side yard of not less than 25 feet;
- (3) Where a commercial building is to be serviced from the rear or side, there shall be provided a service court, rear or side yard or a combination thereof, exclusive of all public rights-of-way or alley ways, of not less than 20 feet. As part of this requirement, all side yards will be observed; and
- (4) Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district an opaque ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, this abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(Code 1985, § 12-293)

Sec. 58-330. Height regulations.

No building in the C-1 neighborhood commercial district shall exceed 3½ stories, or 45 feet in height, except as provided in section 58-447.

(Code 1985, § 12-294)

Secs. 58-331—58-345. Reserved.***Subdivision XI. C-2 General Commercial District*****Sec. 58-346. Intent.**

The C-2 general commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for the stocking and delivery of retail goods.

(Code 1985, § 12-300)

Sec. 58-347. Uses permitted.

(a) Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

- (1) Any use permitted in C-1 neighborhood commercial district and C-O office commercial district;
- (2) Automobile sales (new automobiles) and services, new machinery sales and service, public garages, provided no gasoline is stored above ground, used automobiles and machinery sales and used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junkyards;
- (3) [Reserved];
- (4) Ambulance service office or garage;
- (5) Amusement enterprises;
- (6) Bakery;
- (7) Bar, lounge or tavern (low-point beer);
- (8) Boat sales;
- (9) Bus terminal;
- (10) Carpenter and cabinet shops;
- (11) Cleaning and dying works;
- (12) Clothing or apparel store;
- (13) Commercial school or hall;
- (14) Department store;
- (15) Drive-in theater or restaurant;

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- (16) Electric transmission station;
 - (17) Feed or fuel store;
 - (18) Frozen food locker;
 - (19) Furniture repair and upholstery;
 - (20) Funeral parlor or mortuary;
 - (21) Gasoline and oil retail distributing plant;
 - (22) Golf course, miniature or practice range;
 - (23) Heating, ventilating or plumbing supplies, sales and services;
 - (24) Hospital for small animals;
 - (25) Interior decorating store;
 - (26) Ice storage locker plant or storage house for food;
 - (27) Key shop;
 - (28) Kennel;
 - (29) Laboratories, testing and experimental;
 - (30) Laundry;
 - (31) Leather goods shop;
 - (32) Motel;
 - (33) Nursery or garden supply store;
 - (34) Outdoor advertising signs;
 - (35) Pawn shop;
 - (36) Printing plant;
 - (37) Propane sales, above ground storage up to 2,000 gallons (subject to approval of fire marshal);
 - (38) Recreation center;
 - (39) Recreational vehicle (R.V.) park;
 - (40) Retail liquor store;
 - (41) Roller skating rink;
 - (42) Sign painting shop;
 - (43) Theater;
 - (44) Trailer, travel or camping;
 - (45) Used automobile sales;
 - (46) Veterinary clinic; and
 - (47) Wholesale distributing center.

(b) The following uses are also permitted in the C-2 general commercial district:

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- (1) Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacturing, processing or compounding of products other than such as are customarily incidental and essential to retail establishments;
 - (2) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated in subsection (a) of this section; and
 - (3) A flea market provided all activities related to such commercial activities shall take place inside an enclosed structure. One parking space is required for each 150 square feet of retail floor space in the building.
- (c) No article or material stored or offered for sale in connection with uses permitted under subsections (a) and (b) of this section shall be stored or displayed outside the confines of a building unless it is screened by permanent ornamental walls, fences or plantings so that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level; provided however, that no screening in excess of seven feet in height shall be required, except new and used automobile sales, farm implement dealers, boat or recreational vehicle sales, growing nursery stock items, yard ornaments, burial monuments and automobile service stations engaged in the sale of gasoline and oil, where open display may be permitted of merchandise commonly sold by automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way.

(Code 1985, § 12-301; Ord. No. 99-2, 2-1-1999; Ord. No. 99-17, § 3, 9-17-1999; Ord. No. 05-11, § 4, 5-2-2005)

Sec. 58-348. Area regulations.

- (a) The area regulations for separate dwelling structures shall be the requirements for the R-3 multiple-family district.
- (b) All buildings in the C-2 general commercial district shall be set back from the street right-of-way or property line to provide a front yard having not less than 25 feet in depth except the following described area which shall be exempt from yard setbacks. The following blocks of the original townsite are exempt: Lots 6 through 10, Block 81, Blocks 82, 83, 84, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 104, 105, 106, 107 and Lots 1 through 6, Block 108. The intent of this exception to the setback yard requirements for the above described areas is to promote a cohesive and unified commercial and retail core for the city.
- (c) On the side of a lot adjoining a dwelling district in the C-2 general commercial district, there shall be a side yard of not less than ten feet. There shall be a side yard setback from an intersecting street of not less than 25 feet except for those areas as noted in subsection (b) of this section.
- (d) Where a commercial building in the C-2 general commercial district is to be serviced from the rear, there shall be provided a service court, side or rear yard, or combination thereof, exclusive of all public rights-of-way or alley ways, of not less than 20 feet. As part of this requirement, all side yards will be observed.
- (e) Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will not be annoying glare directed or reflected toward residential buildings in a residential district.

(Code 1985, § 12-302)

Sec. 58-349. Uses permitted on review.

The following uses may be permitted upon review in a C-2 general commercial district in accordance with the provisions contained in section 58-329:

- (1) Multiple-family dwelling, subject to the requirements of section 58-350;
- (2) Mini-warehouse;
- (3) Flea market operations as follows:
 - a. Flea market that will be active weekly or more frequently and is to take place in the open air and will not require any permanent type of structure for vendors or customers. A site development plan of the flea market shall be required in support of the application for a use permitted on review. Minimum off-street parking required will be two spaces for each individual vendor space and the parking areas must comply with section 58-483, off-street parking lot construction and maintenance. The site plan will indicate ingress and egress, off-street parking spaces, design of the parking lot and provisions for sanitary facilities. The provisions of section 58-347 regarding screening will be adhered to; and
 - b. Flea market that will be active for no more than 16 occasions per year with each occasion not exceeding three consecutive days at one time. This flea market will take place in the open air and will not be allowed any permanent type of structure for vendors or customers. There are no surface requirements for off-street parking for this classification of flea market. However, minimum off-street parking required will be two spaces for each individual vendor space. A site development plan shall be required in support of the application for a use permitted on review and the site plan will indicate ingress and egress driveways over public rights-of-way, number of parking spaces, design of the parking lot and provisions for sanitary facilities. After review of the site plan, if the request for use permitted on review is approved by the city council, a special permit will be issued by the city clerk's office thereafter for each occasion that a flea market is held during ensuing years, with not more than 16 special permits to be issued to that particular site per year. This approved use permitted on review may be revoked by the city council after a public hearing of the metropolitan area planning and zoning commission. If the request for the use permitted on review for this type of flea market is approved the applicant must present to the city clerk's office, before the special permit is issued, a maintenance bond in the amount of \$2,000.00 for each year to provide protection to the city against unsightly debris or damage to the public right-of-way caused by the activities of the flea market.
- (4) Bar, lounge or tavern (mixed beverage);
- (5) Night club/dance hall;
- (6) Reserved;
- (7) Go-cart track;
- (8) Bumper boat arena;
- (9) Wargames, using paint balls or any other types of projectiles.
- (10) Alcoholic or substance abuse rehabilitation center; and
- (11) Half-way house for releasees from correctional institutions.

(Code 1985, § 12-304; Ord. No. 99-2, 2-1-1999; Ord. No. 99-17, §§ 1, 2, 9-7-1999; Ord. No. 17-15, § 1, 11-6-2017)

Sec. 58-350. Requirements for dwelling units in existing commercial or office buildings as use permitted on review in C-2 district.

- (a) The purpose of this section is to set forth requirements and standards to allow the use of existing commercial and office buildings, primarily the areas above the first floor, for conversion to dwelling units. The primary concern in allowing such conversions shall always be for the health and safety of the intended occupants.
- (b) Minimum living unit size for any new construction or rehabilitation for dwelling units in the C-2 general commercial district shall be as follows:
 - (1) For single person occupancy, a minimum of 400 square feet per dwelling unit shall be provided;
 - (2) For double occupancy, a minimum of 500 square feet per dwelling unit shall be provided;
 - (3) For each occupant over two, 80 additional square feet of floor area per dwelling shall be provided; and
 - (4) All new construction and rehabilitation of existing structures shall conform to standards set forth in all fire, housing and building codes adopted by the city. The entire structure in which the new construction or rehabilitation work is to take place shall also be required to be rehabilitated to meet all the city's construction and fire codes. No building permit shall be issued for rehabilitation or new construction work for dwelling units within a structure unless the entire structure is included at that time for rehabilitation to meet all city building and fire codes.
- (c) The developer shall submit a site development packet to the planning commission as part of an application for a use permitted on review in accordance with provisions contained in section 58-79. Four copies of this packet shall be submitted to the director of community services. The packet shall contain the following:
 - (1) List of all the property owners and existing land uses within 200 feet of the proposed project;
 - (2) Site plan of the proposed project showing surrounding properties and pertinent street rights-of-way and utility easements;
 - (3) Architectural drawings drawn at a scale no smaller than one-quarter of an inch equals one foot which will clearly illustrate the intended plans for new construction or rehabilitation; and
 - (4) The off-street automobile parking requirements of two parking spaces for each dwelling unit must be met or satisfied by the following solutions resolved by the planning commission and recommended to the city council for acceptance:
 - a. Land area is available on the site of the project to accommodate the required parking; and
 - b. The site of the proposed project is within the area of the retail core of the city as outlined in section 58-477 and therefore the proposed project is exempt from the off-street parking requirements.

(Code 1985, § 12-305)

Secs. 58-351—58-365. Reserved.

Subdivision XII. I-1 Restricted Light Industrial District

Sec. 58-366. Intent.

The I-1 restricted light industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in the I-1 restricted light industrial district should be architecturally attractive and surrounded by landscaped yards.

(Code 1985, § 12-310)

Sec. 58-367. Uses permitted.

- (a) Property and buildings in an I-1 restricted light industrial district shall be used only for the following purposes:
- (1) Art and handicraft items fabrication;
 - (2) Bakery;
 - (3) Bottling works;
 - (4) Book bindery;
 - (5) Candy manufacturing;
 - (6) Engraving plant;
 - (7) Electrical equipment assembly;
 - (8) Food products processing and packing;
 - (9) Furniture manufacturing;
 - (10) Instrument and meter manufacturing;
 - (11) Jewelry and watch manufacturing;
 - (12) Laboratories, experimental;
 - (13) Leather goods fabrication;
 - (14) Mail order warehouse;
 - (15) Mini-warehouse;
 - (16) Office buildings;
 - (17) Optical goods manufacturing;
 - (18) Paper products manufacturing;
 - (19) Printing and publishing;
 - (20) Sporting goods manufacturing; and
 - (21) Trade schools and schools for vocational training.
- (b) Accessory uses permitted in the I-1 restricted light industrial district are any uses, including but not necessarily limited to the list below, which are customarily incidental and of secondary significance to the principal use, shall be permitted:

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- (1) Adult day care center;
 - (2) Adult day care home;
 - (3) Day care facility;
 - (4) Employee cafeteria;
 - (5) Employee recreation area;
 - (6) Night watchman quarters;
 - (7) Parking lot; and
 - (8) Sign.
- (c) All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings and shall not emit any dust or smoke or noxious odor or fumes outside the building housing the operation, or produce a noise level occurring on the adjacent street. No article, equipment or material shall be stored outside of an enclosed building.

(Code 1985, § 12-311)

Sec. 58-368. Area regulations.

- (a) All buildings, including commercial buildings in the I-1 restricted light industrial district, shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
- (b) No building in the I-1 restricted light industrial district shall be located closer than 25 feet to a side lot line.
- (c) No building in the I-1 restricted light industrial district shall be located closer than 25 feet to the rear lot line.
- (d) Main and accessory buildings and off-street parking and loading facilities in the I-1 restricted light industrial district shall not cover more than 80 percent of the lot area.
- (e) All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.
- (f) Whenever any commercial or industrial district, parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(Code 1985, § 12-312)

Sec. 58-369. Height regulations.

No building or structure in the I-1 restricted light industrial district shall exceed 45 feet in height, except as provided in section 58-447.

(Code 1985, § 12-313)

Secs. 58-370—58-385. Reserved.

Subdivision XIII. I-2 Light Industrial District

Sec. 58-386. Intent.

The I-2 light industrial district is intended primarily for the conduct of light manufacturing, assembling, fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes.

(Code 1985, § 12-320)

Sec. 58-387. Uses permitted.

Property and buildings in the I-2 light industrial district shall be used only for the following purposes:

- (1) No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 light industrial district;
- (2) Any of the following uses:
 - a. Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant;
 - b. Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors;
 - c. Freight, trucking yard or terminal;
 - d. Oil field equipment storage yard;
 - e. Public utility service yard or electrical receiving or transforming station; and
 - f. No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it is so screened by fences, walls or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level;
- (3) The following uses when conducted within a completely enclosed building:
 - a. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products;
 - b. The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn and paint not employing a boiling process;
 - c. The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;

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- d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like;
 - e. Manufacture of musical instruments, toys, novelties and rubber metal stamps;
 - f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping and battery manufacturing;
 - g. Blacksmith shop and machine shop, excluding punch presses over 20 tons rated capacity, drop hammers and automatic screw machines;
 - h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;
 - i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like; and
 - j. Wholesale storage or manufacture of alcoholic beverages;
- (4) Buildings, structures and uses accessory and customarily incidental to any of the above uses;
 - (5) The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located; and
 - (6) No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it is so screened by fences, walls or plantings that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(Code 1985, § 12-321)

Sec. 58-388. Area regulations.

- (a) All buildings, including commercial buildings, in the I-2 light industrial district shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
- (b) No building shall be located closer than 25 feet to a side lot line.
- (c) No building shall be located closer than 20 feet to the rear lot line.
- (d) Main and accessory buildings and off-street parking and loading facilities in the I-2 light industrial district shall not cover more than 80 percent of the lot area.
- (e) All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.
- (f) Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.
- (g) Where a building in the I-2 light industrial district is to be serviced from the side or rear, there shall be provided a service court or rear yard, exclusive of all public rights-of-way or alleyways, thereof of not less than 30 feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is greater.

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- (h) Buildings in the I-2 light industrial district shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 4, subdivision II of this article.

(Code 1985, § 12-322)

Sec. 58-389. Uses permitted on review.

A flea market is a use permitted on review in the I-2 light industrial district as follows:

- (1) Flea market that will be active weekly or more frequently and is to take place in the open air and will not require any permanent type of structure for vendors or customers. A site development plan of the flea market shall be required in support of the application for a use permitted on review. Minimum off-street parking required will be two spaces for each individual vendor space and the parking areas must comply with section 58-483 off-street parking lot construction and maintenance. The site plan will indicate ingress and egress, off-street parking spaces, design of the parking lot and provisions for sanitary facilities. The provisions of section 58-347 regarding screening will be adhered to; and
- (2) Flea market that will be active for no more than 16 occasions per year with each occasion not exceeding three consecutive days at one time. This flea market will take place in the open air and will not be allowed any permanent type of structure for vendors or customers. There are no surface requirements for off-street parking for this classification of flea markets. However, minimum off-street parking required will be two spaces for each individual vendor space. A site development plan shall be required in support of the application for a use permitted on review and the site plan will indicate ingress and egress driveways over public rights-of-way, number of parking spaces, design of the parking lot and provisions for sanitary facilities. After review of the site plan, if the request for use permitted on review is approved by the city council, a special permit will be issued by the city clerk's office thereafter for each occasion that a flea market is held during ensuing years, with not more than 16 special permits to be issued to that particular site per year. This approved use permitted on review may be revoked by the city council after a public hearing of the metropolitan area planning and zoning commission. If the request for the use permitted on review for this type of flea market is approved, the applicant must present to the city clerk's office, before the special permit is issued, a maintenance bond in the amount of \$2,000.00 for each year to provide protection to the city against unsightly debris or damage to the public right-of-way caused by the activities of the flea market.

(Code 1985, § 12-322.1)

Sec. 58-390. Height regulations.

No building or structure in the I-2 light industrial district shall exceed 70 feet in height, except as provided in section 58-447.

(Code 1985, § 12-323)

Secs. 58-391—58-405. Reserved.

Subdivision XIV. I-3 Heavy Industrial District

Sec. 58-406. Intent.

The I-3 heavy industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these regulations. The intensity of uses permitted in the I-3 heavy industrial district makes it desirable that they be located down wind and separated from residential and commercial uses wherever possible.

(Code 1985, § 12-330)

Sec. 58-407. Uses permitted.

Property and buildings in an I-3 heavy industrial district may be used for any use except those noted under the following conditions:

- (1) All residential uses are not permitted except sleeping facilities required by night watchmen and caretakers employed upon the premises and attached to major structures;
- (2) All uses not complying with these regulations or any other county, state or federal regulations or law are prohibited;
- (3) Before the following or similar uses will be permitted they must be reviewed by the planning commission in accordance with provisions related to uses permitted on review as provided in section 58-79. In addition the planning commission may require approval of the city-county health department, state fire marshal, other state agencies and may attach to the approval specific restrictions designed to protect the public welfare:
 - a. Acid manufacture;
 - b. Animal sale barn;
 - c. Automobile salvage or junk yard;
 - d. Building materials salvage yard;
 - e. Cement, lime, gypsum or plaster of Paris manufacture;
 - f. Gas manufacture;
 - g. Junk or salvage yard of any kind;
 - h. Petroleum or its products, refining of;
 - i. Scrap metal storage yard;
 - j. Wholesale or bulk storage of gasoline, propane, butane or other petroleum products;
- (4) Property and buildings in an I-3 heavy industrial district, when used for the following purposes, shall have the uses thereon conducted in such a manner that all operation, display or storage of material or equipment is so screened by ornamental fences, walls or permanent evergreen planting that it cannot be seen from a public street. Before the following uses will be permitted, plans and specifications shall be presented to the planning commission to indicate the intent of the development to carry out the purposes of this requirement:
 - a. Automobile salvage or junk yard;
 - b. Building materials salvage yard;
 - c. Junk or salvage yard of any kind; and

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- d. Scrap metal storage yard.

(Code 1985, § 12-331)

Sec. 58-408. Area regulations.

- (a) All buildings in the I-3 heavy industrial district, including commercial buildings, shall set back from the street right-of-way line to provide a front yard having not less than 25 feet in depth.
- (b) No building in the I-3 heavy industrial district shall be located closer than 25 feet to a side lot line.
- (c) No building in the I-3 heavy industrial district shall be located closer than 20 feet to the rear lot line.
- (d) Where a commercial building in the I-3 heavy industrial district is to be serviced from the rear, there shall be provided a service court, rear yard or combination thereof of not less than 20 feet.
- (e) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in division 4, subdivision II of this article.
- (f) Whenever any commercial or industrial district or parking lot or parking area is established so as to abut the side or rear line of a lot in a residential district, an opaque ornamental fence or wall not less than five feet high and not more than 6½ feet high shall be constructed and maintained in good condition along the rear or side lot line up to, but not beyond, the abutting residential setback building line. The design and choice of materials of the required fence shall be approved by the planning commission. In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed or reflected toward residential buildings in a residential district.

(Code 1985, § 12-332)

Sec. 58-409. Height regulations.

Where a lot adjoins a dwelling district, the building shall not exceed 45 feet in height, unless it is set back one additional foot from all front and side yard setback lines for each foot of additional height above 45 feet.

(Code 1985, § 12-333)

Secs. 58-410—58-425. Reserved.

Subdivision XV. Planned Unit Development

Sec. 58-426. Purpose.

- (a) It is the intent of this section to encourage unified design of housing, commercial, industrial or institutional areas and facilities, or combinations thereof, to provide for integrated developments having harmony of design and variety of function. It is not intended to permit a greater density of uses different from those set forth in the regulations of the district in which the development is located, but this section is to provide for a greater flexibility in the design of buildings, yards, courts and circulation than would otherwise be possible through the strict application of district regulations and to produce:
 - (1) A maximum choice in the types of environment and living units available to the public;
 - (2) Open space and recreation areas;

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- (3) A pattern of development which preserves trees, outstanding natural topography, geologic features and prevents soil erosion;
 - (4) A creative approach to the use of land and related physical development;
 - (5) An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs;
 - (6) An environment of stable character in harmony with surrounding development; and
 - (7) A more desirable environment than would be possible through the strict application of other sections of these regulations.
- (b) The planned unit development section is designed to provide for small and large scale development incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such development may consist of individual lots or it may have common building sites. Common land must be an essential and major element of the plan which is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character in harmony with surrounding development.

(Code 1985, § 12-380)

Sec. 58-427. Planned unit development authorized.

- (a) *Authorized.* A planned unit development may be authorized, provided that all of the provisions of this section are complied with.
- (b) *Location requirements.* A planned unit development shall be permitted in any district except an A-1 general agricultural district or an A-2 suburban district.
- (c) *Design characteristics requirements.* The proposed planned unit development shall be designed to provide for the unified development of the area and in accordance with the spirit and purposes of the district in which the unit is located. The design may provide for modification of yard, setback and height requirements, but the use, density, intensity of use and coverage requirements for the district and the minimum dimensions established for the design of courts shall not be reduced.
- (d) *Minimum site size requirements.* There is no required minimum size of the site upon which a planned unit development shall be located.
- (e) *Off-street parking requirements.* The off-street parking requirements set forth in division 4, subdivision II of this article may be complied with by providing one or more permanent, common, off-street parking facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers and service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required.
- (f) *Site development plan requirements.* The developer shall submit a site development plan of the proposed development in support of the application for a planned unit development permit. This application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, planning commission review and public hearings. Upon approval, the site development plan shall become a part of the zoning district map. The plan may provide for staged development of the project and shall so indicate on the plan.
- (g) *Plan change requirements.* Any substantial deviation from the plans submitted at the time of rezoning shall constitute a violation of the rezoning and a substantial change in plans shall be resubmitted for review

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following the same procedure required in the original adoption of the plan. The director of community development shall interpret what constitutes a substantial deviation or change in the plan.

- (h) *Time limit requirements.* The construction of the planned unit development shall be started within the 24 months of the effective date of approval of the plan. Failure to begin the development within 24 months shall automatically void the development plan and the land shall revert to the same zoning classification which existed immediately preceding the approval of the planned unit development. However, upon written request by the applicant showing good cause, the city manager may extend the 24 month time limit.
- (i) *Home association requirements.* A home association shall be created if a trust or other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas and recreation areas.

(Code 1985, § 12-381; Ord. No. 18-02, § 1, 1-16-2018)

Secs. 58-428—58-445. Reserved.

DISTRICT REGULATIONS

§ 158.020 RESIDENTIAL DISTRICTS.

(A) Except as otherwise specifically provided in this chapter, all use of land, development or structures in residential districts shall conform to the requirements set forth below.

(B) Residential districts' regulations are set forth in the appendices of this chapter.

(C) All properties zoned R-MO, residential multiple unit ownership, on or before November 1, 1985, may continue to be occupied and governed by the permitted uses and area regulations in that district as of the date, but thereafter, no property shall be rezoned to R-MO.

(D) All properties zoned PRD, planned residential development on or before August 8, 1994, may continue to be occupied and governed by the permitted uses, area regulations and stipulations specified on the date of their approval.

(Prior Code, § 13-612) (Am. Ord. 1974, passed 8-6-19)

§ 158.020.01 PERMITTED AND SPECIAL USES.

Please refer to Appendix D for permitted uses and special exceptions allowed within residential districts.

(Ord. 1974, passed 8-6-19)

§ 158.020.02 BULK AND YARD STANDARDS.

(A) Table 158.020(A): Residential District Bulk and Yard Regulations establish bulk and yard regulations for the residential zoning districts. These regulations apply to all uses within that district unless a different standard is listed for a specific use.

(1) MHP District Bulk and Yard Regulations are set forth in Chapter 152 of this code of ordinances.

Table 158.020(A): Residential District Bulk and Yard Regulations

BULK AND YARD	R-1	R-2	R-M
Lot Dimensions			
Lot Width (minimum)	60 feet	60 feet	70 feet
Corner Lot Width (minimum)	70 feet	70 feet	70 feet
Lot Area (minimum)	6,000 square feet	9,000 square feet	10,000 square feet
Lot Area (minimum) per dwelling unit	6,000 square feet	4,500 square feet	3,630 square feet; 1,500 square feet of usable open space on the parcel per dwelling unit
Lot Depth (minimum)	100 feet	100 feet	100 feet
Front (minimum) feet	25 feet	25 feet	25 feet
Side - Interior Lots (minimum) feet	10 feet one side, 5 feet on the other	10 feet one side, 5 feet on the other	25 feet
Side - Street Lots (minimum) feet	15 feet back to back	15 feet back to back	25 feet
Side - Corner Lots (minimum) feet	25 feet on other lots	25 feet on other lots	25 feet
Rear (minimum) feet	20 feet	20 feet	25 feet
Intensity	R-1	R-2	R-M
Lot Coverage (maximum)	NA	30%	30%
Height (maximum) feet	35 feet or 2-1/2 stories	35 feet or 2-1/2 stories	35 feet or 2-1/2 stories
Intensity of Use (maximum)	1 dwelling per lot	1 dwelling per lot	12 dwelling units per acre

Notes:

1. Lot width measured at required front yard setback.
2. Setbacks are measured from the outside edge of the public right-of-way.
3. If 50% or more of the lots on one side of a street between two intersecting streets are improved with buildings which have observed an average setback line greater or less than 25 feet and no building varies more than five feet from this average setback line, then said building may be erected at the setback so established by the existing buildings.

4. Lot coverage measured as combined total area covered by main and accessory buildings.

(B) *Residential district design standards.* Development within the residential districts shall comply with the following design standards.

(1) All residential buildings shall comply with the Building Code(s) adopted by the City of Bethany.

(2) Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located.

(3) The following provisions shall apply in residential districts:

(a) When a lot has double frontage, the front setbacks shall apply on both streets.

(b) Whenever a front setback line in any block is delineated on the subdivision map or plat thereof, as approved by the Planning Commission and City Council and recorded in the office of the County Clerk, then the setback shown on the map or plat shall govern. In no case shall this division apply to a lot which abuts a major thoroughfare as designated on the comprehensive plan.

(c) For each story more than one, there shall be an additional five-foot setback from interior lot lines in R-1 and R-2 districts.

(d) Detached accessory buildings 240 square feet in size or less may be located in the rear setback, but shall not be located in, on or over any public easement. All other accessory buildings shall comply with all applicable setback requirements applicable to primary buildings.

(Ord. 1974, passed 8-6-19)

§ 158.021 COMMERCIAL DISTRICTS.

(A) Except as otherwise specifically provided in this chapter, all use of land, development or structures in commercial districts shall conform to the requirements set forth in division (B) below.

(B) Uses are permitted only as shown in Appendix D to this chapter.

(C) Plant nurseries and other outdoor displays of plants and landscape materials; provided any outdoor display of plants or landscape materials shall be on the same lot as the primary building of the business, and only on a lot containing a building meeting the requirements of this code and applicable building codes.

(D) All properties zoned C-N, commercial neighborhood, or C-S, commercial shopping center, on November 1, 1985, may continue to be occupied and governed by the permitted uses and area regulations in those districts as of the date, but thereafter, no property shall be rezoned to C-N or C-S.

(Prior Code, § 13-616) (Am. Ord. 1609, passed 3-16-99; Am. Ord. 1678, passed 9-3-02; Am. Ord. 1687, passed 11-5-02; Am. Ord. 1974, passed 8-6-19)

§ 158.021.01 PERMITTED AND SPECIAL USES.

Please refer to Appendix A for permitted uses and special exceptions allowed within commercial districts.

(Ord. 1974, passed 8-6-19)

§ 158.021.02 BULK AND YARD STANDARDS.

Table 158.021(A): Commercial District Bulk and Yard Regulations establish bulk and yard regulations for the residential zoning districts. These regulations apply to all uses within that district unless a different standard is listed for a specific use.

Table 158.021(A): Commercial District Bulk and Yard Standards

BULK AND YARD	C-O	C-R	C-G	C-H	CBD
Lot Dimensions					
Lot Width (minimum)	None	None	None	100 feet fronting N.W. 39 th Expressway	Non
Corner Lot Width (minimum)	None	None	None	100 feet fronting N.W. 39 th Expressway	None
Lot Area (minimum)	7,500 square feet	None	None	15,000 square feet	None
Lot Area (minimum) per dwelling unit	75 feet at the front of the property line	None	None		None

Lot Depth (minimum)	None	None	None	None	None
Setbacks	C-O	C-R	C-G	C-H	CBD
Front (minimum) feet	25 feet	25 feet	25 feet	25 feet	None
Side - Interior Lots (minimum) feet	25 feet abutting residential districts	None	None	25 feet abutting residential districts	None
Side - Street Lots (minimum) feet	10 feet	25 feet	25 feet	10 feet	None
Side - Corner Lots (minimum) feet	25 feet	25 feet	25 feet	25 feet	None
Rear (minimum) feet	30 feet	25 feet	20 feet	20 feet	15 feet
Intensity	C-O	C-R	C-G	C-H	CBD
Lot Coverage (maximum)	35%	35%	35%	30%	None
Height (maximum) feet	35 feet	90 feet	90 feet	90 feet	90 feet

Notes:

1. Lot width measured at required front yard setback.
2. Setbacks are measured from the outside edge of the public right-of-way.
3. If fifty (50) percent or more of the lots on one side of a street between two intersecting streets are improved with buildings which have observed an average setback line greater or less than 25 feet and no building varies more than five feet from this average setback line, then said building may be erected at the setback so established by the existing buildings.
4. Lot coverage measured as combined total area covered by main and accessory buildings.

(Ord. 1974, passed 8-6-19)

§ 158.021.03 COMMERCIAL DISTRICT DESIGN STANDARDS.

Development within the commercial districts shall comply with the following design standards.

(A) All commercial buildings shall comply with the Building Code(s) adopted by the City of Bethany.

(B) Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located.

(C) Building materials.

(1) Exterior finishes of buildings or structures facing a street shall be constructed and maintained using wood clapboards or equivalent, brick, metal, vinyl or stone, or a combination of wood, brick, metal, vinyl and stone.

(2) Exterior accents of buildings or structures facing street shall consist of stucco, Exterior Insulation and Finish System (EIFS), wood clapboards or equivalent, brick, metal, vinyl or stone.

(3) Vinyl siding and metal siding shall not be permitted for use as exterior siding for primary or accessory buildings on facades which face a street. Maintenance and replacement of existing siding is permitted.

(D) The following provisions shall apply in commercial districts:

(1) Where any access to a commercial building in a C-R, C-G or C-H district is from the rear, or where a commercial building in those districts exceeds one story in height, a rear setback of 30 feet shall be provided. In such a case, and with respect to the rear setbacks required in a C-O or CBD district, the rear yard setback may include an alley or service court.

(2) In a C-R or C-G district, where an interior side yard abuts a residential district, a setback of ten feet shall be required for one story buildings plus an additional five feet for each additional story or portion thereof.

(Ord. 1974, passed 8-6-19)

§ 158.022 INDUSTRIAL DISTRICTS.

(A) Except as otherwise specifically provided in this chapter, all use of land, development or structures in industrial districts shall conform to the requirements set forth herein.

(B) Properties zoned I-R and I-L prior to November 2, 1985, are hereby reclassified to I-L and I-H respectively, after the date.

(Prior Code, § 13-617) (Am. Ord. 1974, passed 8-6-19)

§ 158.022.01 PERMITTED AND SPECIAL USES.

Please refer to Appendix A for permitted uses and special exceptions allowed within industrial districts.

(Ord. 1974, passed 8-6-19)

§ 158.022.02 BULK AND YARD STANDARDS.

Table 158.022(A): Industrial District Bulk and Yard Regulations establish bulk and yard regulations for the residential zoning districts. These regulations apply to all uses within that district unless a different standard is listed for a specific use.

Table 158.022(A): Industrial District Bulk and Yard Standards

BULK AND YARD	I-L	I-H
Lot Dimensions		
Lot Width (minimum)	None	None
Corner Lot Width (minimum)	None	None
Lot Area (minimum)	None	None
Lot Area (minimum) per dwelling unit	None	None
Lot Depth (minimum)	None	None
Setbacks	I-L	I-H
Front (minimum) feet	25 feet	25 feet
Side - Interior Lots (minimum) feet	None	None
Side - Street Lots (minimum) feet	25 feet	None
Side - Corner Lots (minimum) feet	25 feet	None
Rear (minimum) feet	15 feet	15 feet
Intensity	I-L	I-H
Lot Coverage (maximum)	None	None
Height (maximum) feet	35 feet or 2- 1/2 stories	35 feet or 2- 1/2 stories

Notes:

1. Lot width measured at required front yard setback.
2. Setbacks are measured from the outside edge of the public right-of-way.
3. If 50% or more of the lots on one side of a street between two intersecting streets are improved with buildings which have observed an average setback line greater or less than 25 feet and no building varies more than five feet from this average setback line, then said building may be erected at the setback so established by the existing buildings.
4. Lot coverage measured as combined total area covered by main and accessory buildings.

(Ord. 1974, passed 8-6-19)

§ 158.022.03 INDUSTRIAL DISTRICT DESIGN STANDARDS.

Development within the industrial districts shall comply with the following design standards.

(A) All industrial buildings shall comply with the Building Code(s) adopted by the City of Bethany.

(B) Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located.

(C) *Building materials.*

(1) Exterior finishes of buildings or structures facing a street shall be constructed and maintained using wood clapboards or equivalent, brick, metal, vinyl or stone, or a combination of wood, brick, metal, vinyl and stone.

(2) Exterior accents of buildings or structures facing street shall consist of stucco, Exterior Insulation and Finish System (EIFS), wood clapboards or equivalent, brick, metal, vinyl or stone.

(3) Vinyl siding and metal siding shall not be permitted for use as exterior siding for primary or accessory buildings on facades which face a street for which the structure is addressed. Maintenance and replacement of existing siding is

permitted.

(D) The following provision shall apply in industrial districts. Whenever either a rear or interior side yard abuts a residential district, then the setback shall be no less than 25 feet.

(Ord. 1974, passed 8-6-19)

§ 158.023 SPECIAL DISTRICTS.

Except as otherwise specifically provided in this chapter, all use of land, development or structures in special districts shall conform to the requirements set forth herein.

(Prior Code, § 13-618) (Am. Ord. 1974, passed 8-6-19)

§ 158.023.01 PERMITTED AND SPECIAL USES.

Please refer to Appendix A for permitted uses and special exceptions allowed within special districts.

(Ord. 1974, passed 8-6-19)

§ 158.023.02 BULK AND YARD STANDARDS.

Table 158.023(A): Special District Bulk and Yard Regulations establish bulk and yard regulations for the residential zoning districts. These regulations apply to all uses within that district unless a different standard is listed for a specific use.

Table 158.023(A): Special District Bulk and Yard Standards

<i>BULK AND YARD</i>	<i>A</i>	<i>E-1</i>	<i>MUD</i>	<i>PUB</i>
Lot Dimensions				
Lot Width (minimum)	100 feet	None	None	None
Corner Lot Width (minimum)	100 feet	None	None	None
Lot Area (minimum)	5 acres	None	None	None
Lot Area (minimum) per dwelling unit	5 acres	None	3,630 square feet; 1,500 square feet of usable open space on the parcel per dwelling unit	None
Lot Depth (minimum)	125 feet	None	None	None
Setbacks	A	E-1	MUD	PUB
Front (minimum) feet	50 feet	25 feet	None	None
Side - Interior Lots (minimum) feet	25 feet	15 feet	None	None
Side - Street Lots (minimum) feet	50 feet	25 feet	None	None
Side - Corner Lots (minimum) feet	50 feet	25 feet	None	None
Rear (minimum) feet	50 feet	15 feet	25 feet	None
Intensity	A	E-1	MUD	PUB
Lot Coverage (maximum)	20%	None	None	None
Height (maximum) feet	35 feet or 2- 1/2 stories	None	90 feet	None
Intensity of Use (maximum)	1 dwelling per lot	None	12 dwelling units per acre	None

Notes:

1. Lot width measured at required front yard setback.
2. Setbacks are measured from the outside edge of the public right-of-way.
3. If 50% or more of the lots on one side of a street between two intersecting streets are improved with buildings which have observed an average setback line greater or less than 25 feet and no building varies more than five feet from this average setback line, then said building may be erected at the setback so established by the existing buildings.
4. Lot coverage measured as combined total area covered by main and accessory buildings.

(Ord. 1974, passed 8-6-19)

§ 158.023.03 SPECIAL DISTRICT DESIGN STANDARDS.

Development within the special districts shall comply with the following design standards.

(A) All residential and nonresidential buildings shall comply with the Building Code(s) adopted by the City of Bethany.

(B) Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located.

(C) *Building materials.*

(1) Exterior finishes of buildings or structures facing a street shall be constructed and maintained using wood clapboards or equivalent, brick, metal, vinyl or stone, or a combination of wood, brick, metal, vinyl and stone.

(2) Exterior accents of buildings or structures facing street shall consist of stucco, Exterior Insulation and Finish System (EIFS), wood clapboards or equivalent, brick, metal, vinyl or stone.

(3) Vinyl siding and metal siding shall not be permitted for use as exterior siding for primary or accessory buildings on facades which face a street. Maintenance and replacement of existing siding is permitted.

(4) The following provisions shall apply in E-1 district:

(a) In the E-1 district, buildings and facilities shall be arranged in a manner appropriate to the function of each use, and appropriate for fire protection and convenient circulation for pedestrian and vehicular traffic.

(b) The front, side and rear setbacks for buildings located in the E-1 district may be reduced to no less than ten feet on any side where the

property abuts or is separated only by a street or alley from property zoned or used for E-1. The reduced setbacks shall not be permitted for that side or portion of the E-1 property which abuts an expressway or major thoroughfare.

(c) When a building in an E-1 district exceeds one story in height and is located on property which abuts property zoned or used for residential, the rear and interior side setbacks shall be no less than 20 feet, plus an additional five feet for each story, or portion thereof, which exceeds two stories or 35 feet in height.

(Ord. 1974, passed 8-6-19)

§ 158.023.04 MIXED-USE DISTRICT (MUD).

(A) The intent of the Mixed-Use District (MUD) is to create opportunities to increase development intensity within targeted area. Shifting from more traditional neighborhoods toward a mix of commercial and residential uses, Mixed-Use Districts define the uses of land and character of the improvements to promote compatibility between residential and nonresidential uses. These districts also are intended to encourage redevelopment of underutilized parcels and infill development. The mixed-use districts specifically are intended to:

(1) Concentrate higher-density residential development, commercial and office employment efficiently in and around the major interchanges, employment centers, and other designated centers of activity;

(2) Encourage mixed-use in a broad sense by promoting urban, suburban and village development that blends a combination of residential, commercial, cultural, institutional or industrial uses whose functions are physically integrated and provide both vehicular and pedestrian connectivity;

(3) Introduce new housing types geared to attract what Chapter 4 of the City of Bethany Comprehensive Plan refers to as the "missing middle" households;

(4) Expand commercial space capacity; and

(5) Ensure that development in mixed-use areas is of high quality and provides walkable, livable, vibrant environments, which provide interest through use of varied forms, materials, details, and colors, especially at the ground floor and second story.

(B) *Performance standards.* Development shall conform to the standards established in this code.

(1) Refer to any applicable overlay zone district and/or corridor design standards and guidelines.

(2) *Loading/service areas.* Loading docks and trash or other service areas shall be located only in the side or rear yards.

(3) *Vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials.* No person shall occupy, maintain or allow any use in a MUD development without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

(C) *Vibration.* Except during construction or as authorized by the city, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(D) *Noise.* The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(E) *Glare*. Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(F) *Solid and liquid waste*. All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(G) *Hazardous materials*. Information and materials to be used or located on the site whether on a full-time or part-time basis. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(1) *Outdoor storage and display*. Outdoor storage shall only be located in the rear half of the lot. Permanent display areas may be located beside or behind the principal structure. For lots with double or triple frontage the side and rear yards that are to be used for permanent display areas shall be established with site plan approval. Portable display of retail merchandise may be permitted.

(Ord. 1974, passed 8-6-19)

§ 158.024 OVERLAY DISTRICTS.

(A) Except as otherwise specifically provided in this chapter, all use of land, development or structures in special districts shall conform to the requirements set forth herein.

(B) *Planned Unit Development Overlay District (PUD)*.

(1) The intent of the Planned Unit Development Overlay District (PUD) is to encourage developments with a superior built environment that permit greater flexibility and consequently more creative and imaginative design than generally is possible under conventional zoning regulations. It is hereby intended to permit, upon application and upon approval of site and use plans, the creation of Planned Unit Development Overlay Districts (PUD). Such a designation shall be determined by, and shall be designed to provide for a mix of uses, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to preserve features of historical significance, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and with a reasonable consideration being given, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the land throughout the city. In PUD District, the regulations which are adopted are intended to accomplish the same purposes as do zoning and other applicable regulations in districts which are developed on a lot by lot rather than a unified basis.

(2) *Application of Planned Unit Development Overlay District provisions*. A PUD Overlay District may be proposed for the Central Business District in the city if (1) more than one land use is proposed on a single land; (2) different land uses that would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership; or (3) an exception or variance from the size, setback, frontage, density, uses or other standards that are required in other zoning districts permitting the same uses are being proposed as part of a development plan. No PUD District shall be considered without submission of a development plan. A site proposed for a PUD District classification shall contain a contiguous area of five acres or more, unless a smaller area is specifically approved by the Governing Body due to special and unusual circumstances. Property shall be deemed to be contiguous if all parts are under unified control, to ensure that the development plan can be executed as approved, and all parts abut or are separated by only a road, easement, or right-of-way.

(3) *Effect of Planned Unit Development District approval*. Approval of a PUD District shall constitute an amendment to the zoning ordinance. Designation of a property as a Planned Unit Development District (PUD) in accordance with an approved development plan shall supersede all existing and prior zoning classifications. A planned district approved by the City Council by ordinance shall be designated on the zoning map by the letter's PUD.

(4) *Standards*. All PUD Districts shall at a minimum satisfy the following standards and requirements:

(a) *Uses permitted*. The Development Plan shall specify, both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses as are to be permitted. The City Council may include or exclude uses from the Development Plan or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determinations of the uses to be permitted within the PUD District, the City Council may consider the compatibility and relationship of uses within the project, the compatibility and relationship of permitted uses adjoining or in proximity to the PUD District, the appropriateness of permitted uses for the area in general and their overall impact on the community and the consistency of the permitted uses with other adopted plans and policies.

(b) *Residential*. A PUD District may allow for a more flexible placement, arrangement and orientation of residential structures, with accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. A PUD District also may provide for a mixture of housing types (single family, two family, multi-family, etc.) according to a carefully drawn plan. The proposed residential development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area. In a PUD District proposing more than 75 individual residential dwelling units, no more than 12% of such units should be two-family or multi-family units.

(c) *Office*. A PUD District may contain orderly, well-designed office and institutional uses compatible with the surrounding area.

(d) *Commercial.* A PUD District may provide for maximum attainable commercial usage of property while ensuring development consistent with the City Council's long-range plans.

(e) *Conditional uses.* Approval of a use requiring a "special use permit" shall be considered as an amendment to the PUD District. In considering a "special use permit," in addition to the Zoning Ordinance's applicable section on conditional uses, all rezoning considerations for a PUD District shall be applicable.

(f) *Intensity of development.* The Development Plan shall contain provisions to regulate the intensity of development within the PUD District. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

(g) For non-residential development, the intensity of development may be regulated;

1. By specifying an appropriate Floor Area Ratio(s) (FAR);

2. By specifying maximum square footage or gross leasable area;

3. By specifying setbacks, height and bulk restrictions; or

4. By a combination of such restrictions for the project as a whole or for components or subareas within the project. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial, and other residential activities. The City Council may impose such standards and restrictions as necessary to achieve the intent of this section. In making its determination regarding the intensity of development and appropriate performance standards, the City Council may consider character and scale of similar developments, the character and scale of surrounding development and the area in general, the real or anticipated impact on public facilities and services, and consistency with other plans and policies.

5. For residential development, the Preliminary and Final Development Plans shall specify the residential density for the project as a whole or for subareas within the project as appropriate. In making its determination regarding whether the proposed residential density is appropriate, the City Council may consider (i) compatibility of residential densities with other uses within the district as well as outside the district, (ii) the impact of residential densities on public facilities and services, (iii) the consistency with the Comprehensive Plan and other adopted plans and policies, and (iv) the comparison of allowed density under the residential zoning districts.

6. *Bulk, area and height requirement.* The Development Plan shall specify bulk, area and height restrictions for the project as a whole and for subareas and/or components of the project as appropriate. The City Council may impose alternate or additional standards or restrictions to achieve the intent of this section. In making its determination regarding such standards or restrictions, the City Council may consider the character and scale of the proposed development as it relates to other uses and structures both within the district and outside the district, the general character and scale of similar developments within the area of the proposal, and the consistency with adopted plans and policies. The Development Plan shall contain a summary of how the proposed bulk, area and height requirements differ from those set forth within the regulations of the underlying district(s).

7. *Public facilities.* The Development Plan shall specify conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate. The City Council may impose conditions, restrictions and standards as appropriate to achieve the intent of this Section. In making its determination regarding such conditions, restrictions and standards, the City Council may consider the adequacy of existing public facilities and services, the timely provision of adequate public facilities and services and the overall cost to the community.

8. *Access to public thoroughfares.* The Development Plan shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate. The City Council may impose such access standards and restrictions as necessary to protect the integrity and function of the City's thoroughfare system and to otherwise achieve the intent of this section. In making its determination regarding such access standards and restrictions, the City Council may consider the classification and function of the thoroughfare system, existing and projected traffic volumes, the condition and design of the affected thoroughfares, the effect of the proposed development on traffic flow and circulation patterns on other adopted plans and policies.

9. *Off-street parking and loading requirements.* Unless specifically modified by the Development Plan, the off-street parking and loading requirements contained within these regulations shall apply. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking demand will be less due to density and/or occupancy characteristics of the project and/or the availability of public transportation.

10. *Signs.* Unless specifically modified by the Development Plan, the sign regulations contained within these regulations shall apply. Modifications to the sign regulations shall be approved only if the general intent to the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

11. *Perimeter treatment.* The Development Plan shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve an appropriate transition between land uses and densities. The City Council may impose those standards and requirements for perimeter treatment it deems necessary to protect adjoining properties from adverse effects and to achieve an appropriate transition of land uses and densities.

(5) *Procedure.* Applications for PUD District Designation shall be processed pursuant to a three-step review process as specified in this section. The three-step procedure shall include:

(a) A suggested pre-application conference;

- (b) A preliminary development plan; and
- (c) A final development plan.

1. *Preliminary development plan.* An applicant may submit a Preliminary Development Plan, which shall contain, at a minimum, the following information:

2. A legal description of the site proposed for PUD designation, including a statement regarding present ownership and present zoning. The legal description must contain the original signature and seal of an Oklahoma registered surveyor.

3. A Master Conceptual Plan that indicates parcel, tract or lot locations and dimensions; density per gross and per net acres in the development and in each land use component, if appropriate; the intensity of land use in the development and each land use component, if appropriate; the amount of land in common area open space, recreation use or public use, if appropriate; and the treatment of project boundaries.

4. Written text which includes supporting graphics describing the overall concept of the plan; the uses included and any limitations upon uses; building types and prototypical site layouts, if appropriate; provisions for maintenance of common areas; any proposed agreements, dedications or easements; any proposed private covenants and restrictions; and any other information required by this section or pertinent to a determination of compliance with the section.

5. A Circulation Plan that indicates roads adjoining the property; the location of access from public roads into the project; and vehicular and pedestrian circulation systems within the project. The Circulation Plan may be included as part of the Master Conceptual Plan.

6. An Improvement Plan that indicates water supply and distribution facilities as well as the source of the water supply; sewage collection and disposal including method and location of sewage discharge; methods and facilities for the management of storm water runoff; improvements to streets and roads; and any other physical improvements required to support the project.

7. A Statistical Summary that indicates the number of acres in the project; the number of acres allocated to each land use within the project; the gross and net residential density within the project and within each land use component of the project; and floor area, floor area ratios, open space ratios, and other data relating the intensity of development to the site size and location.

8. An Environmental Impact Statement indicating possible problem areas within the site as well as solutions to these problems as intended by the developer.

9. To the extent that phases are applicable, phases of development must be shown on the preliminary development plan. If the development will occur in phases, the applicant shall submit a development plan that also displays the entire development at the completion of all phases. The phased development shall have the phases clearly outlined with expected dates for beginning of construction and date of completion of construction. No building permit shall be issued for any phase of development until a final development plan for that phase is approved by the City Council.

10. The following elements are optional at the request of the Planning Commission:

A. A Sign Plan which indicates the location, size and design and other pertinent provisions relating to signs within the project.

B. A Parking Plan which shows the number of parking spaces as well as their general location and design.

C. Any other plan element or technical study that the Planning Commission or the City Council deems necessary to adequately consider and review the Preliminary Development Plan.

11. The Preliminary Development Plan shall be reviewed as a zoning amendment and shall be processed as such.

12. Final Development Plan.

13. Due to diversity in size and character of proposals considered under this section, flexibility in the form, content and approval procedures of the Final Development Plan should be retained. Toward this end, the City Council shall specify, as part of its approval of the Preliminary Plan, the form, content and approval authority of the Final Development Plan.

14. If the City Council considers a submission of a Final Development Plan necessary for all or part of the District, it shall so specify in its approval of the Preliminary Development Plan. The City Council may retain its authority to approve the Final Development Plan or may delegate its approval authority to the Planning Commission or to a specified official(s). In the event the approval authority is delegated, the City Council shall specify the limits of discretion to be exercised by the approving authority.

15. No building permit shall be issued for all or any portion of a PUD District until the Final Development Plan has been approved.

16. Every Final Development Plan shall provide all the information required of a Preliminary Development Plan and shall further include grading, landscaping, lighting and signage plans.

17. Failure to commence construction after approval a PUD District

18. If substantial construction has not commenced within three years after the date of City Council approval for a

PUD development, the Community Development Director shall review the development plan to determine whether the development plan should be voided or remain in effect.

19. If the Community Development Director shall determine that the development plan or any phase thereof is no longer viable, he/she shall present the matter to the Planning Commission for recommendation to the City Council. Simultaneously therewith, the Community Development Director may request the Planning Commission to review the existing zoning classification. The Community Development Director may request that the property be rezoned to that district which immediately preceded the approval of the planned district.

20. The Planning Commission shall hold a public hearing on the issue of voiding the development plan or any phase thereof and on the issue of rezoning the property, if so requested by the Director of Community Development. The recommendation of the Planning Commission shall be referred to the City Council.

21. After a public hearing, the City Council shall have the final determination as to whether the development plan or any phase thereof shall be voided or remain in effect, as well as to whether the property should be rezoned.

22. If the Community Development Director shall determine that the development plan or any phase thereof is viable or necessary to carry out the requirements of this chapter, the Community Development Director shall declare that the development plan or any phase thereof shall remain in effect; provided, however, that the Community Development Director shall report monthly to the Planning Commission detailing the plans to remain in effect.

23. Nothing stated within this section shall be deemed to prohibit an application for an amendment to or a subsequent application for a planned district.

24. Subdivision Plats and Site Plans Required. At the option of the applicant, the preliminary development plan may also serve as the preliminary plat. If the option is exercised, the plan shall include information required of preliminary plats. However, PUD Districts are to be reviewed on their individual merits upon specific application of a developer. Any conflicts with the other provisions of this Zoning and Subdivision Ordinances of the city may be waived by the City Council to carry out the intent of a plan.

(Ord. 1974, passed 8-6-19)

§ 158.025 ADDITIONAL DISTRICT REGULATIONS.

(A) The requirements contained in this section are intended to provide exceptions or to qualify and supplement the specific regulations set forth in this subchapter.

(B) The following provisions shall apply in all districts:

(1) Trailers or other portable buildings used as temporary offices may be installed on any lot during construction but shall be removed prior to issuance of a certificate of occupancy for the lot or any permanent structure thereon.

(2) An open space or lot area required for an existing building or structure shall not be counted as open space for any other building or structure.

(3) No dwelling shall be erected on a lot which does not abut at least one public street for at least 35 feet and have a width of at least 60 feet at the building line. A public street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.

(4) Where lots comprising 60% or more of the frontage on the same side of the street in any block are developed with buildings having front setbacks less than the required depth and with a variation of not more than ten feet, the average depth of the setbacks shall establish the front setback for the entire frontage; provided that the depth need not exceed the required setback.

(5) Carports, as that term is defined in §158.002, may be allowed in the front yard setback as a special exception to this chapter, as provided herein, subject to the following restrictions:

(a) Carports shall not be erected or located closer than five feet inclusive of eaves from the right-of-way line of a public or private street.

(b) Carports shall not be located or erected closer to the side property line than the applicable side yard setback or the dwelling to which it is accessory, whichever is less.

(6) Open eaves, cornices, windowsills, and belt courses may project into any setback provided that projections into interior side setbacks shall not exceed two feet. Open uncovered porches or open fire escapes may project into front or rear setbacks a distance not to exceed five feet.

(7) No portion of a lot which is located within the lines of any flood control and/or drainage easement shall be included in measuring yard setback, usable open space or buildable area of the lot. This exclusion shall not apply to easements in which a closed storm sewer is located, nor shall it apply to lots platted prior to the effective date of this chapter.

(8) Churches, schools, hospitals and other public and semi-public buildings may exceed the height limitation of any district, if the side and rear setbacks are increased one foot for each two feet by which the height of the public or semipublic structure exceeds the prescribed height limit.

(9) Chimneys, elevators, poles, spires, tanks, towers and other projections not included in a building story, as defined

in § 158.002, may extend above the height limit, subject to certain height limitations.

(10) All trash or garbage receptacles shall be in a permanent location mutually convenient to the city and to the occupant.

(Prior Code, § 13-619) (Am. Ord. 1452, passed 10-3-89; Am. Ord. 1508, passed 1-18-94; Am. Ord. 1847, passed 4-19-10; Am. Ord. 1862, passed 4-17-12; Am. Ord. 1957, passed 6-19-18; Am. Ord. 1974, passed 8-6-19)

DIVISION 2. SPECIFIC DISTRICTS

Sec. 62-255. R-1A single-family residential district (rural subdivision district).

- (a) *General description.* This is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
- (b) *Uses permitted.*
 - (1) Single-family dwellings.
 - (2) Public parks or playgrounds.
 - (3) Accessory buildings, including private garages or part of the main building.
 - (4) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.
 - (5) Home occupations, as defined and regulated by this article.
 - (6) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements in subsection (d) of this section.
- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-129:
 - (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public building and public utilities, in conjunction with one of the other permitted uses, and subject to screening requirements in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage as shown on the major street plan.
 - (5) Library, provided it has major street frontage as shown on the major street plan.
 - (6) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.
- (d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and specific yard (front, side, rear) definition found in section 62-1.

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- (1) *Minimum lot area.* Minimum lot area will be two acres, except as specifically required for churches (i.e., maximum percentage of possible building coverage, plus required off-street parking for that maximum building coverage, equals the minimum lot area required).
 - (2) *Minimum lot frontage at the front building line.* Minimum lot frontage at the front building line will be 100 feet for residential and 200 feet for all others.
 - (3) *Maximum percentage of coverage.* The following requirements shall apply:
 - a. Main and accessory buildings shall not cover more than 25 percent of the lot area on interior lots.
 - b. Not more than 30 percent of the lot area on corner lots.
 - c. Accessory buildings shall not cover more than 20 percent of the rear yard.
 - d. All other uses shall not cover more than 50 percent of the lot.
 - (4) *Maximum height.* Maximum height will be 35 feet or 2.5 stories, provided that the height regulations set out in section 62-187 are not broached.
 - (5) *Front yard setback.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
 - a. The minimum depth of the front yard shall be 30 feet for residential buildings, and 50 feet for all other buildings.
 - b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 30 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback already so established by the existing buildings. This regulation shall not require a front yard of greater depth than 40 feet.
 - (6) *Side yard setback.* The following requirements shall apply:
 - a. For buildings of more than one story, the minimum width of the side yard on all lots shall not be less than ten feet.
 - b. For dwelling and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street not less than 15 feet in case such lot is back-to-back with another corner lot, and 30 feet in every other case.
 - c. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - d. Churches and main and accessory buildings (other than dwellings and buildings accessory to dwellings), the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in article VI of this chapter.
 - (7) *Rear yard setbacks.* Rear yard setbacks shall be 20 feet or 20 percent of the lot depth.

(Code 1993, § 62-196; Ord. No. 1843, § 1(art. V, § 1), 2-14-1989; Ord. No. 2677, § 1, 4-14-2020)

Sec. 62-256. R-1B single-family residential district.

- (a) *General description.* The R-1B single-family residential district is established as a district in which the use of land is for single-family dwellings, yet providing for a somewhat higher density with basic restrictions similar to the R-1A single-family residential district. The development and continued use of this land for residential dwellings is encouraged and the encroachment of commercial and industrial use or any other use which would substantially interfere with the development of or continuation of this district as residential is prohibited. Any use which would generate traffic or create congestion on neighborhood streets other than

normal traffic which serves the residences on the street is discouraged. Encouraged are those uses, which, because of character or size, would not create additional requirements and costs for public services, which are in excess of such requirements and costs if the district were developed solely for residential dwellings.

(b) *Uses permitted.*

- (1) Single-family dwellings.
- (2) Public parks or playgrounds.
- (3) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
- (4) Elementary, junior or senior high school; or other schools, provided they have major street frontage as shown on the major street plan.
- (5) Home occupations, as defined and regulated by this article.
- (6) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d) of this section.

(c) *Uses permitted after review.* The following uses may be permitted after review by the planning commission in accordance with provisions in this article:

- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
- (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions in section 62-307.
- (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
- (4) Golf course, provided it has major street frontage as shown on the major street plan.
- (5) Library, provided it has major street frontage as shown on the major street plan.
- (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state/federal agency.
- (7) Bed and breakfast. For the purposes of these regulations on bed and breakfasts, the term "bed and breakfast" shall be defined as a use carried on in a structure designed for single-family occupancy which provides to the general public overnight accommodations and breakfast. Such use shall be permitted after review, subject to the following conditions:
 - a. Operator or host family must reside on the premises.
 - b. Bed and breakfast home may not have more than five units or host more than ten overnight guests at one time.
 - c. Guests must be within principal structure. Detached buildings and/or garage apartments may not be converted to guest quarters.
 - d. Provide one parking space per guest quarters plus two parking spaces per single-family dwelling unit. Parking requirements are not intended to destroy landscaping or damage the integrity of the dwelling; therefore, the planning commission may alter the parking space requirements if it is determined that sufficient parking can be provided to service the bed and breakfast.
 - e. Signs. One nonilluminated freestanding or wall-mounted sign not more than six square feet may be located on the site. Sign design, color and location shall not detract from the neighborhood and be in harmony with the neighborhood. The word "hotel" or "motel" shall not be allowed on sign. Any lighting for sign must be general or indirect lighting.

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- f. Guest may be provided breakfast by the host, but no other meal may be served. There will be no cooking in guest rooms.
 - (8) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.
 - (d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and specific yard (front, side, rear) definition found in section 62-1.
 - (1) *Minimum lot area.* The following requirements shall apply:
 - a. Minimum will be 4,500 square feet, except as specifically shown for churches; i.e., maximum percentage of possible building coverage, plus required off-street parking for that maximum building coverage, equals the minimum lot area required. No dwelling or use shall be constructed or commenced in an R-1B district which does not conform to the minimum lot size requirements.
 - b. For churches and main and accessory buildings (other than dwellings and buildings accessory to dwellings), the lot areas must be adequate to provide yard areas required by this section, plus the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The following requirements shall apply:
 - a. At the front building line, the frontage will be 50 feet.
 - b. When a yard has a double frontage, the front yard requirements shall be provided on both streets.
 - c. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size, may be a minimum of 45 feet at the street line.
 - d. A minimum lot width of 200 feet at the front building line for all churches, main and accessory buildings (other than dwellings and buildings accessory to dwellings), will be required.
 - (3) *Maximum percentage of coverage.* Maximum by all buildings shall not be greater than 35 percent.
 - (4) *Maximum height.* Maximum height will be no greater than 35 feet.
 - (5) *Front yard setback.* Front yard setback will be no less than 25 feet from the street right-of-way line.
 - (6) *Side yard setback.* The following requirements shall apply:
 - a. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of no less than five feet for dwellings of more than one story, except as provided in section 62-188. For unattached buildings of accessory use, there shall be a side yard of not less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than four feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.
 - b. For dwelling and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street side property line no less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - c. Churches and main and accessory buildings (other than dwellings and buildings accessory to dwellings) shall set back from all exterior and interior side lot lines a distance of no less than 30 feet.
 - (7) *Rear yard setback.* The following requirements shall apply:

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- a. Rear yard setback will be no less than 20 feet.
 - b. For buildings more than two stories in height, the minimum rear yard required hereby shall be increased by five feet for each additional story or fraction thereof.
 - c. There shall be a rear yard for a main building of no less than 20 feet or 20 percent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.

(Code 1993, § 62-197; Ord. No. 1843, § 1(art. V, §§ 2.1—2.4), 2-14-1989; Ord. No. 2022, § 1, 9-13-1994; Ord. No. 2620, § 1, 3-13-2018; Ord. No. 2677, § 2, 4-14-2020)

Sec. 62-257. R-1C existing single-family residential district.

- (a) *General description.* This is the least restrictive single-family residential district which is in a transition from residential to commercial. This district is designed as commercial or industrial on the comprehensive plan, but is not quite ready for commercial or industrial development. These R-1C districts shall consist of each and all of the single-family dwellings which were existing in the districts designated as commercial or industrial as the zoning ordinance came to be approved in July 1968.
- (b) (1) Once a dwelling is removed from a lot in this R-1C district, or the use of such structure or property ceases to be that of residential, the property shall have a zoning classification as designated on the zoning map of the city. Such property shall not be used for residential purposes again unless the property owner follows outlined procedures for amendment to the official zoning map and obtains proper approval.
- (2) Note: Previously conforming dwelling units destroyed by fire or any act of God may be rebuilt, provided that all aspects of the R-1B area regulations are met.

(Code 1993, § 62-198; Ord. No. 1843, § 1(art. V, § 2.5), 2-14-1989)

Sec. 62-258. R-2 two-family dwelling (duplex) district.

- (a) *General description.* This is a residential district to provide for a slightly higher population density, but with basic restrictions similar to the R-1A and R-1B districts. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element.
- (b) *Uses permitted.*
 - (1) Single-family dwellings.
 - (2) Two-family (duplex) residential dwellings.
 - (3) Public parks or playgrounds.
 - (4) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
 - (5) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.
 - (6) Home occupations, as defined and regulated by this article.

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- (7) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d) of this section.
- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in this article:
- (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage, as shown on the major street plan.
 - (5) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
 - (6) Child or day care homes, only as defined in section 62-1.
 - (7) Bed and breakfast. (Regulations as outlined in section 62-256(c)(7).)
 - (8) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.
- (d) *Area regulations.*
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. For each single-family dwelling and accessory building, there shall be a lot area of no less than 4,500 square feet.
 - b. For each two-family dwelling (duplex) and accessory building, there shall be a lot area of no less than 8,000 square feet.
 - c. A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases, a garage apartment shall be provided with the same lot area required by a single-family dwelling.
 - d. Where a lot has less area than herein required, and all boundary lines of that lot touch lands under other ownership on the effective date of the ordinance from which this article is derived, that lot may be used for any use permitted in the R-1A and R-1B single-family districts, except churches.
 - e. For churches and main and accessory buildings (other than dwellings and buildings accessory to dwellings), the lot areas shall be adequate to provide the yard areas required in the R-1B district under churches and the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The following requirements shall apply:
 - a. For single-family dwellings, or single-family dwellings and garage apartments, there shall be a minimum lot width of no less than 60 feet at the front building line. The lot shall abut on a street for a distance no less than 35 feet.
 - b. For two-family dwellings (duplexes), the minimum lot width shall be no less than 60 feet at the front building line. The lot shall abut on a street for a distance of no less than 45 feet.

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- c. All other uses shall have a minimum lot width of no less than 200 feet.
- (3) *Maximum percentage of coverage.* The following requirements apply:
- a. Main and accessory buildings shall not cover more than 30 percent of the lot area.
 - b. Accessory buildings shall not cover more than 20 percent of the rear yard.
 - c. All other uses shall not cover more than 50 percent of the lot area.
- (4) *Maximum height.* No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 62-187.
- (5) *Front yard setback.* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
- a. The minimum depth of the front yard shall be 25 feet for residential uses. All other uses shall have a minimum depth of the front yard of 50 feet.
 - b. If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of any greater depth than 40 feet.
 - c. When a yard has a double frontage, the front yard requirements shall be provided on both streets.
- (6) *Side yard setback.* The following requirements apply:
- a. *Interior.*
 - 1. For dwellings of one story, located on interior lots, there shall be a side yard on each side of the main building of no less than five feet. For dwellings of more than one story, and for garage apartments, except as heretofore provided in section 62-186, the setback shall be no less than eight feet.
 - 2. For unattached buildings of accessory use, there shall be a side yard of no less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line, when all parts of the accessory building are located no more than 50 feet from the rear property line.
 - b. *Corner.* For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of no less than 15 feet in case such lot is back-to-back with another corner lot, and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot.
 - c. *Church.* Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of no less than 25 feet.
- (7) *Rear yard setback.* The following requirements apply:
- a. For main buildings, other than garage apartments, there shall be a rear yard of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.
 - b. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet to the rear lot line.
 - c. Unattached buildings of accessory use may be located in the rear yard of a main building.

(Code 1993, § 62-199; Ord. No. 1843, § 1(art. V, § 3), 2-14-1989; Ord. No. 2022, § 1, 9-13-1994; Ord. No. 2620, § 1, 3-13-2018; Ord. No. 2677, § 3, 4-14-2020)

Sec. 62-259. R-3 multiple-family dwelling district.

- (a) *General description.* This is a residential district designed to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.
- (b) *Uses permitted.*
 - (1) Single-family dwellings.
 - (2) Two-family (duplex) residential dwellings, including garage apartments.
 - (3) Roominghouses or boardinghouses.
 - (4) Multiple-family dwellings, including condominiums, townhouses or apartments.
 - (5) Accessory buildings, including private garages, and uses customarily incidental to the primary use.
 - (6) Elementary, junior or senior high school; or other schools offering general education courses as generally offered in public schools, provided they have major street frontage as shown on the major street plan.
 - (7) Public parks or playgrounds.
 - (8) Home occupations, as defined and regulated by this article.
 - (9) Church, provided it has major street frontage as shown on the major street plan, and meets the minimum lot area requirements found in subsection (d) of this section.
- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with provisions in section 62-129:
 - (1) Lodges or other service institutions, provided they are located on a lot of at least one acre, and have major street frontage, as shown on the major street plan.
 - (2) Municipal uses; public buildings and public utilities, in conjunction with one of the other permitted uses, subject to screening provisions found in section 62-307.
 - (3) Plant nursery, provided no building or structure is maintained and no retailing is conducted in connection therewith.
 - (4) Golf course, provided it has major street frontage, as shown on the major street plan.
 - (5) Library, provided it has major street frontage, as shown on the major street plan.
 - (6) Group homes (as defined), provided they are licensed/controlled by the appropriate state or federal agency.
 - (7) Child/day care homes as defined in section 62-1.
 - (8) Mobile home/trailer court, allowed only if found to be in compliance with the requirements in subsection (e) of this section.

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- (9) Cottage house developments, provided they meet the development regulations in section 62-274(d). Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations.
- (d) *Area regulations.* The following requirements shall apply to all permitted uses. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
- There shall be a lot area of not less than 4,500 square feet for a single-family dwelling, no less than 8,000 square feet for a two-family dwelling, and no less than 8,000 square feet plus an additional area of no less than 2,000 square feet for each family that is more than two, occupying a dwelling.
 - There shall be a lot area of no less than 8,000 square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling, the lot area shall provide no less than 2,000 square feet more than is required for the two-family or multiple-family dwelling.
 - Where a lot has less area than herein required, and all boundary lines of that lot touch lands under other ownership on February 14, 1989, that lot may be used for any use, except churches, permitted in the R-1A and R-1A single-family dwelling district.
 - For churches and main and accessory buildings, other than dwellings and building accessory to dwellings, the lot areas shall be adequate to provide the yard areas required in the R-1B district under churches and the off-street parking areas required in section 62-469.
- (2) *Minimum lot frontage.* The following requirements apply:
- For single-family dwellings, or single-family dwellings and garage apartments, there shall be a minimum lot width of no less than 50 feet at the front building line. The lot shall abut on an open street a distance of no less than 35 feet.
 - For two-family dwellings (duplexes), the minimum lot width shall be no less than 60 feet at the front building line. The lot shall abut on an open street a distance of no less than 45 feet.
 - Multiple-family residential uses shall have a minimum lot width of 60 feet, plus an additional ten feet at the building line for each additional dwelling unit other than two. The lot width at the front building line shall not be required to be greater than 200 feet.
 - All other nonresidential allowed uses shall have a minimum lot width of not less than 100 feet.
- (3) *Maximum percentage of coverage.* The following requirements shall apply:
- Main and accessory buildings shall not cover more than 50 percent of the lot area.
 - Accessory buildings shall not cover more than 20 percent of the rear yard.
- (4) *Maximum height.* No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 62-187. There is no limit on multiple-family dwellings.
- (5) *Front yard setback.* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
- The minimum depth of the residential front yard shall be 25 feet. All other allowed uses shall be 35 feet.
 - If 25 percent or more of the lots on one side of the street between two intersecting streets are improved with buildings, all of which have observed an average setback line of greater than 25

feet, and no building varies more than five feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback already so established by the existing buildings. This regulation shall not require a front yard of greater depth than 40 feet.

- c. When a yard has double frontage, the front yard requirements shall be provided on both streets.
- (6) *Side yard setback.* All buildings shall be set back from street right-of-way lines to comply with the following side yard requirements:
- a. *Interior.*
 - 1. For dwellings located on an interior lot, a side yard of no less than five feet shall be provided on both sides of the main dwelling for the first story, and an additional three feet of side yard shall be provided for each additional story or part thereof.
 - 2. For unattached buildings of accessory use, there shall be a side yard of no less than five feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory building are located not more than 50 feet from the rear property line.
 - b. *Corner.* For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street right-of-way line of no less than 15 feet, in case the lot is back-to-back with another corner lot; and 25 feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - c. *Church.* Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than 35 feet.
- (7) *Rear yard setback.* For main buildings, other than garage apartments, there shall be a rear yard of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.
- (e) *Specific mobile home (trailer) court regulations.* The following requirements shall apply:
- (1) The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
 - (2) The proposed site shall be a minimum of 2.5 acres in size and shall contain no more than 12 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
 - (3) It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
 - (4) The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet from any solid fencing, screen planting or wall of six feet in height.
 - (5) The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height, or a screen planting which will attain at least a six-foot to eight-foot height at maturity.
 - (6) The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.

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- (7) The proposed site shall provide a connection for each mobile home stand to all public utilities (i.e., water, sewer, and other facilities necessary for the health, safety and general welfare of the public).
 - (8) All public utilities shall be underground in all courts.
 - (9) Trailer courts shall be planned in such a manner that no trailer, or related building, shall be located any closer than 15 feet to any side lot line.

(Code 1993, § 62-200; Ord. No. 1843, § 1(art. V, § 4), 2-14-1989; Ord. No. 2620, § 1, 3-13-2018; Ord. No. 2677, § 4, 4-14-2020)

Sec. 62-260. C-1 office district.

- (a) *General description.* This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood, closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided for in other commercial areas.
- (b) *Uses permitted.* Property/buildings in an office commercial district shall be used only for the following purposes:
 - (1) a. Barbershop and/or beauty shop.
 - b. Business college.
 - c. Cleaning/dyeing works.
 - d. Fraternal organizations.
 - e. Independent living options (retirement centers/elderly complexes).
 - f. Lodge halls.
 - g. Medical and/or dental clinics.
 - h. Museums.
 - i. Music conservatory.
 - j. Pharmacy.
 - k. Professional offices.
 - l. Public uses (i.e., fire station, community building, utility building, library, auditorium or municipal building).
 - (2) Nameplate and sign relating only to the use of the store and premises or to products sold on the premises.
 - (3) Accessory buildings and uses customarily incidental to the above uses.
 - (4) Any building used for any of the above enumerated uses may not have more than 40 percent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections (b)(1) through (3) of this section shall be stored or displayed outside of a building.
 - (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in subsection (d)(1) of this section.

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- (c) *Uses permitted after review (UPAR).* The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 63-187: child care centers (with stipulations). Any child care center authorized under this UPAR shall comply with the following provisions:
- (1) Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - (2) The child care center shall provide a minimum indoor space available for child care, of no less than 35 square feet per child exclusive of hallways, bathrooms, kitchen and space occupied by furniture not intended for children's use.
 - (3) The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height or said fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard free and keep children away from traffic, water and other dangers.
 - (4) The child care center shall meet city/county/state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and reinspections may occur during the licensing period. The interior and exterior of all buildings shall comply with the city building codes.
 - (5) The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard surface parking areas shall be required.
 - (6) A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. The minimum lot area for this district shall be no less than 12,000 square feet.
 - b. The minimum lot area for rezoning to a C-1 (office commercial district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The following requirements apply: The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage.* The following requirements shall apply: Main and accessory buildings shall not cover more than 50 percent of the lot area.
 - (4) *Maximum height.* The following requirements apply: No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 63-187 and section 63-189.
 - (5) *Front yard setback.* The following requirements apply: All buildings shall set back from the street right-of-way line to provide a front yard setback of no less than 25 feet in depth.
 - (6) *Side yard setback.* The following requirements apply:
 - a. On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each one foot of height, or 35 feet.

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- b. On a side of a lot adjoining the same commercial district only, there shall be no side yard setback required.
 - c. For those uses specified in section 62-189(3), those setback requirements will apply (i.e., one foot of side setback and rear setback for each two feet of height above 35 feet).
- (7) *Rear yard setback.* There shall be no rear yard setback requirements except in the following cases:
- a. Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
 - b. For those uses specified in section 62-189(3), those setback requirements will apply (i.e., one foot of rear setback and side yard setback for each two feet of height above 35 feet).
- (e) *Screening requirements.*
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as the screening does not interfere with the sight triangle clearance requirements at intersections.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along said lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
- (f) *Parking requirements.* Parking requirements shall follow those regulations set out in article VI of this chapter.
- (Code 1993, § 62-201; Ord. No. 1843, § 1(art. V, § 5), 2-14-1989)

Sec. 62-261. C-2 neighborhood convenience district.

- (a) *General description.* This commercial district is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.
- (b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the following conditions and restrictions:
 - (1) Any of the following uses shall be permitted:
 - a. Artist supplies and hobby shop.
 - b. Bakery shop.
 - c. Barbershop and beauty shop.
 - d. Bookstore.
 - e. Cleaning and dyeing works.
 - f. Clothing and wearing apparel shop.

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- g. Drugstore.
 - h. Financial institution.
 - i. Florist shop.
 - j. Gift shop.
 - k. Grocery store.
 - l. Jewelry store.
 - m. Laundry and dry cleaning pickup station.
 - n. Liquor store.
 - o. Medical and dental clinics.
 - p. Motor fuel sales only (not intended for service station operations).
 - q. Pharmacy.
 - r. Professional offices (not including animal clinics/hospitals, and only in specified zones).
 - s. Public uses (i.e., fire station, community building, utility building, library, auditorium or municipal building).
 - t. Self-service laundries.
 - u. Shoe repair shop.
 - v. Stockbroker.
 - w. Variety store.
- (2) Accessory buildings and uses customarily incidental to the above uses.
 - (3) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-259(d)(1)d.
- (c) *Uses permitted after review (UPAR)*. The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-129: child care centers (with stipulations). Any child care center authorized under this UPAR shall comply with the following provisions:
- (1) Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - (2) The child care center shall provide a minimum indoor space available for child care, of no less than 35 square feet per child exclusive of hallways, bathrooms, kitchen, and space occupied by furniture not intended for children's use.
 - (3) The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height or said fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard free and keep children away from traffic, water and other dangers.
 - (4) The child care center shall meet city/county/state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and reinspections may occur during the licensing period. The interior and exterior of all buildings shall comply with the city building codes.

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- (5) The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard surface parking areas shall be required.
- (6) A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply.
- The minimum lot area for this district shall be no less than 12,000 square feet.
 - The minimum lot area for rezoning to a C-2 (neighborhood convenience district) shall not be less than 50,000 square feet.
 - For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-469.
 - It is intended that the grouping of buildings and parking areas be designated to protect, insofar as possible, adjacent residential areas. In no case shall the design of any shopping area provide less than the following standards.
- (2) *Minimum lot frontage.* The following requirements shall apply: The minimum lot frontage for this district shall be no less than 100 feet.
- (3) *Maximum percentage of coverage.* The following requirements shall apply: Main and accessory buildings shall not cover more than 50 percent of the lot area.
- (4) *Maximum height.* The following requirements shall apply: No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 62-187 and section 62-189.
- (5) *Front yard setback.* The following requirements shall apply:
- All buildings shall set back from all street right-of-way lines to provide a front yard setback no less than 25 feet in depth.
 - If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (6) *Side yard setback.* The following requirements shall apply:
- On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each foot of height, or a minimum of ten feet.
 - On a side of a lot adjoining the same commercial district or another commercial district, there shall be no side yard setback required.
 - If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
- (7) *Rear yard setback.* There shall be no rear yard setback requirements except in the following cases: Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
- (e) *Screening requirements.* The following requirements shall apply:
- In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than

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- pedestrian traffic, as long as said screening does not interfere with the sight triangle clearance requirements at intersections.
- (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall, no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
- (f) *Bulk limitations; floor area ratio.* In no instance shall the total floor space of the structures in a C-2 district exceed the relationship of one to one (i.e., there must be provided one square foot of open space to each square foot of floor space in the structure).
- (g) *Parking requirements.* Parking requirements shall follow those regulations set out in article VI of this chapter.
- (Code 1993, § 62-202; Ord. No. 1843, § 1(art. V, § 6), 2-14-1989)

Sec. 62-262. C-3 general commercial district.

- (a) *General description.* This commercial district is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the central business district, or areas of mixed business enterprises. It will not normally be applied in the case of any new commercial areas.
- (b) *Uses permitted.* Property and buildings in a C-3 general commercial district may be used for the following purposes:
 - (1) a. Artist supplies and hobby shop.
 - b. Auditorium.
 - c. Bakery.
 - d. Bank.
 - e. Barbershops and beauty shops.
 - f. Bookstore.
 - g. Business college.
 - h. Bus terminal.
 - i. Child care centers (provided stipulations in section 62-261(c) are met).
 - j. Cleaning and dyeing works.
 - k. Clothing and apparel stores.
 - l. Commercial school or hall.
 - m. Communications.
 - n. Dance hall.
 - o. Department store.

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- p. Electrical repair shop.
 - q. Financial institutions.
 - r. Florist shop.
 - s. Fraternal organizations.
 - t. Frozen food locker.
 - u. Furniture store; repair and/or upholstery.
 - v. Funeral parlor or mortuary.
 - w. General offices.
 - x. Gift shop.
 - y. Grocery.
 - z. Hotel.
 - aa. Interior decorating store.
 - bb. Jewelry store.
 - cc. Key shop.
 - dd. Laundry/drycleaning pickup stations.
 - ee. Leather goods shop.
 - ff. Liquor store.
 - gg. Lodge halls.
 - hh. Medical/dental clinics/facilities.
 - ii. Messenger and telegraph service.
 - jj. Motel and motor inns.
 - kk. Motor fuel sales only (not intended for service station or mechanic operations).
 - ll. Museums.
 - mm. Music conservatory.
 - nn. Music, radio or television shop/repair.
 - oo. Nightclub.
 - pp. Nursery or garden supply store.
 - qq. Office supply.
 - rr. Pawn shop.
 - ss. Pet shop (not including veterinarian clinic/hospital).
 - tt. Pharmacy.
 - uu. Printing and stationery store.
 - vv. Professional offices.
 - ww. Research laboratories.

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- xx. Restaurant.
 - yy. Self-service laundry.
 - zz. Sewing machine repair.
 - aaa. Shoe repair shop.
 - bbb. Sign printing shop.
 - ccc. Sporting goods store.
 - ddd. Stock and bond broker.
 - eee. Tavern.
 - fff. Telephone and telegraph offices.
 - ggg. Theatre.
 - hhh. Toy store.
 - iii. Variety store.
 - jjj. Youth recreation center.
- (2) Any public buildings or uses, including fire stations, community buildings, utility buildings, libraries or municipal buildings.
 - (3) Accessory buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
 - (4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-259(d)(1)d.
- (c) *Uses permitted after review.* The following uses may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-129: New and/ or used automobile sales and/or service.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. There are no minimum lot area requirements.
 - b. The minimum lot area for rezoning to a C-3 (general commercial district) shall be no less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in article VI of this chapter.
 - (2) *Minimum lot frontage.* There are no minimum lot frontage requirements.
 - (3) *Maximum percentage coverage.* Main and accessory buildings shall not cover more than 90 percent of the lot area.
 - (4) *Maximum height.* There are no maximum height requirements.

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- (5) *Front yard setback.* There are no front yard setback requirements; provided, however, that if and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
 - (6) *Side yard setback.* There are no side yard setback requirements; provided, however, that if and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
 - (7) *Rear yard setback.* There are no rear yard setback requirements in this district, except where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
- (e) *Screening requirements.* The following requirements shall apply:
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as the screening does not interfere with the sight triangle clearance requirements at intersections.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along said lot line. The materials used in the construction of said screening shall be greatly compatible with the same materials used in the construction of the structure itself. Great care should also be exercised to provide for aesthetic compatibility of any adjacent businesses in the district. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
- (f) *Parking requirements.* Parking requirements shall follow those regulations set out in article VI of this chapter.
- (Code 1993, § 62-203; Ord. No. 1843, § 1(art. V, § 7), 2-14-1989; Ord. No. 2530, § 1, 2-24-2015)

Sec. 62-263. C-4 restricted commercial district.

- (a) *General description.* This commercial district is established for a high grade restricted commercial district removed from the central business district, along a thoroughfare, provided with adequate open space and parking.
- (b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below. It is intended that the grouping of buildings and parking areas be designed, insofar as possible, next to adjacent residential areas. In no case shall the permitted uses provide less than the standards outlined within.
 - (1) a. Artist supplies and hobby shop.
 - b. Bakery.
 - c. Barbershop and beauty shop.
 - d. Bookstore.
 - e. Business college.
 - f. Car wash.
 - g. Child care center (with stipulations as shown).

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- h. Cleaning and dyeing works.
 - i. Clothing and wearing apparel shops.
 - j. Dairy products store.
 - k. Delicatessen.
 - l. Department store.
 - m. Drugstore.
 - n. Financial institutions.
 - o. Florist shop.
 - p. Fraternal organizations.
 - q. Funeral parlor/mortuary.
 - r. Gasoline or filling station.
 - s. General offices.
 - t. Gift shop.
 - u. Grocery store.
 - v. Hardware store.
 - w. Health spa.
 - x. Independent living options (retirement centers/elderly complexes).
 - y. Jewelry store.
 - z. Key shop.
 - aa. Lawn mower repair shop.
 - bb. Laundry/dry cleaners pickup stations.
 - cc. Liquor store.
 - dd. Lodge halls.
 - ee. Medical/dental clinics.
 - ff. Museums.
 - gg. Music conservatory.
 - hh. New and used automobile sales and/or service.
 - ii. Pet stores.
 - jj. Professional offices.
 - kk. Restaurants.
 - ll. Retail furniture store.
 - mm. Self-service laundry.
 - nn. Sign printing shop.
 - oo. Shoe repair shop.

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- pp. Small engine repair.
 - qq. Sporting goods store.
 - rr. Stockbroker.
 - ss. Tailor shop.
 - tt. Variety store.
 - uu. Veterinarian clinic.
 - vv. Ambulance operations, office and garage (no mechanical work).
- (2) Accessory buildings and uses customarily incidental to the above uses.
 - (3) Any public buildings or uses, including fire stations, community buildings, utility buildings, library, auditorium or municipal building.
 - (4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown in section 62-259(d)(1)d.
- (c) *Uses permitted after review.* No current uses are listed as requiring review.
- (d) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. The minimum lot area for this district shall be no less than 12,000 square feet.
 - b. The minimum lot area for rezoning to a C-4 (restricted commercial district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches, and the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage.* Main and accessory buildings shall not cover more than 50 percent of the lot area.
 - (4) *Maximum height.* No building shall exceed 2.5 stories or 35 feet in height, except as provided in section 62-187 and section 62-189.
 - (5) *Front yard setback:* The following requirements shall apply:
 - a. All buildings shall set back from all street right-of-way lines to provide front yard setback no less than 25 feet in depth.
 - b. If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
 - (6) *Side yard setback:* The following requirements shall apply:
 - a. On a side of a lot adjoining a residential dwelling district only, there shall be a side yard setback of no less than one foot per each foot of height, or a minimum of ten feet.
 - b. On a side of a lot adjoining the same commercial district or another commercial district, there shall be no side yard setback required.

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- c. If and when motor fuel is sold in this district, fuel pumps may not be placed closer than 11 feet to any property line, nor closer than 15 feet to any building.
 - (7) *Rear yard setback.* There shall be no rear yard setback requirements except in the following cases: Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, rear yard, or combination thereof of no less than 20 feet.
 - (e) *Screening requirements.* The following requirements shall apply:
 - (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as said screening does not interfere with the sight triangle clearance requirements at intersections.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and said adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
 - (f) *Bulk limitations; floor area ratio.* In no instance shall the total floor space of the structure in a C-4 district exceed the relationship of one to one (i.e., there must be provided one square foot of open space to each square foot of floor space in the structure).
 - (g) *Parking requirements.* Parking requirements shall follow those regulations set out in article VI of this chapter.
- (Code 1993, § 62-204; Ord. No. 1843, § 1(art. V, § 8), 2-14-1989; Ord. No. 2080, § 1, 3-24-1998; Ord. No. 2530, § 1, 2-24-2015)

Sec. 62-264. C-5 highway commercial and commercial recreation district.

- (a) *General description.* This general commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the neighborhood convenience district.
- (b) *Uses permitted.*
 - (1) Any use permitted in the C-1, C-2, C-3 or C-4 commercial districts.
 - (2) Additional uses include:
 - a. Ambulance service, office and garage.
 - b. Amusement enterprises.
 - c. Automobile service station.
 - d. Boat sales.
 - e. Bowling alleys.
 - f. Building material store, retail and wholesale.

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- g. Bus terminal.
 - h. Drive-in theatre or restaurant, standard theatre.
 - i. Feed and fuel store.
 - j. Food stores.
 - k. Frozen food locker.
 - l. Furniture repair and upholstery.
 - m. Garden centers/stores.
 - n. Golf course, miniature or practice range.
 - o. Heating/plumbing sales and service.
 - p. Humane Society animal shelter.
 - q. Ice plant.
 - r. Key shop.
 - s. Kennels.
 - t. Motels or motor inns.
 - u. New and/or used automobile/truck sales and/or service.
 - v. New and used machinery sales and service.
 - w. Nightclubs.
 - x. Novelty shop.
 - y. Pawnshop.
 - z. Recreation center, private.
 - aa. Research laboratories.
 - bb. Roller skating rink.
 - cc. Storage warehouse.
 - dd. Tavern.
 - ee. Travel trailer park and sales.
 - ff. Veterinarian clinic and/or hospital.
 - gg. Wholesale distributing center.
- (3) Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.
 - (4) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration or traffic than those above.
 - (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-259(d)(1)d.
 - (6) Mobile home courts, in compliance with the following requirements:

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- a. The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
 - b. The proposed site shall be a minimum of 2.5 acres in size and shall contain no more than 15 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
 - c. It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
 - d. The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet solid fencing, screen planting or wall of six feet in height.
 - e. The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height or a screen planting which will attain at least six feet in height.
 - f. The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.
 - g. The proposed site shall provide a connection for each mobile home stand to all public utilities, i.e., sewer, water, and other facilities necessary for the health, safety, and general welfare of the public.
- (c) *Uses permitted after review.* No current uses are listed as requiring review.
- (d) *Area regulations.* The following requirement shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. The minimum lot area for this district shall be no less than 10,000 square feet.
 - b. The minimum lot area for rezoning to a C-5 (highway commercial district) shall not be less than 50,000 square feet.
 - c. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard area required in the R-1B district under churches and the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage.* Main and accessory buildings shall not cover more than 70 percent of the lot area.
 - (4) *Maximum height.* There is no current maximum height requirement for this district.
 - (5) *Front yard setback.* All buildings shall set back from all property lines no less than 50 feet to provide front yard setback.
 - (6) *Side yard setback.* On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.

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- (7) *Rear yard setback.* There shall be no rear yard setback requirements except in the following case:
Where a commercial building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof of no less than 20 feet.
- (e) *Screening requirements.* The following requirements shall apply:
- (1) In this district, a screening shall be required between any adjacent or adjoining residential district and any area of storage, parking, shipping or receiving of goods; or any other business activity other than pedestrian traffic, as long as said screening does not interfere with the sight triangle intersection clearance requirements.
 - (2) Where a service area for a building is adjacent to a street, screening shall be required between any area of storage, shipping or receiving of goods or refuse and the adjacent street.
 - (3) Screening shall consist of an opaque (solid) fence or wall no less than five feet high and no more than eight feet high. It shall be maintained in good condition along the lot line. The materials used in the construction of the screening shall be greatly compatible with the same materials used in the construction of the structure itself. Although the material is not required to be identical, the similarity should extend to color, proportion, style, texture, etc., sufficiently so as to be aesthetically compatible in nature.
- (f) *Parking requirements.* Parking requirements shall follow those regulations set out in article VI of this chapter.
(Code 1993, § 62-205; Ord. No. 1843, § 1(art. V, § 9), 2-14-1989; Ord. No. 2530, § 1, 2-24-2015)

Sec. 62-265. Planned unit development.

- (a) Planned unit development shall be permitted when, in the opinion of the planning commission, the following objectives are achieved:
- (1) To promote a flexible but unitary site development plan for residential development.
 - (2) To permit a clustering of dwelling units at appropriate gross densities for the preservation of existing landscape features and to promote the most efficient possible use of open space.
 - (3) To combine and coordinate building forms and building relationships within the planned unit developments.
 - (4) To encourage innovative development of smaller parcels of land that have been passed over.
 - (5) To ensure a quality of construction and public improvements commensurate with other quality development within the city.
 - (6) To provide a choice in the types of ownership, and community facilities available to existing and potential residents.
 - (7) To give the developer reasonable assurance of ultimate approval before investing in complete design development while providing the city with assurances that the project will retain the character envisioned at the time of approval.
- (b) The minimum area required to qualify for a planned unit development shall be one contiguous acre of land.
- (c) Planned unit development shall be subject to the following area regulations:

Requirements*	R-1B district	R-2 district	R-3 district	C-1 district
Individual lot, square feet	3,250	3,250	1,500	1,500

Minimum area in PUD per individual platted lot, square feet	6,000	4,000	1,500	1,500
Lot width, minimum, feet	20	20	20	20
Yards, minimum	None	None	None	None
Floor area ratio, maximum				
PUD	0.30	0.30	0.40	0.80
Individual lot	0.40	0.50	0.60	1.20
Maximum coverage of individual lot, percent	40	40	50	50

* These requirements apply to interior yards of a planned unit development only. All perimeter yards (yards that abut property not included in the development plat) are subject to area regulations of the base zoning district.

- (d) Before being placed on the planning commission agenda, the proposed planned unit development shall be reviewed by the planning department no less than 30 days prior to the date of the planning commission meeting. Such a review, or preapplication conference, shall be for the purpose of informing the city of the development concept and to familiarize the developer with the planned unit development process. At the conference, the developer shall submit a concept plan that clearly shows the following:
- (1) The general outlines of the interior roadway system and all existing rights-of-way and easements.
 - (2) The general extent, size and composition in terms of the total number of dwelling units and the approximate percentage allocation by dwelling unit type.
 - (3) A calculation of the residential density in dwelling units per gross acre including interior roadways.
 - (4) The interior open space system.
 - (5) Proposed treatment of the perimeter of the PUD.
- (e) The review by the planning department will include written comments to the applicant no later than two weeks after the preapplication conference. Planning department review will concern the following elements in the order that they are presented below:
- (1) The design must first provide for certain external factors of communitywide concern. This includes adherence to the general plan in relationship to major streets, designated open spaces, parkways and major drainage channels.
 - (2) The proposal shall meet the objectives as expressed in subsection (a) of this section.
 - (3) The design must be properly related to proposed and existing land uses of adjacent properties.
 - (4) The design shall give proper attention to internal detailing, including layout of streets, lots, and blocks that, at a minimum, reflect urban design principles of the city subdivision regulations.
- (f) The following materials shall be submitted with an application for a use permissible on review:
- (1) Site development plan and supporting maps.
 - a. The existing site conditions including contours at two-foot intervals, floodplains, watercourse, and existing vegetation.
 - b. Proposed lot lines and building lines.

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- c. The location and maximum floor area size of all existing and proposed buildings, structures, and other improvements including maximum height, density and types of dwelling units.
 - d. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system.
 - e. A general landscape plan indicating the treatment of materials used for private and common open spaces.
 - f. Proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as screens, fences and walls.
- (2) Written documents.
- a. A statement of specific planning objectives to be achieved by the planned unit development through the approach proposed by the applicant. Staff recommendations will, in part, reflect whether or not the proposed design effectively meets the stated planning objectives.
 - b. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structure; total amount of open space; and total amount of nonresidential construction.
- (3) Preliminary plat. The preliminary plat shall, at a minimum, incorporate urban design principles, and shall be presented separate from the required site development plan and supporting maps.
- (g) All plats and building plans submitted subsequent to the approval of a PUD shall be in substantial conformity to the approved site development plan. A plat or building plan shall be deemed in substantial compliance so long as the plat or plan does not involve a change of one or more of the following:
- (1) Violate any provision of this article.
 - (2) Vary any lot area as indicated on the preliminary plat by more than ten percent.
 - (3) Increase the ground area covered by buildings on any lot as depicted by the site development plan by more than five percent.
 - (4) Realign any street, sidewalk, or bicycle path.
 - (5) Change the location of any building or structure by more than ten feet in any direction.
- (h) Preliminary plats and approved site development plans for planned unit development shall become null and void if no final plat has been submitted for approval within 12 months after the date of enactment by the city council of the request for the use permissible on review.
- (i) If no development has occurred pursuant to the adopted final plat within 12 months after approval, the approved site development plan shall become null and void and approval of a new site development plan shall be required.

(Code 1993, § 62-206; Ord. No. 1843, § 1(art. V, § 10), 2-14-1989)

State law reference(s)—Planned unit developments, 11 O.S. § 43-110 et seq.

Sec. 62-266. I-1 light industrial district.

- (a) *General description.* The purpose of the I-1 light industrial district is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit nonindustrial uses. Because of the traffic generated and other objectionable influences created in this district, it is necessary to provide a buffer or setback area between this district and any other zoning district except I-2.

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(Includes OC, Rev. #2)

(b) *Uses permitted.*

- (1) Bottling works.
- (2) Building materials manufacturing, storage, distribution and pole yards.
- (3) Commercial trade and television transmitting antenna towers and other electronic equipment requiring outdoor towers, including antenna towers for the dispatching of private messages.
- (4) Compounding, processing and blending chemical products, but not including any materials which decompose by detonation.
- (5) Dairy products, products and distribution.
- (6) General and administrative offices incidental to permitted uses.
- (7) Machine shops and metal products manufacture and tool and dye shops, provided they do not include any of the following equipment: automatic screw machines, drop forges or riveting machines.
- (8) Mail order houses.
- (9) Manufacturing and assembling (or any combination of such processes), products from wood, cork, glass, leather, fur, plastic, felt and other textiles, but not including, as a principal operation, the processing of any raw materials.
- (10) Manufacturing and assembling electrical and electronic products and equipment.
- (11) Manufacturing, fabricating, assembling, repairing, storing and cleaning, servicing or testing any of the following materials, goods or merchandise: apparel clothing, jewelry, or optical goods.
- (12) Printing and binding plants.
- (13) Public utility distribution centers.
- (14) Research laboratories.
- (15) Warehouses and storage facilities.
- (16) Water filtration plants, pumping stations, reservoirs, and lift stations.
- (17) Any other manufacturing process or establishment which can operate in compliance with the aforementioned requirements.
- (18) Accessory uses incidental to and on the same zoning lots as a principal use.
- (19) Any public buildings or uses, inclusive of but not limited to fire stations, community buildings, utility buildings, libraries, auditoriums or municipal buildings.

(c) *Required development standards.*

- (1) No building shall be used for residential purposes except that a watchman may reside on the premises.
- (2) No retail sales or services shall be permitted except as incidental to or accessory to or associated with a permitted use.
- (3) No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the I-1 district.
- (4) No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the zoning lot on which the use is located.
- (5) No vibrations shall be detectable beyond the lot lines of the zoning lot on which the use is located.

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- (6) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
 - (7) The manufacture of flammable materials which produce explosive vapors or gases is prohibited.
 - (8) Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.
 - (9) No storage, manufacture or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than 200 feet from the boundary of any nonindustrial use district, and unless such storage shall be so screened by ornamental fencing or evergreen planting so that it cannot be seen by a person standing on ground level in the adjacent district; provided, however, that screening shall not be required in excess of seven feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.
 - (10) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- (d) *Uses permitted after review (UPAR).* The following use may be permitted after review by the city planning commission in accordance with the provisions contained in section 62-129: child care centers (with stipulations). Any child care center authorized under the UPAR shall comply with the following provisions:
- (1) Child care centers are not to be located in single-family dwellings which are the permanent residence (domicile) of the operator.
 - (2) The child care center shall provide a minimum indoor space available for child care of no less than 35 square feet per child, exclusive of hallways, bathrooms, kitchens and space occupied by furniture not intended for children's use.
 - (3) The child care center shall provide a minimum outdoor space of 75 feet per child which shall be enclosed by an opaque ornamental fence not less than 42 inches in height, or the fencing shall be in accordance with the appropriate screening requirements of the particular zoning district. This area must be hazard-free and keep children away from traffic, water and other dangers.
 - (4) The child care center shall meet city/county/state health requirements as to safety, design, facilities, equipment and licensing of the features. All child care centers shall be inspected by the state department of human services, city fire marshal, building inspectors, and the city planner, or their designees, prior to licensing, and other inspections may occur during the licensing period. The interior and exterior of all buildings shall comply with the city building codes.
 - (5) The child care center shall be operated in a manner that will not adversely affect property and other uses in the area. Parking for the leaving and picking up of children shall be required, so as not to interfere with the normal flow of traffic. Off-street hard-surface parking areas shall be required.
 - (6) A license shall be obtained from the state department of human services and all requirements relative to their standards must be adhered to.
- (e) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:
- (1) *Minimum lot area and use intensity.* There are no current minimum lot area requirements.
 - (2) *Minimum lot frontage.* There are no current minimum frontage requirements.
 - (3) *Maximum percentage of coverage.* Main and accessory buildings shall not cover more than 60 percent of the lot area.
 - (4) *Maximum height.* There are no current maximum height requirements.

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- (5) *Front yard setback.* All buildings shall set back from all property lines no less than 35 feet.
- (6) *Side yard setback.* The following requirements shall apply:
- a. When abutting another industrial district zoned lot, the side yard setback shall be no less than 25 feet.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
- (7) *Rear yard setback.* There are no current rear yard setback requirements.
- (f) *Parking requirements.* Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards; public utility buildings; contractor's equipment and lumber yards; research laboratories; business service establishments, such as blueprinting and printing and engraving; binding, publishing and issuing newspapers or other reading matter; soft drink bottling establishments; laundry and dry cleaning plants; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits and not otherwise specifically classified shall be provided with two parking spaces for each three employees or one space for each 500 square feet of floor space, whichever requires the greater number of spaces.
- (Code 1993, § 62-207; Ord. No. 1843, § 1(art. V, § 11), 2-14-1989; Ord. No. 1876, § 1, 2-25-1992; Ord. No. 2580, § 1(62-207), 10-11-2016)

Sec. 62-267. I-2 heavy industrial district.

- (a) *General description.* The purpose of the I-2 heavy industrial district is to provide a location for industries, which, by their nature, may create nuisances. The intent is to preserve this land especially for industry, in locations with access to major streets as designated on the major street plan, as well as locations generally accessible to railroad transportation. Because of the nuisances or other objectionable influences that may be created in this district, it is necessary to provide a buffer or setback strip between this district and other zoning districts, except I-1.
- (b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the following conditions or restrictions:
- (1) Any use permitted in the I-1 light industrial district, including:
 - a. Automobile wrecking and junkyards, provided they are enclosed throughout the entire perimeter by a solid fence not less than eight feet in height.
 - b. Blacksmiths, tinsmiths and sheet metal shops.
 - c. Bulk fuel sales and storage.
 - d. Canning or preserving factories.
 - e. Coal storage plants.
 - f. Heavy machinery rental, sales and service.
 - g. Machine/welding shops.
 - (2) Manufacturing, fabricating, assembling, repairing, storing, cleaning, servicing or testing any of the following materials, goods or merchandise:
 - a. Beverages (nonalcoholic), processing and bottling.
 - b. Building materials specialties.

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- c. Compounding or processing, blending, packaging or storing of chemical products, but not including any products which decompose by detonation.
 - d. Cosmetics and toiletries.
 - e. Drugs and pharmaceutical products.
 - f. Electrical and acoustic products and components.
 - g. Food products (except fish, sauerkraut, vinegar and yeast).
 - h. Furniture.
 - i. Glass products.
 - j. Ice, dry and natural.
 - k. Medical laboratory supplies, equipment and specialties.
 - l. Metal products and utensils.
 - m. Musical instruments.
 - n. Paper products, including boxes and containers.
 - o. Radio, phonograph recorder and television sets and parts.
 - p. Textiles.
 - q. Toys and children's vehicles.
 - r. Trailers and carts.
 - s. Wood products, including boxes and containers.
- (3) Monument stone cutting.
 - (4) Motor freight terminals.
 - (5) Pattern shops.
 - (6) Printing plants.
 - (7) Processing of meat and vegetable products, including animal slaughter.
 - (8) Soldering and welding shops.
 - (9) Sign painting.
 - (10) Spray painting and mixing.
 - (11) Railroad yards and switching areas, including loading and sleeping facilities for transient railroad labor.
 - (12) Any other industrial use provided it meets the standards in subsection (c) of this section.
 - (13) Any public buildings or uses, inclusive of but not limited to fire stations, community buildings, utility buildings, libraries, auditoriums or municipal buildings.
- (c) *Required development standards.* Any use constructed, established, altered, or enlarged in the I-2 heavy industrial district after February 14, 1989, shall be so operated as to comply with the following standards. No use already established on February 14, 1989, shall be so altered or modified as to conflict with, or further conflict with, the applicable standards established hereinafter for the I-2 heavy industrial district.
- (1) No building shall be used for residential purposes, except that a watchman may reside on the premises.

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- (2) No storage, manufacture, or assembly of goods shall be conducted outside of a building unless the nearest point of said activity is more than 200 feet from the boundary of any nonindustrial use district, and unless such storage shall be so screened by ornamental fencing or evergreen planting that it cannot be seen by a person standing on ground level in the adjacent district; provided, however, that screening shall not be required in excess of seven feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times.
 - (3) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district.
 - (4) All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise, shall be carried on in such a manner as not to be injurious or offensive by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, odorous, glare, heat, fire or explosive hazards.
 - (5) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.
- (d) *Uses permitted after review.* No current uses are listed as requiring review.
- (e) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:
- (1) *Minimum lot area and use intensity.* There are no current lot area minimum requirements.
 - (2) *Minimum lot frontage.* There are no current minimum frontage requirements.
 - (3) *Maximum percentage of coverage.* Main and accessory buildings shall not cover more than 60 percent of the lot area.
 - (4) *Maximum height.* There is no current maximum height requirement.
 - (5) *Front yard setback.* All buildings shall set back from all property lines no less than 35 feet to provide front yard setback.
 - (6) *Side yard setback.* The following requirements shall apply:
 - a. When abutting another industrial district zoned lot, the side yard setback shall be no less than 25 feet.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
 - (7) *Rear yard setback.* There are no current rear yard setback requirements.
- (f) *Parking requirements.* Wholesale, manufacturing and industrial plants, including warehouses and storage buildings and yards; public utility buildings; contractor's equipment and lumber yards; research laboratories; business service establishments, such as blueprinting and printing and engraving; binding, publishing and issuing newspapers or other reading matter; soft drink bottling establishments; laundry and dry cleaning plants; fabricating plants; and all other structures devoted to similar mercantile or industrial pursuits and not otherwise specifically classified shall be provided with two parking spaces for each 500 square feet of floor space, whichever requires the greater number of spaces.

(Code 1993, § 62-208; Ord. No. 1843, § 1(art. V, § 12), 2-14-1989; Ord. No. 2580, § 1(62-208), 10-11-2016)

Sec. 62-268. H-1 health facilities district.

- (a) *General description.* The purpose of the H-1 health facilities district shall be to provide a separate location exclusively for medical and health facilities and related uses thereof.
- (b) *Uses permitted.* Property and buildings located in an H-1 health facilities district shall be used only for the following purposes:
 - (1) Dependent life care facilities (convalescent; nursing; rest homes).
 - (2) Hospital.
 - (3) Public health center.
 - (4) Sanatorium.
 - (5) Accessory buildings and uses customarily incidental to the above uses.
- (c) *Uses permitted after review.* Supporting facilities, necessary in conjunction with the existing health facility, may be permitted only after review by the city planning commission, as follows:
 - (1) Ambulance service.
 - (2) Artificial limbs and braces; sales and service.
 - (3) Barbershop and beauty shop.
 - (4) Dental laboratory or supply house.
 - (5) Drugstores.
 - (6) Hotel and motel.
 - (7) Medical clinic or dental clinic.
 - (8) Orthopedic appliance sales.
 - (9) Pharmacy.
 - (10) Restaurant.
 - (11) Nameplate or sign relating only to the use of the store and premises, or to products sold on the premises.
 - (12) Accessory buildings and uses customarily incidental to the above uses.

Any building used primarily for the above enumerated uses shall not have more than 40 percent of the floor area devoted to purposes incidental to the primary use. Stores, shops and businesses permitted under this section shall be retail establishments exclusively and shall be conducted entirely within an enclosed building.

- (d) *Area regulations.* All buildings and uses hereafter established or enlarged shall comply with the following requirements:
 - (1) *Minimum lot area and use intensity.* Minimum lot area for an H-1 health facilities district shall not be less than 50,000 square feet.
 - (2) *Minimum lot frontage.* There are no current requirements for minimum lot frontage.
 - (3) *Maximum percentage coverage.* The following requirements shall apply:
 - a. No more than 40 percent of floor space may be devoted to incidental uses.
 - b. There are no current other maximum coverage percentage requirements.

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- (4) *Maximum height.* There shall be no limit, except as heretofore provided in sections 62-187 and 62-189; and with the exception of one foot of setback per each two feet of height above 25 feet for the front, side and rear yards.
 - (5) *Front yard setback.* All buildings shall set back from all street right-of-way lines no less than 25 feet to provide front yard setback.
 - (6) *Side yard setback.* The following requirements shall apply:
 - a. When abutting another health facilities district zoned lot, the side yard setback shall be no less than one foot setback for each one foot in height.
 - b. On a side of a lot adjoining a residential dwelling district, there shall be a side yard setback of no less than one foot per each foot of height.
 - (7) *Rear yard setback.* There are no current rear yard setback requirements except as follows: Where a health facility building is to be serviced from the rear, there shall be provided an unobstructed alleyway, service court, rear yard or combination thereof, of not less than 20 feet.
 - (e) *Parking requirements.* The following requirements shall apply:
 - (1) Hospitals shall be provided with one parking space for each three patient beds, exclusive of bassinets, plus one space for each professional staff member, plus one space for each two employees (including nurses), plus adequate off-street space for loading and unloading emergency vehicles.
 - (2) Convalescent or nursing homes, sanitariums, asylums, orphanages and all other similar institutions shall be provided with one parking space for each six patient beds, plus one space for each staff or visiting doctor, plus one space for each two employees, including nurses, plus adequate off-street space for loading and unloading emergency vehicles.

(Code 1993, § 62-209; Ord. No. 1843, § 1(art. V, § 13), 2-14-1989)

Sec. 62-269. A-1 agricultural district.

- (a) *General description.* The A-1 agricultural district shall be established for several purposes: to provide for the continued use of land for predominantly agricultural purposes; to preserve undeveloped areas until they can feasibly be developed at urban standards but with adequate public safeguards of health, safety, etc.
- (b) *Uses permitted.* No buildings or uses hereafter shall be established or enlarged within the A-1 agricultural district, except as a building or use devoted to one of the following purposes:
 - (1) Agriculture, as defined in this article.
 - (2) Single-family dwellings.
 - (3) Churches and temples.
 - (4) Elementary schools and high schools.
 - (5) Golf courses, but not including golf driving ranges, pitch and putt courses or miniature golf courses.
 - (6) Parks and forest preserves, operated not-for-profit.
 - (7) Temporary buildings and uses for construction purposes only, and not for dwelling purposes nor for a period that exceeds the completion of the construction.
 - (8) Accessory buildings or uses incidental to the foregoing principal uses.
 - (9) Municipal or community recreation centers.

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- (10) Police or fire stations.
 - (11) Public buildings or buildings operated in the public interest by a not-for-profit corporation, including art galleries, post offices, libraries or museums.
 - (12) Public or not-for-profit auditoriums, stadiums, arenas, armories or sanitoriums.
 - (13) Public or private schools or colleges.
 - (14) Public utility and service uses, including electric substations, gas regulator stations, electric, gas, telegraph, telephone and water transmission metering and distribution equipment and structures, microwave relay towers, water reservoirs or pumping stations, and other similar facilities, subject to screening provisions in section 62-307.
- (c) *Uses permitted after review.* No current uses are listed as requiring review.
- (d) *Area regulations.* The following requirement shall apply to all uses permitted. All lots shall comply with the specific lot definition and yard definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The following requirements shall apply:
 - a. The minimum lot area for this district shall be no less than two acres.
 - b. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot areas shall be adequate to provide the yard area required in the R-1B district under churches, and the off-street parking areas required in section 62-469.
 - (2) *Minimum lot frontage.* The minimum lot frontage for this district shall be no less than 100 feet.
 - (3) *Maximum percentage of coverage.* Main and accessory buildings shall not cover more than 30 percent of the lot area.
 - (4) *Maximum height.* No buildings shall exceed 2.5 stories or 35 feet in height, except as provided in sections 62-187 and 62-189.
 - (5) *Front yard setback.* All buildings shall set back from all property lines no less than 60 feet to provide front yard setback.
 - (6) *Side yard setback.* The following requirements shall apply:
 - a. *Corner.* For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 30 feet in case such lot fronts the same as its adjacent lot.
 - b. *Interior.* The interior side yard setback shall be no less than 20 feet.
 - c. *Other.* The side yard setback shall be no less than 60 feet in every other case.
 - (7) *Rear yard setback.* The following requirements shall apply:
 - a. For main buildings, other than garage apartments, there shall be a rear yard of no less than 20 feet or 20 percent of the depth of the lot, whichever is smaller.
 - b. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet to the rear lot line.
 - c. Unattached buildings of accessory use may be located in the rear yard.

(Code 1993, § 62-210; Ord. No. 1843, § 1(art. V, § 14), 2-14-1989)

Sec. 62-270. Specific district regulations.

- (a) *General provisions.* This section establishes specific regulations which have limited application within the city in order to ensure additional considerations for areas of special interest, development sensitivity or particular value.
- (b) *Intent and purpose.* The purposes of this section are to:
 - (1) Provide a framework for the creation of special regulations.
 - (2) Provide categorization of all special regulations which may be adopted as a result of the enabling legislation provided herein.
 - (3) Provide guidelines for the application of all special regulations created to ensure conformity with the objectives of good planning and zoning practices.
- (c) *Application.* Special regulations may be adopted within this article and applied to designated areas within the city when the planning commission and city council find conditions or purposes within such areas merit special consideration in order to protect the health, safety and general welfare.
- (d) *Special area regulations.* Modification or changes to the regulations specified within the special regulations shall be subject to the provisions of the amendment procedure for the city zoning ordinance contained in section 62-129.

(Code 1993, § 62-211; Ord. No. 2026, § 1, 10-25-1994)

Sec. 62-271. Wyandotte Avenue corridor development.

- (a) *Creation.* There is hereby created the Wyandotte Avenue corridor development ("WA").
- (b) *Purpose.* The planning commission and city council find conditions and purposes within the Wyandotte Avenue corridor that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of special regulations created to ensure conformity with the objectives of good planning and zoning practices. Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from fire, panic, traffic and other dangers, and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan. The provisions of the Wyandotte Avenue corridor development district are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.
- (c) *General provisions and description.* The WA district and its regulations may be applied to property located within 1.5 blocks either side of Wyandotte Avenue (north and south) between Sixth Street and Strong Boulevard. More particularly, this area as described in the following platted blocks of the original plat of the city:
 - (1) Lots south of the East/West alley in blocks 399, 400, 401, 402 and 403.
 - (2) All of blocks 420, 421, 422, 423, 424, 449, 450, 451, 452 and 453.
 - (3) The north half of blocks 470, 471, 472, 473 and 474.

The WA district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations of the R-1B, single-family residential district, and C-3, general commercial district. The WA district is intended to be an overlay zoning district and the regulations imposed by such district

shall be in addition to the regulations of the underlying zoning district applicable to the subject property(ies) when developed in the underlying property zoning classifications.

(d) *Zoning districts allowed.* The following zoning district developments may be constructed without review:

- (1) R-1B and R-2 zoning districts.
- (2) Zoning districts allowed on portions of the WA district having frontage on Wyandotte Avenue: R-1B, R-2, C-1, C-2, C-3, and C-4.

The authorization of the underlying zoning districts shall be upon approval by the planning commission and the city council in accordance with the procedures for authorizing uses permitted after review in section 62-129. The provisions of the underlying R-1B, R-2, C-1, C-2, C-3 and C-4 zoning districts may be modified by the further stipulations of the WA development district.

(e) *Access allowance.*

- (1) *Land not having frontage on Wyandotte Avenue.* The residentially zoned lots and land not having frontage on Wyandotte Avenue shall have individual access to the public streets and alleys upon which they border as elsewhere provided in the zoning ordinance and any other applicable regulations of the city.
- (2) *Land having frontage on Wyandotte Avenue.* In accordance with the purpose of the WA district, provisions are made for access to lots and land having frontage onto Wyandotte Avenue, as follows: All lots developed as C-1, C-2, C-3 or C-4 shall have access designed to eliminate cross lane movement in either direction.

(f) *Request for closure of streets.* The closure of north/south streets may contribute to order in the traffic movements on Wyandotte Avenue through the lessening of the number of points of turning movements. To accomplish these purposes of the WA district either the city may close north/south streets in the WA district either permanently or temporarily. Such street closings may be accomplished at the request of private parties, or the planning commission after they have made a study of the traffic land use and other merits. In any closing of such streets, which shall involve a vacation of right-of-way the city may reserve an easement for various public purposes.

(g) *Landscaping requirements.* The landscaping requirements as outlined in this land development code are intended to be a part of the development plan for any commercial district proposed and shall be a part of the site plan as submitted for uses permitted after review.

(Code 1993, § 62-212; Ord. No. 2026, § 1, 10-25-1994)

Sec. 62-272. Wade Watts corridor development.

- (a) *Creation.* There is hereby created the Wade Watts Avenue corridor development district ("WW district").
- (b) *Purpose.* The planning commission and city council find conditions and purposes within the Wade Watts Avenue corridor that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to ensure conformity with objectives of good planning and zoning practices. Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from fire, panic, traffic and other dangers and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan. The provisions of the Wade Watts Avenue corridor development

district are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

- (c) *General provisions and descriptions.* The WW district and its regulations may be applied to property located within one block north of Wade Watts Avenue and one block south of Wade Watts Avenue between Strong Boulevard and George Nigh Expressway (Highway 69) except that lots south of the east/west alley in Blocks 454, 455 and 456 are excluded. More particularly, this area as described in the following platted blocks of the original plat of the city: all of Blocks 412, 413, 414, 415, 416, 417, 418, 419, 457, 458, 459, 460 and 461; and lots north of the east/west alley in Blocks 454, 455 and 456. The WW district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations of the R-1B (single-family residential) district, C-2 (neighborhood convenience commercial) district and C-5 (highway commercial and commercial recreation) district.
- (d) *Uses permitted.*
- (1) R-1B single-family residential when the underlying zoning is R-1B;
 - (2) C-2 neighborhood convenience commercial when the underlying zoning is C-2;
 - (3) C-5 highway commercial and commercial recreation when the underlying zoning is C-5.
- (e) *Uses permitted after review.*
- (1) a. Barbershop and/or beauty shop;
 - b. Medical and/or dental clinics;
 - c. Pharmacy;
 - d. Professional offices;
 - e. Public uses;
 - f. Financial institution;
 - g. Florist/gift shops;
 - h. Grocery store;
 - i. Motor fuel sales only (no service station);
 - j. Variety store;
 - k. Pet shop (not including veterinarian clinics);
 - l. Restaurant;
 - m. Self-service and/or full-service laundry;
 - n. Car wash;
 - o. Funeral facilities;
 - p. Carpet and floor covering sales, retail;
 - q. Any other small to medium sized commercial establishment consistent with the list of this subsection (e)(1) that provides shopping and service outlets for the convenience of the neighboring residential areas.
 - (2) Accessory buildings or uses customarily incidental to the allowed uses.
 - (3) Any public building or use.

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- (4) Churches, provided they have major street frontage as shown on the major street plan and meets requirement for off-street parking.
- (f) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with specific lot definition and definition found in section 62-1.
- (1) *Minimum lot area and use intensity.* The minimum lot area for this district shall not be less than 12,000 square feet. (The 50,000 square-foot requirement does not apply to this WW district.)
 - (2) *Minimum lot frontage.* The minimum lot frontage shall be not less than 75 feet.
 - (3) *Maximum percentage coverage.* Main and accessory buildings shall not cover more than 75 percent of lot.
 - (4) *Maximum height.* The maximum height shall be 2.5 stories.
 - (5) *Front yard setback.* The following requirements shall apply:
 - a. All buildings shall set back from the street right-of-way lines not less than 25 feet.
 - b. When motor fuel is sold in this district, fuel pumps shall be no closer than 11 feet to any property line, nor closer than 15 feet to any building.
 - (6) *Side yard.* The following requirements shall apply:
 - a. On any side, the lot adjoining a residential district, the side yard shall be a minimum of ten feet.
 - b. On any side that is adjoining this district or another commercial district there shall be no side yard setback required.
 - (7) *Rear yard.* When building will be serviced from the rear, a minimum of 20-foot setback shall be provided. Where there is no rear service, there will be no rear setback required.
- (g) *Exterior standards/visual appeal.* This development area has as its goal to promote a visual appealing environment. To accomplish this goal the following objectives are established and shall apply to all structures:
- (1) To implement quality building design and construction throughout this district, various exterior wall finishes will be considered by the planning commission and city council. Brick, vinyl, stucco, stone, wood and cosmetically equivalent exterior siding, etc., except no metal exterior walls may be visible from any street.
 - (2) To correct deteriorating areas and structures through their revitalization, redevelopment and/or screening.
 - (3) To develop signage that compliments to visual appeal of this district.
- (h) *Access allowance.*
- (1) *Land not having frontage on Wade Watts Avenue.* The residentially zoned lots and land not having frontage on Wade Watts Avenue shall have individual access to the public streets and alleys upon which they border as elsewhere provided in the zoning ordinance and any other applicable regulations of the city.
 - (2) *Land having frontage on Wade Watts Avenue.* In accordance with the purpose of the Wade Watts Avenue district, provisions are made for access to lots and land having frontage onto Wade Watts Avenue, as follows: The entrance and exit shall be so designed to discourage cross traffic on Wade Watts Avenue.
- (i) *Landscaping and screening.*

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- (1) *Purpose.* To provide a visually appealing and ecologically sound district and ensure the purpose of the WW corridor is accomplished.
 - (2) *Plan.* A landscape plan shall accompany any application within this district. The plan shall show the location, size, spacing and quality of all existing and proposed materials.
 - (3) *Buffer.* A landscape buffer will be provided between Wade Watts Avenue and all parking. The buffer shall be a minimum of four feet wide with grass and/or shrubs. All corner lots will maintain a 30-foot site triangle with no plant over two feet in height.
 - (4) *Screening.* Screening shall be required between any development that abuts any existing residential structure. The screen shall be constructed in such a way to be compatible with the proposed development and the abutting residential. Screening shall also be required to screen dumpsters and other trash receptacles from public streets and adjoining residential properties.

(Code 1993, § 62-213; Ord. No. 2195, § 1, 6-28-2005; Ord. No. 2218, § 1, 12-13-2005; Ord. No. 2350, § 1, 3-9-2010; Ord. No. 2586, § 1, 11-8-2016)

Sec. 62-273. Downtown and Old Town loft apartment overlay district.

- (a) *Creation.* There is hereby created the Downtown and Old Town loft apartment overlay district ("loft district").
- (b) *Purpose.* The planning commission and city council find conditions and purposes within the Downtown and Old Town loft apartment overlay district that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.
 - (1) Further, by adoption of these regulations the city council makes specific findings pursuant to chapter 34: Existing Structures of the 2009 International Building Code and this chapter that special regulations are necessary to secure safety from fire, panic, traffic and other dangers and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan.
 - (2) The provisions of the Downtown and Old Town loft apartment overlay district are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.
- (c) *General provisions and descriptions.* The loft district and its regulations may be applied to property located within the general boundaries of the district as described below:
 - (1) The Downtown loft district area includes the area defined by: West side of Main Street from Chickasaw to Carl Albert, North side of Carl Albert from Main Street to 5th Street, East side of 5th Street to Choctaw, South side of Choctaw from 5th Street to 3rd Street, East side of 3rd Street from Choctaw to Chickasaw, South side of Chickasaw from 3rd Street to West side of Main Street.
 - (2) Old Town loft district area includes the area defined by: East and west side of Main Street from 2600 North Main to the south side of East Smith Avenue.
 - (3) More particularly, this area as described: The Downtown loft district area includes the following platted lots and blocks of the original plat of the city:
 - a. Lots south of the east/west alley in blocks 318, 319 and 321 and lots 5, 6 and 7 in block 320.

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- b. Lots 4 and 5 in block 344; lots 1 through 7 in block 345; lots 7 through 11 in block 346; and all of blocks 347, 348, 349, 350, 359, 360, 361, 362, and 363.
 - c. All of blocks 378, 379 and 380, lots 1, 2, and 3 in block 393; lots 1, 2, S1, S2, S3, S4, B1, B2, B3, and B4 in block 394; and lots 1, 2, 3, and 4 in block 395.
- (4) The Old Town loft district area includes the following platted lots and blocks in North McAlester: Lots 9, 10, 11, 12, and 13 in block 101; lots 7, 8, 9, 10, and 11 in block 85A; and lots 13, 14, 15, 16, 17, 18, 19, 20 and 21 in block 118A; and lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in block 119.
 - (5) The loft district regulations and permitted uses may be applied to the above-described properties even though, and at the same time, the property is under the regulations of the C-3, general commercial district (R-3, multiple-family dwelling district for lots 4 and 5 in block 348).
 - (6) The loft district is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property when developed in the underlying property zoning classifications.
- (d) *Uses permitted.*
 - (1) C-3, general commercial district;
 - (2) R-3, multiple-family dwelling district for lots 4 and 5 in block 348 only; and
 - (3) Single-family, two-family and multiple-family residential dwellings on the upper stories of existing buildings.
 - (e) *Uses permitted after review.* Single-family, two-family and multiple-family residential dwellings on the ground floor or basement of existing buildings are allowed as a use permitted after review. The procedure for authorizing the uses permitted after review are set forth in section 62-129.
- (Ord. No. 2529, § 1, 2-10-2015)

Sec. 62-274. Cottage house development overlay district.

- (a) *Creation.* There is hereby created the cottage house development overlay district ("cottage district").
- (b) *Purpose.* The planning commission and city council find conditions and purposes within the cottage house development overlay district that merit special consideration in order to protect the health, safety, and general welfare of the city. The cottage house development regulations of this zoning code are intended to provide opportunities for individual ownership of small houses oriented around a courtyard or common open area and to promote the variety of housing choices to meet the needs of a population diverse in age, income, household composition, and individual needs. The cottage house development regulations support the growth management goal of more efficient use of residential land that encourages creation of more useable space for residents of the development through flexibility in density and lot standards. Cottage house developments are subject to the lot and building regulations that apply to detached houses in the subject zoning district, except as expressly modified by the cottage house development regulations of this section. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.
- (c) *General provisions and descriptions.* The cottage district and its regulations may be applied to property located within the general boundaries of the district as described below:
 - (1) West side of A Street to east side of West Street from south side of Cherokee Avenue to Kiowa Avenue, west side of Elm Street to east side of West Street from north side of Seneca Avenue to Kiowa Avenue.

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- (2) More particularly the area as described includes the following platted lots and blocks of the original plat of the city:
- a. All of blocks 433, 434, 435, 436, 437, 438, 439, 440, 441, 481A, 481B, 482, 483, 484, 523, 525, 526, 527, 528, 529, 530, 531, 533, 534, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 612, 613, 614, 615, 616 and 617, all in south McAlester.
 - b. Lots 3, 4, 5, 6, 7, and 8 in block 432; lots 2, 3, 4, 5, 6, 7, 8, and 9 in block 442; lots 1, 2, 3, 4, and 5 in block 485; lots 1, 3, 4, 5, and 6 in block 524; and lots 1, 2, 3, 4, 5, 6, 8, 9, and 10 in block 532, all in south McAlester.

The cottage district regulations and permitted uses may be applied to the above-described properties even though, and at the same time, the property is under the regulations of the R-1B single-family residential district or R-2 two-family residential district.

The cottage district is intended to be an overlay zoning district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations and permitted uses of the underlying zoning district applicable to the subject property when developed in the underlying property zoning classifications.

- (d) *Development standards.* A cottage house is a detached, single-family dwelling unit containing a maximum first floor area of 1,500 square feet and a maximum dwelling size of 2,100 square feet of gross floor area. A site plan for the proposed cottage house development shall be reviewed and found by the planning department to be in compliance with all applicable requirements of this section and this zoning code prior to the issuance of building permits for new construction within the development.
- (1) *Orientation.* Cottage houses must be oriented to, and have a main entry onto a courtyard or common open space area that is accessible by all residents in the cottage house development, provided that cottage houses on lots abutting minor streets must have their front building elevation facing the street, including a building entrance, with a second entrance facing a courtyard or common open space area.
 - a. Required courtyards and common open space areas must have cottage houses abutting on at least two sides.
 - b. All cottage houses must be located within 75 feet walking distance of a required courtyard or common open space area.
 - (2) *Development size.* Cottage house developments must contain at least four and no more than ten houses arranged around at least two sides of a courtyard or common open space, located on no less than one-half acre. The minimum lot area and use intensity requirements and the maximum percentage of coverage requirements that apply to detached houses in the subject zoning district are not required.
 - (3) *Common elements.* A unified, contiguous courtyard or common open space must be provided as the focal point of the cottage house development. The courtyard or common open space area must contain at least 250 square feet of common open space per cottage house.
 - (4) *Building setbacks.* All buildings within a cottage house development must comply with the minimum building setbacks from the exterior boundary of the development as follows:
 - a. Front yard setback will be no less than 25 feet from the street right-of-way line.
 - b. Side yard setback will be no less than five feet on interior lots and no less than 25 feet from the street right-of-way-line for corner lots.
 - c. No rear yard setback is required from an alley right-of-way line.

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- (5) *Building separation.* Minimum fire separation distances for exterior wall elements allowed by the adopted building code may be used where fire-sprinkler or minimum fire-rated exterior wall improvements have been made. In all other cases, buildings within a cottage house development must be separated by a minimum distance of ten feet.
 - (6) *Building coverage.* Individual cottage houses are subject to a maximum first floor area of 1,500 square feet and a maximum dwelling size of 2,100 square feet. Attached garages are counted in the calculation of first floor area, but covered porches and detached accessory buildings are not counted.
 - (7) *Vehicular access and parking.* Vehicular access to parking areas serving cottage houses within the development may come from the street, an alley or a private drive.
 - a. Required parking may be provided on each cottage house lot or in a shared parking area located within commonly owned space or in a combination of the two. Parking may not be located in street yards or in the required courtyard or common open space area.
 - b. Common parking areas containing four or more spaces must be screened from view of abutting residentially zoned lots in accordance with the screening fence or wall standards of section 62-459.
 - (8) *Street-facing facades.* The facades of buildings facing the street contribute to the neighborhood by including attractive design details such as windows, front doors and porches, siding and trim. All street facing facades of dwellings shall avoid blank walls and include a covered porch of at least 60 square feet, with a minimum dimension of six feet on any side, and one more of the following:
 - a. Windows, including bay windows;
 - b. Dormers;
 - c. Changes in exterior siding material or paint color.
 - (9) *Screening requirements.* Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping or fence not to exceed 36 inches in height to reduce the appearance of bulk or intrusion onto adjacent properties. Screening shall also be required to screen dumpsters and other trash receptacles from public streets and adjoining residential properties. Reasonable passageways within the screening may be allowed to encourage connections between parks, schools, and adjoining neighborhoods.
 - (10) *Maintenance.* The applicant shall prove to the city that there will be a suitable legally-binding system in place, such as a homeowner association agreements, to ensure proper maintenance and funding of shared facilities, such as shared parking areas, common open spaces, drives, alleys, and other improvements.

(Ord. No. 2614, § 1, 1-9-2018; Ord. No. 2677, § 5, 4-14-2020)

Sec. 62-275. Medical development overlay district.

- (a) *Creation.* There is hereby created the medical overlay district ("medical district").
- (b) *Purpose.* The planning commission and city council find conditions and purposes within the medical district corridor that merit special consideration in order to protect the health, safety, and general welfare of the city. The purpose of the medical district overlay is to allow for the concentration of medical facilities and related limited commercial and retail uses and a mix of complementary uses around the hospital in a campus like setting to enable the provision of a wide range of medical services to enhance the public's health, safety and general welfare.
- (c) *General provisions and descriptions.* The district and its regulations may be applied to the following:

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- (1) Property adjoining East Monroe Avenue from North 8th Street to North Strong Boulevard, East College Avenue from North Strong Boulevard to North 12th Street, North Strong Boulevard from East Monroe Avenue and/or East College Avenue to North Fillmore Avenue.
 - (2) More particularly the area as described includes the following platted lots and blocks of the original plat of the city:
 - a. All of Blocks 62, 63, 106, 107, 112, 113, 153, 154, 159, 200, 206, 207, 208, 209, 210, and 211, all in South McAlester;
 - b. Lots north of the east/west alley in Blocks 243, 244, 246, and 247, all in South McAlester; and
 - c. Lots south of the east/west alley in Block 212, all in South McAlester.
 - (d) *Uses permitted.* The medical district is intended to be an overlay zoning district and its regulations may be applied to the described properties even though, and at the same time, the property is under the regulations and permitted uses of the underlying zoning district.
 - (e) *Uses permitted after review.* Supporting facilities, necessary in conjunction with the existing surrounding health facilities, may be permitted only after review by the planning commission, as follows:
 - (1) Medical and healthcare uses including outpatient clinics, continuing/long term care services, hospice services, therapy services, ambulance service, laboratories, counseling centers, imaging centers, medical research facilities, medical/dental clinics.
 - (2) Medical staff facilities and similar uses, including and not limited to administrative offices, educational and meeting facilities.
 - (3) Cafeterias and food service within health care buildings and standalone restaurants or cafe.
 - (4) Childcare and adult care services, including respite care
 - (5) Health care related retail uses, including and not limited to pharmacy, florist/gift shops, medical supplies, prosthetics, equipment and/or appliance sales
 - (6) Short term residential uses dependent upon or directly related to medical care, including and not limited to, convalescent care, skilled nursing, group homes for the disabled, rest homes.
 - (7) Hotel, motel, guest house or similar short-term overnight accommodations
 - (8) Multi-family housing for healthcare staff and students
 - (9) Any other small to medium sized commercial establishment, consistent with the list of this subsection, that provides shopping and service outlets for the convenience of the neighboring H-1 health facilities district.
 - (f) *Area regulations.* The following requirements shall apply to all uses permitted. All lots shall comply with specific lot definition as found in section 62-1.
 - (1) *Minimum lot area and use intensity.* The minimum lot area for this district shall not be less than 12,000 square feet. (The 50,000 square-foot requirement does not apply to this medical district.)
 - (2) *Minimum lot frontage.* The minimum lot frontage shall be not less than 60 feet.
 - (3) *Maximum percentage coverage.* Main and accessory buildings shall not cover more than 75 percent of lot.
 - (4) *Maximum height.* The maximum height shall be two and one-half stories.
 - (5) *Front yard setback.* All buildings shall set back from all street right-of-way lines no less than 25 feet to provide front yard setback.

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- (6) *Side yard.* The following requirements shall apply:
- a. On a side of a lot adjoining a residential dwelling district, the side yard shall be a minimum of ten feet.
 - b. On any side that is adjoining another health facilities district zoned lot or another commercial district there shall be no less than one foot setback for each one foot in height.
- (7) *Rear yard.* When building will be serviced from the rear, a minimum of 20-foot setback shall be provided. Where there is no rear service, there will be no rear setback required.
- (g) *Special development standards.*
- (1) *Exterior standards/visual appeal.* This development area has as its goal to promote a visually appealing environment. Architectural plans for new development shall accompany any application within this district. The plan shall show the quality of proposed materials and development. To accomplish this goal the following objectives are established and shall apply to all structures:
 - a. To implement quality building design and construction throughout this district, various exterior wall finishes will be considered by the planning commission and city council. Brick, vinyl, stucco, stone, wood and cosmetically equivalent exterior siding, etc., except no metal exterior walls may be visible from any street. Building design should provide articulation to avoid long blank walls and a scale appropriate to the setting, there should be continuity of character and building materials throughout the development to enhance the campus setting.
 - b. To correct deteriorating areas and structures through their revitalization, redevelopment and/or screening.
 - c. To develop signage that compliments the visual appeal of this district.
 - (2) *Access allowance.*
 - a. *Primary access.* The development must have frontage and provide primary access onto either East Monroe Avenue, East College Avenue, or North Strong Boulevard.
 - b. *Land having frontage on Strong Boulevard.* In accordance with the purpose of the medical district, for access to lots and land having frontage onto Strong Boulevard the entrance and exit shall be so designed to discourage cross traffic on Strong Boulevard.
 - c. *Pedestrian connectivity.* A development shall include accessible pedestrian connections with sidewalks along the street. Special attention should be paid to crosswalks and connections between parking lots serving adjacent uses.
 - (3) *Landscaping and screening.*
 - a. *Purpose.* To provide a visually appealing and ecologically sound district and ensure that landscaping enhances the building architecture and any other on-site landscaping.
 - b. *Plan.* A landscape plan shall accompany any application within this district. The plan shall show the location, size, spacing and quality of all existing and proposed plants and materials.
 - c. *Buffer.* A landscape buffer and trees will be provided between public ways and all parking. The buffer shall be a minimum of four feet wide with grass and/or shrubs. Trees shall be planted a maximum of 30 feet on center and shall be a minimum of two-inch caliper measured four feet from ground level. All corner lots will maintain a 30-foot site triangle with no plant over two feet in height.
 - d. *Screening.* Screening shall be required as a buffer to adjacent residential districts to mitigate adverse noise, light, glare, and aesthetic impacts from new development. The screen shall be

constructed in such a way to be compatible with the proposed development and the abutting residential properties. Screening shall also be required to screen dumpsters and other trash receptacles from public streets and adjoining residential properties.

(4) *Standards for retail uses and eating and drinking establishments.*

- a. An outdoor seating/eating area may be included, provided the outdoor area is screened from residentially zoned properties.

(Ord. No. 2680 , § 1, 2-11-2020)

Secs. 62-276—62-292. Reserved.

12-220: R-1 SINGLE-FAMILY DWELLING DISTRICT:

The provisions of this section through section 12-225 of this chapter govern the R-1 single-family dwelling district. (Ord. 1057-2005, 3-7-2005)

12-221: GENERAL DESCRIPTION:

The R-1 single-family dwelling district is the most restrictive residential district. The principal use of land is for single-family dwellings and related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Ord. 1057-2005, 3-7-2005)

12-222: USES PERMITTED:

A. Property and buildings in an R-1 single-family dwelling district shall be used only for the following purposes:

Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage.

Bulletin board or sign, not exceeding sixteen (16) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, or sold.

Church.

Detached one-family dwelling.

General purpose farm or garden, and not the raising of livestock.

Tourist Home.

Home Occupations:

1. All home occupations shall be required to obtain a valid occupation license from the city and shall further comply with the following:

- a. No person other than members of the family residing on the premises shall be engaged in a home occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than twenty five percent (25%) of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- c. Exterior alterations or other visible evidence of the conduct of such home occupation which would detract from the residential character of the structure or premises shall be prohibited provided that one sign, not exceeding four (4) square feet in area, nonilluminated, and mounted flat against the wall of the principal building is allowed.
- d. No home occupation shall be conducted in any accessory building.
- e. There shall be no sales in connection with such home occupation.
- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interferences detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence.
- g. An annual fire safety inspection shall be requested of, and conducted by, the Tahlequah fire department.
- h. Family childcare homes as defined in this chapter shall constitute a home occupation and shall be restricted to the care of a maximum of seven (7) children, including those preschool children who reside in the home, and shall demonstrate evidence of licensing by the Oklahoma department of human services as a family childcare home operation. The care of those persons not residing in the home shall be for less than a twenty four (24) hour day.

Library.

Public park or playground.

Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping. (Ord. 1057-2005, 3-7-2005; amd. Ord. 1290-2019, 10-7-2019)

12-223: AREA REGULATIONS:

A. Front Yard: All buildings shall be set back from street right of way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty five feet (25');
2. For land and lots abutting a cul-de-sac the minimum depth of the front yard shall be twenty feet (20');
3. If twenty five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty five feet (25') and no building varies more than five feet (5') from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty feet (50');
4. In established districts if fifty percent (50%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line closer than twenty five feet (25') and no building varies more than five feet (5') from this average setback line, then minimum setback shall be as so established by the existing buildings; but in no case shall a front yard be less than ten feet (10');

5. When a yard has double frontage, the front yard requirements shall be provided on both streets; and

6. Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements shall be as indicated on plat. If setback lines are not indicated on plat there shall be a minimum setback of twenty five feet (25').

B. Side Yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five feet (5') and of not less than eight feet (8') for dwellings of more than one story, except as hereinafter provided in section 12-302 of this part. For unattached buildings of accessory use there shall be a side yard of not less than five feet (5');

2. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twenty five feet (25'). Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements from the intersecting street shall be as indicated on plat. If setback lines are not indicated on plat, there shall be a minimum setback from the intersecting street of not less than twenty five feet (25'). The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot; and

3. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than thirty five feet (35').

C. Rear Yard: There shall be a rear yard for a main building of not less than twenty feet (20') or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

D. Lot Width: For dwellings there shall be a minimum lot width of fifty feet (50') at the front building line, and such lot shall abut on a street for a distance of not less than thirty five feet (35').

E. Intensity Of Use:

1. For each dwelling, and building accessory thereto, there shall be a lot area of not less than six thousand (6,000) square feet;

2. Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any of the uses, except churches, permitted by this section; and

3. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking areas required in sections 12-310 to 12-316 of this part; provided, however, that the lot area for a church shall not be less than forty thousand (40,000) square feet.

4. Structures erected prior to the effective date hereof that are located on a lot that has less area than required by this section shall be permitted to be repaired or rebuilt to the same size after damage thereto or the destruction thereof by fire or other casualty. Rebuilt structures shall comply with all other area requirements.

F. Coverage: Main and accessory buildings shall not cover more than twenty five percent (25%) of the lot area on interior lots, and thirty percent (30%) of the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

G. Fences, Walls And Hedges: Fences, walls and hedges if not otherwise restricted herein, may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four feet (4') in height and no other wall or fence shall exceed six feet (6') in height, provided, however, that upon petition by the property owner, review and recommendation by the planning and zoning commission, and approval by the city council, this latter fence height may be extended to a height not to exceed eight feet (8'). To safeguard life or limb, health and public welfare no fence shall be constructed of barbwire, razor wire or like material.

H. Sight Triangle: On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth shall be maintained in "sight triangle" as defined in section 12-207 of this chapter. Chainlink fences that do not obstruct the view of motorist shall be permitted within the sight triangle. (Ord. 1057-2005, 3-7-2005)

12-224: HEIGHT REGULATIONS:

No building shall exceed thirty five feet (35') in height except as provided in section 12-303 of this part. (Ord. 1057-2005, 3-7-2005)

12-225: CONSTRUCTION REQUIREMENTS:

A. All structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

B. All footings for structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete. (Ord. 1057-2005, 3-7-2005)

12-230: R-2 TWO-FAMILY DWELLING DISTRICT:

The provisions of this section through section 12-236 of this chapter govern the R-2 two-family dwelling district. (Ord. 1057-2005, 3-7-2005)

12-231: GENERAL DESCRIPTION:

The R-2 two-family dwelling district is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element. (Ord. 1057-2005, 3-7-

2005)

12-232: USES PERMITTED:

A. Property and buildings in R-2 two-family dwelling district shall be used only for the following purposes:

Any uses permitted in R-1 single-family dwelling district.

Accessory buildings and uses customarily incidental to any of the uses permitted herein when located on the same lot.

Two-family dwelling or a single-family dwelling and a garage apartment.

Bed and breakfast.

(Ord. 1057-2005, 3-7-2005; amd. Ord. 1290-2019, 10-7-2019)

12-233: AREA REGULATIONS:

A. Front Yard: All buildings shall be set back from street right of way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty five feet (25');;

2. For land and lots abutting a cul-de-sac the minimum depth of the front yard shall be twenty feet (20');;

3. If twenty five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty five feet (25'), and no building varies more than five feet (5') from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty feet (40');;

4. In established districts if fifty percent (50%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line closer than twenty five feet (25') and no building varies more than five feet (5') from this average setback line, then minimum setback shall be as so established by the existing buildings; but in no case shall a front yard be less than ten feet (10');;

5. When a yard has double frontage, the front yard requirements shall be provided on both streets; and

6. Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements shall be as indicated on plat. If setback lines are not indicated on plat there shall be a minimum setback of twenty five feet (25').

B. Side Yard:

1. For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than five feet (5') and of not less than eight feet (8') for dwellings of more than one story and for garage apartments, except as hereinafter provided in section 12-302 of this part;

2. For unattached buildings of accessory use there shall be a side yard of not less than five feet (5');;

3. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twenty five feet (25'). Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements from the intersecting street shall be as indicated on plat. If setback lines are not indicated on plat, there shall be a minimum setback from the intersecting street of not less than twenty five feet (25'). The interior side yard shall be the same for dwellings and accessory buildings as for an interior lot; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than thirty five feet (35').

C. Rear Yard: For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty feet (20') or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten feet (10') to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

D. Lot Width: For single-family dwellings, two-family dwellings or single-family dwellings and garage apartments, there shall be a minimum lot width of fifty feet (50') at the front building line, and the lot shall abut on a street for a distance of not less than thirty five feet (35').

E. Intensity Of Use:

1. For each single-family dwelling and accessory buildings there shall be a lot area of not less than six thousand (6,000) square feet;

2. For each two-family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet. A lot for a garage apartment and a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases a garage apartment shall be provided with the same lot area required by a single-family dwelling;

3. Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any use, except churches, permitted in the R-1 single-family district; and

4. For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking area required in sections 12-310 to 12-316 of this part; provided, however, that the lot area for a church shall not be less than forty thousand (40,000) square feet.

5. Structures erected prior to the effective date hereof that are located on a lot that has less area than required by this section shall be permitted to be repaired or rebuilt to the same size after damage thereto or the destruction thereof by fire or other casualty. Rebuilt structures shall comply with all other area requirements.

F. Coverage: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

G. Fences, Walls And Hedges: Fences, walls and hedges if not otherwise restricted herein, may be permitted in any required yard or along the edge of any yard, provided that no fence, wall or hedge located in front of the front building line shall exceed four feet (4') in height and no other wall or fence shall exceed six feet (6') in height, provided, however, that upon petition by the property owner, review and recommendation by the planning and zoning commission, and approval by the city council, this latter fence height may be extended to a height not to exceed eight feet (8'). To safeguard life or limb, health and public welfare no fence shall be constructed of barbwire, razor wire or like material.

H. Sight Triangle: On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth shall be maintained in "sight triangle" as defined in section 12-207 of this chapter. Chainlink fences that do not obstruct the view of motorist shall be permitted within the sight triangle. (Ord. 1057-2005, 3-7-2005)

12-234: HEIGHT REGULATIONS:

No buildings shall exceed thirty five feet (35') in height, except as provided in section 12-303 of this part. (Ord. 1057-2005, 3-7-2005)

12-235: CONSTRUCTION REQUIREMENTS:

A. All structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

B. All footings for structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete. (Ord. 1057-2005, 3-7-2005)

12-236: LANDSCAPING REQUIREMENTS:

A. All new two-family dwellings built after the date of adoption hereof, shall have a postconstruction landscape which includes the presence of four (4) trees per lot and turf coverage throughout the entire lot; except for bedding areas mulched with organic material.

B. After construction of the two-family dwelling is complete, but before occupancy of the dwelling, it shall be unlawful for any developer or property owner to leave any lot associated with the new dwelling without the required trees and permanent vegetative ground cover.

C. Existing trees, trees present on the lot before development, shall count as two (2) trees for the purpose of this section and there shall be no prohibitions based on species.

D. No new trees shall be a species from the list of prohibited trees as found in subsection 12-1405B2 of this part. (Ord. 1232-2016, 6-20-2016)

12-240: R-3 MULTIPLE-FAMILY DWELLING DISTRICT:

The provisions of this section through section 12-246 of this chapter govern the R-3 multiple-family dwelling district. (Ord. 1057-2005, 3-7-2005)

12-241: GENERAL DESCRIPTION:

The R-3 multiple-family dwelling district is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses, which are functionally more compatible with intensive residential uses than with commercial uses, are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (Ord. 1057-2005, 3-7-2005)

12-242: USES PERMITTED:

A. Uses permitted in the R-3 multiple-family district are:

Any use permitted in an R-2 residential district.

Accessory buildings and uses customarily incidental to the uses permitted herein when located on the same lot.

Fraternity or sorority.

Multiple-family dwelling, apartment house.

Rooming or boarding house.

(Ord. 1146-2009, 7-6-2009; amd. Ord. 1290-2019, 10-7-2019)

12-243: AREA REGULATIONS:

A. Front Yard: All buildings shall be set back from street right of way lines to comply with the following front yard requirements:

1. The minimum depth of the front yard shall be twenty five feet (25');

2. For land and lots abutting a cul-de-sac the minimum depth of the front yard shall be twenty feet (20');

3. If twenty five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty five feet (25'), and no building varies more than five feet (5') from this average setback line, then no building shall be erected closer to the street line than the minimum setback

so established by the existing buildings; but this regulation shall not require a front yard of greater depth than fifty feet (50');

4. In established districts if fifty percent (50%) or more of the lots on one side of the street between two (2) intersecting streets are improved with buildings all of which have observed an average setback line closer than twenty five feet (25') and no building varies more than five feet (5') from this average setback line, then minimum setback shall be as so established by the existing buildings; but in no case shall a front yard be less than ten feet (10');

5. When a yard has double frontage, the front yard requirements shall be provided on both streets; and

6. Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements shall be as indicated on plat. If setback lines are not indicated on plat there shall be a minimum setback of twenty five feet (25').

B. Side Yard:

1. For dwellings located on an interior lot a side yard of not less than five feet (5') shall be provided on both sides of the main dwelling for the first story and an additional three feet (3') of side yard shall be provided for each additional story or part thereof. For unattached buildings of accessory use there shall be a side yard of not less than five feet (5');

2. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twenty five feet (25'). Land and lots platted prior to the effective date hereof for which setback lines are indicated on plat, minimum setback requirements from the intersecting street shall be as indicated on plat. If setback lines are not indicated on plat, there shall be a minimum setback from the intersecting street of not less than twenty five feet (25'). The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot;

3. Trailer courts shall be planned in such a manner that no trailer, or related building, shall be located closer than ten feet (10') to any side lot line; and

4. Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings and trailers, shall set back from all exterior and interior side lot lines a distance of not less than thirty five feet (35').

C. Rear Yard: For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty feet (20') or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten feet (10') to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

D. Lot Width: There shall be a minimum lot width of fifty feet (50') at the front building line for single-family and two-family dwellings, and ten feet (10') additional width at the front building line for each dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty feet (150'). A lot shall abut on a street not less than thirty five feet (35').

E. Intensity Of Use:

1. Single-Family Dwellings: There shall be a lot area of not less than six thousand (6,000) square feet for each single-family dwelling;

2. Two-Family Dwellings: There shall be a lot area of not less than seven thousand (7,000) square feet for each two-family dwelling;

3. Multiple-Family Dwellings: There shall be a lot area of not less than nine thousand (9,000) square feet for the first building plus an additional area of not less than two thousand (2,000) square feet for each dwelling unit containing more than one bedroom;

4. Single-Family Dwelling With Garage Apartment: There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling the lot area shall provide not less than two thousand (2,000) square feet for each family, more than is required for the two-family or multiple-family dwelling;

5. Lots With Less Area Than Required: Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this chapter that lot may be used for any use, except churches, permitted in the R-1 single-family dwelling district;

6. Churches And Main And Accessory Buildings: For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off street parking area required in sections 12-310 to 12-316 of this part; provided, however, that the lot area for a church shall not be less than forty thousand (40,000) square feet; and

7. Preexisting Structures: Structures erected prior to the effective date hereof that are located on a lot that has less area than required by this section shall be permitted to be repaired or rebuilt to the same size after damage thereto or the destruction thereof by fire or other casualty. Rebuilt structures shall comply with all other area requirements.

F. Coverage:

1. Single-family dwellings: Main and accessory buildings shall not cover more than thirty five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

2. Two-family dwellings: Main and accessory buildings shall not cover more than thirty five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

3. Multi-family dwellings: Main and accessory buildings shall not cover more than fifty percent (50%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

G. Fencing: The boundaries of any lot zoned under this district that adjoin or abut any other lot zoned for residential, commercial, or industrial use shall be fenced by a solid structure and shall meet the following requirements:

1. Height For One-Story Structures: Fence height shall be six feet (6') on all boundaries when the dwelling structures within the lot are not more than one story in height.

2. Height For Two-Story Or More Structures: Fencing heights shall be eight feet (8') on all boundaries when the dwelling structures within the lot are two (2) stories in height. Height may be reduced to six feet (6') if reviewed by the planning and zoning commission and approved by the city council.

3. Materials: Materials used for fence construction shall be of a type that is compatible with the general design and character of the surrounding residential area, shall be so described and identified on the site plan and shall be reviewed by the planning and zoning commission and approved by the city council.

4. Location:

a. Fences shall not be located within twelve feet (12') of the curb line of a public street.

b. Fences shall not be located in the "sight triangle" as defined in section 12-207 of this chapter.

c. Fences shall not be located within one foot (1') of a public right of way, a public walkway, or a public sidewalk.

d. Fences may be located on property lines, if not otherwise prohibited by the provisions of this section or any other part of this code.

5. Maintenance: It shall be the responsibility of the owner of the property to maintain and keep the fence in good repair. If the owner fails to maintain said fence the city will maintain and repair the fence and assess said cost to the owner by filing a lien against the property.

H. Sight Triangle: On any corner lot on which a front and side yard is required, no wall, sign, structure or any plant growth shall be maintained in "sight triangle" as defined in section 12-207 of this chapter. Chainlink fences that do not obstruct the view of motorists shall be permitted within the sight triangle. (Ord. 1123-2007, 12-3-2007)

12-244: HEIGHT REGULATIONS:

No buildings shall exceed forty five feet (45') in height, except as provided in section 12-303 of this part. (Ord. 1057-2005, 3-7-2005)

12-245: CONSTRUCTION REQUIREMENTS:

A. All structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

B. All footings for structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete. (Ord. 1057-2005, 3-7-2005)

12-246: LANDSCAPING REQUIREMENTS:

A. All new multiple-family dwellings, built after the date of adoption hereof, shall have a postconstruction landscape which includes the presence of one tree per five (5) parking spaces and turf coverage throughout the entire lot; except for bedding areas mulched with organic material.

B. After construction of the multiple-family dwelling is complete, but before occupancy of the dwelling, it shall be unlawful for any developer or property owner to leave any lot associated with the new dwelling without the required trees and permanent vegetative ground cover.

C. Existing trees present on the lot before development, shall count as two (2) trees for the purpose of this section and there shall be no prohibitions based on species.

D. No new trees shall be a species from the list of prohibited trees as found in subsection 12-1405B2 of this part. (Ord. 1232-2016, 6-20-2016)

12-250: C-1 NEIGHBORHOOD COMMERCIAL DISTRICT:

The provisions of this section through section 12-254 of this chapter govern the C-1 neighborhood commercial district. (Ord. 1057-2005, 3-7-2005)

12-251: GENERAL DESCRIPTION:

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, provisions for light, air, open space and off street parking are more than are provided in other commercial districts. (Ord. 1057-2005, 3-7-2005)

12-252: USES PERMITTED:

Property and buildings in a C-1 neighborhood commercial district shall be used only for the following purposes:

A. Any use permitted in an R-3 residential district.

B. Retail stores and shops supplying the regular and customary needs of the residents of the neighborhood and primarily for their convenience, as follows:

Antique shop.

Appliance store.

Artists' materials, supplies, studio.

Arts school, gallery or museum.

Automobile parking lot.

Baby shop.

Bakery goods store.

Bank.

Barbershop.

Beauty shop.

Book or stationery store.

Camera shop.

Candy store.

Catering establishment.

Cleaning, pressing, laundry agency, provided cleaning and pressing are not done on the premises.

Convenience store.

Curio or gift shop.

Dairy products or ice cream store.

Delicatessen.

Dress shop.

Drugstore or fountain.

Dry goods store.

Florist shop.

Furniture.

Grocery store or supermarket.

Hardware store.

Help yourself laundry.

Jewelry or notion store.

Lodge hall.

Marijuana dispensary.

Meat market.

Medical facility.

Messenger or telegraph service.

Musical instrument sales.

Newspaper or magazine sales.

Office business.

Office supply.

Optometrists' sales and service.

Paint and decorating shop.

Parking lot.

Pharmacy.

Photographer's studio.

Radio and television sales and service.

Restaurant.

Sewing machine sales, instruction.

Shoe repair shop.

Tailor shop.

Toy store.

Variety store.

C. Nameplate and sign relating only to the use of the store and premises or to products sold on the premises.

D. Accessory buildings and uses customarily incidental to the above uses.

E. A building used for any of the above uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in subsections A through D of this section shall be displayed or stored outside of a building.

F. All structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof shall have a minimum of forty percent (40%) masonry finish on the exterior of the entrance side of the structure and all other exterior sides of the structure which face a public right of way.

G. All structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

H. All footings for structures used for any of the uses listed in subsections A through D of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete.

I. Any business lawfully existing as of the effective date hereof used for any use other than the above enumerated uses shall be deemed a nonconforming use. Such a nonconforming use will be permitted to continue until voluntarily discontinued for a period of thirty (30) days or more.

(Ord. 1057-2005, 3-7-2005; amd. Ord. 1290-2019, 10-7-2019)

12-253: AREA REGULATIONS:

The area requirements for dwellings shall be the same as the requirements of the R-3 residential district. The following requirements shall apply to all other uses permitted in this district:

A. Front Yard: All buildings shall set back from the street right of way line to provide a front yard having not less than twenty five feet (25') in depth.

B. Side Yard: On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten feet (10'). There shall be a side yard setback from an intersecting street of not less than twenty five feet (25'). In all other cases there shall be no side yard requirements.

C. Rear Yard: There shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty feet (30'). Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

D. Paved Surfaces: All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

E. Landscaping And Maintenance: All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

F. Fencing: The boundaries of any lot zoned under this district that adjoin or abut any other lot zoned for residential use shall be fenced by a solid structure and shall meet the following requirements:

1. Height: Fence height shall be six feet (6').

2. Materials: Materials used for fence construction shall be of a type that is compatible with the general design and character of the surrounding residential area, shall be so described and identified on the site plan and shall be reviewed by the planning and zoning commission and approved by the city council.

3. Location:

a. Fences shall not be located within twelve feet (12') of the curb line of a public street.

b. Fences shall not be located within the "sight triangle" as defined in section 12-207 of this chapter.

c. Fences shall not be located within one foot (1') of a public right of way, a public walkway, or a public sidewalk.

d. Fences may be located on property lines, if not otherwise prohibited by the provisions of this section or any other part of this code.

4. Maintenance: It shall be the responsibility of the owner of the property to maintain and keep the fence in good repair. If the owner fails to maintain said fence the city will maintain and repair the fence and assess said cost to the owner by filing a lien against the property.

G. Sight Triangle: On any corner lot on which a front and side yard is required, no wall, sign, structure or any plant growth shall be maintained in the "sight triangle" as defined in section 12-207 of this chapter. Chainlink fences that do not obstruct the view of motorist shall be permitted within the sight triangle.

H. Obstruction Of View: No wall, fence, sign, structure or any plant growth shall be maintained so as to obstruct the view of motor vehicles entering or exiting the premises. (Ord. 1057-2005, 3-7-2005)

12-254: HEIGHT REGULATIONS:

No building shall exceed thirty five feet (35') in height, except as hereinafter provided in section 12-303 of this part. (Ord. 1057-2005, 3-7-2005)

12-260: C-2 GENERAL COMMERCIAL DISTRICT:

The provisions of this section through section 12-264 of this chapter govern the C-2 general commercial district. (Ord. 1057-2005, 3-7-2005)

12-261: GENERAL DESCRIPTION:

The C-2 general commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods. (Ord. 1057-2005, 3-7-2005)

12-262: USES PERMITTED:

A. Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

Any use permitted in a C-1 neighborhood commercial district.

Advertising signs or structures.

Ambulance service office or garage.

Amusement enterprises.

Auto body repair shop.

Automobile service station.

Bakery.

Boat sales.

Buildings, structures and uses accessory and customarily incidental to any of the uses permitted herein, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.

Bus terminal.

Carpenter and cabinet shop.

Childcare center.

Cleaning and dyeing works.

Clothing or apparel store.

Commercial school or hall.

Dance hall.

Department store.

Drive-in theater or restaurant.

Electric transmission station.

Feed and fuel store.

Frozen food locker.

Funeral parlor or mortuary.

Furniture repair and upholstery.

Gasoline and oil retail distributing plants.

Golf course, miniature or practice range.

Heating, ventilating, electrical or plumbing supplies, sales and services.

Hotel/motel.

Ice storage locker plant or storage house for food.

Interior decorating store.

Kennel.

Key shop.

Laboratories, research testing and experimental.

Liquor store.

Music, radio or television shop.

New and used machinery repairing if conducted wholly within a completely enclosed building and new and used automobile repairing for which there shall be no more than ten (10) automobiles being repaired or awaiting repair outside of a completely enclosed building. Up to four (4) of the ten (10) automobiles being repaired or awaiting repair outside of a completely enclosed building shall be allowed in front of the front building line and visible from adjoining streets or lots, all other automobiles being repaired or awaiting repair outside of a completely enclosed building shall be located behind the front building line and so screened by a solid fence that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of six feet (6') in height shall be required. This section shall not include automobile or machinery wrecking establishments or junkyards.

Nightclub.

Nursery/garden supply store.

Outdoor advertising signs.

Pawnshop.

Pet shop.

Printing shop.

Recreation center.

Research laboratories.

Roller skating rink.

Sign painting shop.

Small animal hospital.

Sporting goods store.

Stock and bond broker.

Storage warehouse.

Tavern.

Theater.

Toy store.

Trailer camp.

Used automobile sales.

Wholesale disturbing center

Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

B. No article or material stored or offered for sale in connection with uses permitted under subsection A of this section shall be stored or displayed outside the confines of building unless it is so screened by permanent ornamental walls or solid fence that it cannot be seen from adjoining lots when viewed by a person standing on ground level, provided, however, that no screening in excess of six feet (6') in height shall be required.

C. All structures used for any of the uses listed in subsection A of this section erected after the effective date hereof shall have a minimum of forty percent (40%) masonry finish on the exterior of the entrance side of the structure and all other exterior sides of the structure which face a public right of way.

D. All structures used for any of the uses listed in subsection A of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction.

E. All footings for structures used for any of the uses listed in subsection A of this section erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete.

(Ord. 1137-2008, 9-15-2008; amd. Ord. 1290-2019, 10-7-2019)

12-263: AREA REGULATIONS:

A. Dwellings: The area regulations for dwellings shall be the same as the requirements of the R-3 residential district.

B. Front Yard: All buildings shall set back from the street right of way line to provide a front yard having not less than twenty five feet (25') in depth.

C. Side Yard: On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten feet (10'). There shall

be a side yard setback from an intersecting street of not less than twenty five feet (25'). In all other cases there shall be no side yard requirements.

D. Rear Yard: Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty feet (30') in width. Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

E. Off Street Parking Requirements: Buildings shall be provided with a yard which is adequate to meet the off street parking requirements set forth in sections 12-310 to 12-316 of this part.

F. Paved Surfaces: All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

G. Landscaping And Maintenance: All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

H. Conformance With Area Regulations In Established Districts: In those cases where a building to be sited in conformance with these area regulations would create a situation of general nonconformance with the standards or norms as they relate to setbacks of existing adjacent buildings zoned for similar use, then upon petition to the planning and zoning commission and their recommendation to, and approval by, the city council, these regulations may be modified in a manner that maintains consistency with said norms and standards provided that such modifications are compatible with the need to protect the health, safety, and welfare of the public. (Ord. 1057-2005, 3-7-2005)

12-264: HEIGHT REGULATIONS:

The height regulations for dwellings and accessory buildings for dwellings shall be the same as those of the R-3 residential district. For other uses no height restrictions are required. (Ord. 1057-2005, 3-7-2005)

12-270: C-3 OPEN DISPLAY COMMERCIAL DISTRICT:

The provisions of this section through section 12-274 of this chapter govern the C-3 open display commercial district. (Ord. 1057-2005, 3-7-2005)

12-271: GENERAL DESCRIPTION:

A. This commercial district is intended to provide a location for the limited amount of merchandise, equipment and material being offered for retail sale, that because of the type of material or transportation requirements are suitable for display and storage outside the confines of an enclosed building. There will be more assembly or equipment and incidental activity than would prevail in the general commercial district. Persons of the community and the surrounding trade territory will require direct access.

B. However, the concentration of shoppers will be much smaller and visits less frequent than in the general commercial district. (Ord. 1057-2005, 3-7-2005)

12-272: USES PERMITTED:

A. Property and buildings in a C-3 open display commercial district shall be used only for the following purposes:

Any use permitted in a C-2 general commercial district.

Boat sales.

Campgrounds and RV Parks.

Farm implement and machinery, new and used, sales.

House trailer sales or manufactured home sales.

Metal and wood fencing, ornamental scrollwork and decorative wrought iron work and play equipment sales.

Monument sales.

New and used automobile sales.

New and used machinery sales.

Prefabricated house sales.

Trailers for hauling, rental and sales.

B. The above enumerated uses shall comply with the following provisions:

1. All open storage and display of merchandise, material and equipment shall be so screened by a solid fence that it cannot be seen by a person standing on ground level in an R residential or a C-1 or C-2 commercial district when located to the side or rear of the lot on which the open storage or display occurs; provided, however, that screening shall not be required in excess of six feet (6') in height. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall in addition to complying with the above screening requirements, be so screened by a solid fence or by permanent buildings that it cannot be seen from a public street;

2. All yards unoccupied with buildings or merchandise or used as trafficways shall be landscaped with grass and shrubs and maintained in good condition the year round;

3. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced

by continued use;

4. All servicing of vehicles carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building;

5. Driveways used for ingress and egress shall not exceed twenty eight feet (28') in width, exclusive of curb returns;

6. All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use;

7. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets, and shall not be of a flashing or intermittent type;

8. All structures used for any of the uses listed in subsection A of this section erected after the effective date hereof shall have a minimum of forty percent (40%) masonry finish on the exterior of the entrance side of the structure and all other exterior sides of the structure which face a public right of way;

9. All structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of conventional light frame wood construction, steel construction, or masonry construction; and

10. All footings for structures erected after the effective date hereof, other than those used for purposes as accessory buildings as defined in section 12-207 of this chapter, shall be of concrete. (Ord. 1057-2005, 3-7-2005; amd. Ord. 1310-2020, 10-19-2020)

12-273: AREA REGULATIONS:

A. Dwellings: The area regulations for dwellings shall be the same as the requirements of the R-3 residential district.

B. Front Yard: All buildings shall set back from the street right of way line to provide a front yard having not less than twenty five feet (25') in depth.

C. Side Yard: On the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten feet (10'). There shall be a side yard setback from an intersecting street of not less than twenty five feet (25'). In all other cases there shall be no side yard requirements.

D. Rear Yard: Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty feet (30') in width. Unattached buildings of accessory use may be located in the rear yard of a main building and shall not be located closer than five feet (5') to the rear property line or within any easement.

E. Off Street Parking Requirements: Buildings shall be provided with a yard which is adequate to meet the off street parking requirements set forth in sections 12-310 to 12-316 of this part.

F. Conformance With Area Regulations In Established Districts: In those cases where a building to be sited in conformance with these area regulations would create a situation of general nonconformance with the standards or norms as they relate to setbacks of existing adjacent buildings zoned for similar use, then upon petition to the planning and zoning commission and their recommendation to, and approval by, the city council, these regulations may be modified in a manner that maintains consistency with said norms and standards provided that such modifications are compatible with the need to protect the health, safety, and welfare of the public. (Ord. 1057-2005, 3-7-2005)

12-274: HEIGHT REGULATIONS:

The height regulations for dwellings and accessory buildings for dwellings shall be the same as those of the R-3 residential district. For other uses no height restrictions are required. (Ord. 1057-2005, 3-7-2005)

12-280: I-1 RESTRICTED LIGHT INDUSTRIAL DISTRICT:

The provisions of this section through section 12-284 of this chapter govern the I-1 restricted light industrial district. (Ord. 1057-2005, 3-7-2005)

12-281: GENERAL DESCRIPTION:

This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards. (Ord. 1057-2005, 3-7-2005)

12-282: USES PERMITTED:

A. Property and buildings in an I-1 restricted light industrial district shall be used only for the following purposes:

1. Any use, except a residential use, permitted in a C-3 open display commercial district. No dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-1 restricted light industrial district;

2. Any of the following uses:

Candy manufacturing.

Electrical equipment assembly.

Furniture manufacturing.

Greenhouse or nursery.

Instrument and meter manufacturing.

Jewelry and watch manufacturing.

Laboratories, experimental.

Laundry and cleaning establishment.

Leather goods fabrication.

Marijuana producer.

Optical goods manufacturing.

Paper products manufacturing.

Sporting goods manufacturing.

B. All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

(Ord. 1057-2005, 3-7-2005; amd. Ord. 1290-2019, 10-7-2019)

12-283: AREA REGULATIONS:

A. Front Yard: All buildings shall set back from the street right of way line to provide a front yard having not less than twenty five feet (25') in depth.

B. Side Yard: No buildings shall be located closer than twenty five feet (25') to a side lot line.

C. Rear Yard: No building shall be located closer than twenty five feet (25') to the rear lot line.

D. Coverage: Main and accessory buildings and off street parking and loading facilities shall not cover more than eighty percent (80%) of the lot area.

E. Landscaping And Maintenance: All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition. (Ord. 1057-2005, 3-7-2005)

12-284: HEIGHT REGULATIONS:

Where a lot adjoins a dwelling district the building shall not exceed forty five feet (45'), unless it is set back ten feet (10') from all front and side yard lines, plus an additional one foot (1') of setback for each foot of additional height above forty five feet (45') except as provided in section 12-303 of this part. In all other cases no height restrictions are required. (Ord. 1057-2005, 3-7-2005)

12-290: I-2 LIGHT INDUSTRIAL DISTRICT:

The provisions of this section through section 12-294 of this chapter govern the I-2 light industrial district. (Ord. 1057-2005, 3-7-2005)

12-291: GENERAL DESCRIPTION:

The I-2 light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes. (Ord. 1057-2005, 3-7-2005)

12-292: USES PERMITTED:

A. Property and buildings in an I-2 light industrial district shall be used only for the following purposes:

1. Any use permitted in the I-1 restricted light industrial district, but no dwelling use, except sleeping facilities required by caretakers or night watchmen employed on the premises, shall be permitted in an I-2 light industrial district;

2. Any of the following uses:

Building material sales yard and lumberyard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or transit mix plant.

Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

Freighting or trucking yard or terminal.

Marijuana processor.

Oil field equipment storage yard.

Public utility service yard or electrical receiving or transforming station.

Sale barn.

3. The following uses when conducted within a completely enclosed building:

a. The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

b. The manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;

c. The manufacturing of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

d. The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

e. Manufacture of musical instruments, toys, novelties, and rubber and metal stamps;

f. Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing;

g. Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons' rated capacity, drop hammers, and automatic screw machines;

h. Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

i. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like; and

4. Buildings, structures and uses accessory and customarily incidental to any of the above uses. The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

B. No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by a solid fence or wall that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level provided, however, that screening shall not be required in excess of six feet (6') in height.

(Ord. 1057-2005, 3-7-2005; amd. Ord. 1290-2019, 10-7-2019)

12-293: AREA REGULATIONS:

A. Front Yard: There are no specific front or side yard requirements for uses in this district.

B. Rear Yard: Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than fifty feet (50') in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

C. Off Street Parking: Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in sections 12-310 to 12-316 of this part.

D. Paved Surfaces: All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use. (Ord. 1057-2005, 3-7-2005)

12-294: HEIGHT REGULATIONS:

Where a lot adjoins a dwelling district the building shall not exceed forty five feet (45'), unless it is set back ten feet (10') from all front and side yard lines, plus an additional one foot (1') of setback for each foot of additional height above forty five feet (45') except as provided in section 12-303 of this part. In all other cases no height restrictions are required. (Ord. 1057-2005, 3-7-2005)

12-2100: I-3 HEAVY INDUSTRIAL DISTRICT:

The provisions of this section through section 12-2104 of this chapter govern the I-3 heavy industrial district. (Ord. 1057-2005, 3-7-2005)

12-2101: GENERAL DESCRIPTION:

The I-3 industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by this chapter. The intensity of uses permitted in this district makes it desirable that they be located downwind and separated from residential and commercial uses. (Ord. 1057-2005, 3-7-2005)

12-2102: USES PERMITTED:

A. Property and buildings in an I-3 heavy industrial district may be used for any use except the following:

1. All residential uses except sleeping facilities required by night watchmen and caretakers employed upon the premises;

2. All uses not complying with this chapter, or any other county, state, or federal regulation or law; and

3. All of the following uses until they have been studied by the planning commission and have received the express approval of the commission. The commission may require approval of the city or county health department, the state fire marshal and other state and county regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare.

Acid manufacture.

Cement, lime, gypsum or plaster of Paris manufacture.

Explosives manufacture or wholesale storage.

Gas manufacture.

Petroleum or its products, or the refining thereof.

Wholesale or bulk storage of gasoline, propane or butane, or other petroleum products.

B. Property and building in an I-3 heavy industrial district, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display or storage of material or equipment is so screened by a solid fence or wall that it cannot be seen from a public street or from adjacent lots when viewed by a person standing on ground level; provided, however, that no screening in excess of six feet (6') in height shall be required.

Automobile salvage or junkyard.

Building materials salvage yard.

Junk or salvage yard of any kind.

Scrap metal storage yard. (Ord. 1057-2005, 3-7-2005)

12-2103: AREA REGULATIONS:

A. Front Yard: There are no specific front or side yard requirements for uses in this district.

B. Rear Yard: Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty feet (30') in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

C. Parking: Buildings shall be provided with a yard area adequate to meet the off street parking requirements set forth in sections 12-310 to 12-316 of this part.

D. Paved Surfaces: All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use. (Ord. 1057-2005, 3-7-2005)

12-2104: HEIGHT REGULATIONS:

Where a lot adjoins a dwelling district the building shall not exceed forty five feet (45'), unless it is set back ten feet (10') from all front and side yard lines, plus an additional one foot (1') of setback for each foot of additional height above forty five feet (45') except as provided in section 12-303 of this part. In all other cases no height restrictions are required. (Ord. 1057-2005, 3-7-2005)

ARTICLE IX. RESIDENTIAL DISTRICTS

Sec. 48-435. Purpose.

The regulations for the residential zoning districts are designed to:

- (1) Protect the residential character of areas so designed from the noise, congestion and heavy traffic of commercial and industrial activities; and
- (2) Encourage a suitable environment for family life by providing for openness of living areas and permitting appropriate neighborhood facilities and compatible community facilities.

(Code 1990, § 12-271; Code 2010, § 12-271)

Sec. 48-436. R-1 Single-Family Residential Districts.

The R-1 districts are designed to provide quiet, low density areas for single-family living with related recreational, religious and educational facilities protected from all commercial and industrial activity.

(Code 1990, § 12-272; Code 2010, § 12-272)

Sec. 48-437. R-2 Combined Residential Districts.

The R-2 districts encourage similar basic restrictions of the R-1 districts and permit a quiet, slightly higher population density area for family living protected from all commercial and industrial activity.

(Code 1990, § 12-273; Code 2010, § 12-273)

Sec. 48-438. R-3 Multifamily Residential Districts.

The R-3 districts provide medium and high population density zone areas, containing a mixture of duplex, townhouse and multifamily dwellings along with limited home occupations and limited private and public community uses where lots are large enough for family living, but small enough to afford low development costs, economy of streets and utilities, and proximity to schools, churches and shopping.

(Code 1990, § 12-274; Code 2010, § 12-274)

Sec. 48-439. Uses permitted.

The permitted uses in the residential districts are set forth in the table below. Where the letter "X" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of this chapter. Where the letter "P" appears instead of the letter "X," this use is permitted subject to acquiring a conditional use permit.

Permitted Use	Zoning District		
	R-1	R-2	R-3

Adult day care facility (for developmentally disabled adults between 18 and 59 years of age, not for 24-hour care)	P	P	P
Apartment house			X
Apartment hotel			X
Arboretum or botanical garden	P	P	X
Boardinghouse or roominghouse			X
Cemetery; crematory; columbarium; mausoleum	P	P	P
Child care institution, other than day nursery			P
Church, synagogue or temple, including Sunday school facilities	P	P	X
Civil defense and related activities facility	P	P	P
College, junior college, not including trade school	P	P	X
Community center, public	P	P	X
Convalescent, maternity or nursing home		P	P
Dormitories			X
Electric regulation substation	P	P	P
Fire protection and related activities facility	P	P	P
Fraternity or sorority house			X
Gas pressure control station	P	P	P
Geriatric day care (for persons who due to age are unable to remain at their own home, excluding 24-hour care)	P	P	P
Golf course, excluding miniature and commercial driving range	P	P	P
Greenhouse, no products sold on premises	X	X	X
Historic marker	X	X	X
Home occupation, complying with home occupation provisions	X	X	X
Hospital, general			P
Hospital restricted to mental, narcotics or alcoholic patients; sanatorium			P
Library, private, nonprofit and public	P	P	P
Mobile home parks			P
Multiple-family dwelling			X
Museum or art gallery	P	P	P
Nursery school or day nursery	P	P	P
Nursery (trees and shrubs), no products sold on premises	P	P	P
Nursery (trees and shrubs), sale of products on premises	P		
Parish house, parsonage or rectory	X	X	X
Park, playground or tot lot, public	X	X	X
Petroleum pipeline or pressure control station	P	P	P
Police protection and related activities facility	P	P	P
Postal services facility	P	P	P
Public off-street parking lot	P	P	X
Radio transmitting station or tower other than amateur	P	P	P
Residential care facility (a 24-hour care facility for persons who do not require continuing licensed medical care)	P	P	P
Roominghouse or boardinghouse			X
School, elementary (public or equivalent private)	X	X	X
School, secondary (public or equivalent private)	X	X	X
Sewage pressure control station	P	P	P

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Single-family detached dwelling	X	X	X
Swimming pool, public	P	P	P
Telephone exchange station, relay tower	P	P	P
Television transmitting station or relay tower	P	P	P
Tennis courts, public	P	P	X
Townhouse			X
Truck gardens, no products sold on premises	X	X	X
Two-family dwelling		X	X
Utility rights-of-way	X	X	X
Water treatment plant, storage facility or pressure control station	P	P	P
Zoological garden, public	P	P	X

(Code 1990, §§ 12-275, 12-276; Code 2010, §§ 12-275, 12-276)

Sec. 48-440. Lot, yard and height regulations.

No lot or yard shall be established or reduced in dimension or area in any residential district that does not meet the minimum requirements set forth in the following sections. No building or structure shall be erected or enlarged that will cause maximum lot coverage or maximum height regulations to be exceeded for such district as set forth in the following sections.

(Code 1990, § 12-277; Code 2010, § 12-277)

Sec. 48-441. Area and height regulations for R-1 Single-Family Districts.

(a) The following area and height regulations for R-1 Single-Family Districts apply:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
9,000 square feet	70 feet	30%	35 feet	25 feet	5 feet interior lots 10 feet street side of corner lots	20% depth of lot

(b) All lots and improvements within the R-1 district shall meet the following requirements:

- (1) All lots shall have not less than 9,000 square feet of lot area, and not more than one principal building shall be placed on any one lot, except that not less than 12,000 square feet shall be required for uses other than single-family residences;
- (2) Each lot shall have a frontage of not less than 70 feet. The frontage of any wedge-shaped lot which meets the requirements of minimum lot size may be a minimum of 35 feet; provided the front building line on the lot shall be a minimum of 70 linear feet measured at an equal distance parallel to and from the front lot line;

- (3) Not more than 30 percent of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this subsection;
- (4) No improvement or structure shall exceed 35 feet in height above the mean elevation of the lot;
- (5) All structures shall have not less than a 25-foot front yard setback;
- (6) For a single-family dwelling of one story, the minimum width of the side yard shall be five feet for interior lot lines and ten feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten feet. For a principal building other than a single-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than 15 feet; and
- (7) A rear yard of 20 percent of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten feet to the rear lot line.

(Code 1990, § 12-278; Code 2010, § 12-278)

Sec. 48-442. Area and height regulations for R-2 Combined Residential Districts.

(a) The following area and height regulations for R-2 Combined Residential Districts apply:

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
6,000 square feet for single-family dwellings	50 feet for single-family dwellings	35%	35 feet	25 feet interior	5 feet	20% depth of lot
10,000 square feet for 2-family dwellings	80 feet for 2-family dwellings					10 feet street side of corner lots

- (b) All lots and improvements within the R-2 Combined Residential District shall meet the following requirements:
- (1) All lots shall have not less than 6,000 square feet for single-family dwellings and not less than 10,000 square feet for two-family dwellings and other uses, and not more than one principal building shall be placed on any one lot except as otherwise specified;
 - (2) Each lot shall have a frontage of not less than 50 feet for single-family dwellings and 80 feet for two-family dwellings and all other uses. The frontage of any wedge-shaped lot may be a minimum of 35 feet provided the width of the lot at the front building line on the lot shall be not less than that specified above;
 - (3) Not more than 35 percent of the lot area shall be covered with improvements. Paved areas are not considered improvements within the meaning of this subsection;
 - (4) No improvement or structure shall exceed 35 feet in height above the mean elevation of the lot within the approval of the board of adjustment;
 - (5) All structure shall have not less than a 25-foot front yard setback;

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- (6) For a single- or two-family dwelling of one story, the minimum width of the side yard shall be five feet for interior lot lines and ten feet for the side yard abutting the side street on a corner lot. For buildings of more than one story, the minimum width of the side yard on interior lot lines shall be not less than ten feet. For a principal building other than a single or two-family dwelling, the minimum width of the side yard shall be not less than the height of the building, but in no case less than 15 feet; and
- (7) A rear yard of 20 percent of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten feet to the rear lot line.

(Code 1990, § 12-279; Code 2010, § 12-279; Ord. No. 581, 11-4-1996)

Sec. 48-443. Area and height regulations for R-3 Multifamily District.

- (a) The following area and height regulations for R-3 Multifamily District apply.

Minimum Lot Area	Minimum Lot Frontage	Maximum % Coverage	Maximum Height	Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback
Duplex:						
10,000 square feet	60 feet	35%	35 feet	25 feet	5 feet	20%
Multifamily:						
10,000 square feet, plus 2,000 square feet for each unit over 2	100 feet	50%	35 feet 15 feet minimum	1 foot/1 15 feet minimum	1 foot/1 15 feet	20%

- (b) All lots and improvements within the R-3 Multifamily Residential District shall meet the following requirements:
- (1) All lots shall have an area of not less than 10,000 square feet for a two-family dwelling, or 10,000 square feet plus 2,000 square feet for each dwelling unit over two for multifamily dwellings. For uses other than dwelling purposes, the lot area shall not be less than 10,000 square feet except as otherwise specified;
 - (2) Each lot shall have a frontage of not less than 60 feet for two-family dwellings, and 100 feet for multifamily dwelling and all other uses. The frontage of any wedge-shaped lot may be a minimum of 35 feet provided the width of the lot at the front building line shall be not less than that specified above;
 - (3) Not more than 50 percent of the lot area shall be covered with improvements, except that a duplex shall not exceed 35 percent coverage. Paved areas are not considered improvements within the meaning of this subsection;
 - (4) No improvement or structure shall exceed 35 feet in height above the mean elevation of the lot;
 - (5) A minimum front yard setback of 25 feet shall be provided on all duplex dwellings. One foot of setback for each one foot of height shall be provided for all uses other than single-family and duplex, but not less than 15-foot front yard shall be provided;

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- (6) For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than 15 feet. One foot of setback for each one foot of height for all uses other than duplex shall be provided; and
 - (7) A rear yard of 20 percent of the depth of the lot shall be provided for the principal building. Unattached buildings of accessory use may be located in the rear yard of a main building; provided, however, that no accessory building shall be located closer than ten feet to the rear lot line.

(Code 1990, § 12-280; Code 2010, § 12-280)

Sec. 48-444. Accessory uses.

Accessory uses that are incidental to permitted uses in the residential districts are not detrimental to the adjacent property or character of the zone, including guesthouses, employee's quarters, private garages, barns and sheds, are permitted subject to the area and height regulations above. Accessory uses may include the following accessory signs, subject to provisions of section 48-445: bulletin boards, identification signs, nameplates, real estate signs and subdivision signs.

(Code 1990, § 12-281; Code 2010, § 12-281)

Sec. 48-445. Signs and billboards.

No signs, billboards, posters, bulletin boards, or other similar displays shall be permitted in the residential district except as follows:

- (1) Official public notices may be erected on affected property;
- (2) One non-illuminated nameplate not exceeding two square feet in area and not containing lettering other than the name of the owner or occupants or name or address of the premises may be erected on any single or two-family residential structures;
- (3) In an R-1, R-2, or R-3 district, a temporary bulletin board or sign not exceeding eight square feet in area, pertaining to the lease, hire or sale of a building or premises may be temporarily erected on any lot, which board or sign shall be removed as soon as the premises are leased, hired or sold, provided, however, that a temporary project sign not exceeding 160 square feet in area, pertaining to the lease or sale of lots or improvements within a subdivision may be temporarily erected within the subdivision upon a conditional use permit, which sign shall be removed as soon as 85 percent of the lots within the subdivision have been sold;
- (4) In any R-1 and R-2 district, one bulletin board may be erected on each street frontage of an educational, religious, institutional or similar use requiring announcement of its activities. The bulletin board shall not exceed 12 square feet in surface area nor 15 feet in height, and illumination, if any, shall be by constant light provided, however, up to 50 square feet may be permitted as a conditional use under the provisions of this chapter; and
- (5) In an R-3 district, one non-illuminated nameplate not exceeding 24 square feet in area, identifying the name and use of the premises may be erected on any structure other than a single- or two-family structure or an accessory building to such a structure.

(Code 1990, § 12-282; Code 2010, § 12-282)

Sec. 48-446. Townhouses.

The term "townhouse" means one of a series of two or more attached dwelling units, separated from one another by continuous, vertical party walls without openings from basement floor to the roof deck and tight against same or through the roof and which are intended to have ownership transferred in conjunction with a platted lot.

(Code 1990, § 12-283; Code 2010, § 12-283; Ord. No. 672, 6-7-2004)

Sec. 48-447. R-4 Townhouse Dwelling District.

The R-4 Townhouse Dwelling District is designed to provide areas for single-family attached units on individually platted lots, at a medium population density in addition to traditional single, duplex, and multifamily dwellings.

(Code 1990, § 12-284; Code 2010, § 12-284; Ord. No. 673, 6-7-2004)

Sec. 48-448. R-4 Townhouse permitted uses.

The following uses are permitted in the R-4 district:

- (1) Any use permitted in the R-3 and R-2 districts; and
- (2) A townhouse development.

(Code 1990, § 12-285; Code 2010, § 12-285; Ord. No. 673, 6-7-2004)

Sec. 48-449. R-4 Accessory uses.

Accessory buildings and uses customarily incidental to the general uses are permitted.

(Code 1990, § 12-286; Code 2010, § 12-286; Ord. No. 675, 6-7-2004)

Sec. 48-450. R-4 Conditional uses.

The conditional uses permitted for the R-3 district shall be permitted if authorized by obtaining a conditional use permit or if the planning commission has approved the site plan.

(Code 1990, § 12-287; Code 2010, § 12-287; Ord. No. 675, 6-7-2004)

Sec. 48-451. Area and height regulations for R-4 Townhouse Dwelling District.

The area and height regulations in the R-4 district for single-family, duplex, and multifamily dwellings shall be the same as those in the R-3 district. Area and height regulations for townhouse developments are:

- (1) Front yard: Minimum depth of front yard is 25 feet.
- (2) Side yard:
 - a. No side yard is required for interior lots;
 - b. No side yard is required for interior sides of end lots;

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- c. Minimum side yard on street side of corner lots is 15 feet; and
 - d. Minimum side yard for side of end lots abutting other property not contained in townhouse development is ten feet.
- (3) Rear yard:
- a. Minimum rear yard backing on a street is 25 feet;
 - b. Minimum rear yard not backing on a street is 15 feet.
- (4) Lot width:
- a. Minimum lot width at building line for interior lots is 17 feet;
 - b. Minimum lot width at building line for corner lots is 32 feet.
- (5) Intensity of use:
- a. Minimum land area for townhouse development is 4,000 square feet;
 - b. Minimum lot area for an individual townhouse lot is 2,000 square feet;
 - c. The total ground floor area for a townhouse development shall not exceed 50 percent of the land area of the townhouse development, excluding accessory buildings; and
 - d. The ground floor area for an individual lot shall not exceed 60 percent of the lot area.
- (6) Accessory buildings, not including garages, shall not cover more than 20 percent of the rear yard.
- (7) Open space: In each townhouse development of four or more, there shall be commonly owned and maintained open space in the amount of at least 350 square feet per dwelling unit. Each common open space which is provided to meet this requirement shall be at least 3,500 square feet in area and shall have at least one dimension of not less than 60 feet.
- (8) No building shall exceed 25 feet in height.
- (Code 1990, § 12-288; Code 2010, § 12-288; Ord. No. 674, 6-7-2001)

Secs. 48-452—48-470. Reserved.

ARTICLE X. COMMERCIAL DISTRICTS

Sec. 48-471. Purpose.

The regulations for the commercial districts are designed to:

- (1) Encourage stable and efficient commercial area to meet the needs for commercial goods and services of the trade area;
- (2) The adverse effects of commercial uses on other land uses; and
- (3) Provide opportunities for investment with development of residential area and thoroughfares.

(Code 1990, § 12-291; Code 2010, § 12-291)

Sec. 48-472. C-1 Office District.

The C-1 Office District is for the conduct of general and professional office and related activity to meet the needs of the community in such a manner as to avoid being offensive to a general neighborhood containing residential, religious, recreational and educational elements. It is intended that this district be located so as not to introduce traffic onto solely residential streets or become an intrusion into a residential district, but to serve as a buffer between residential and more intensive commercial activities.

(Code 1990, § 12-292; Code 2010, § 12-292)

Sec. 48-473. C-2 Convenience Commercial District.

The C-2 Convenience Commercial District is intended for a unified grouping in one or more buildings of retail shops and stores and personal services of limited size and service area that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods where retail shops and personal services are not otherwise readily available. It is intended that the suburban convenience center be developed as a unit with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening.

(Code 1990, § 12-293; Code 2010, § 12-293)

Sec. 48-474. C-3 Restricted Commercial District.

The C-3 Restricted Commercial District is established for major retail and service activity removed from the central business district with major thoroughfare access and adequate open space and parking.

(Code 1990, § 12-29; Code 2010, § 12-294)

Sec. 48-475. C-4 Planned Shopping Center District.

The C-4 Planned Shopping Center District is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the community. It is intended that the planned shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

(Code 1990, § 12-295; Code 2010, § 12-295)

Sec. 48-476. C-5 Automotive and Commercial Recreation District.

The C-5 Automotive and Commercial Recreation District is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusement and service establishments which serve the entire community but do not, and should not necessarily, locate in more restrictive commercial districts.

(Code 1990, § 12-296; Code 2010, § 12-296)

Sec. 48-477. C-6 General Commercial District.

The C-6 General Commercial District is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a wide variety of commercial uses in the older, developed, central business district; or areas of mixed business enterprises. It will not normally be applied in the case of new commercial areas.

(Code 1990, § 12-297; Code 2010, § 12-297)

Sec. 48-478. C-7 Restricted Central Business District.

The C-7 Restricted Central Business District is designed for the conduct of personal and business services and the general retail trade of the community. It is designed to accommodate a variety of commercial retail shops in the older, established central business district. It will not normally be applied in the case of new commercial areas, and restricted to a small, compact area.

(Code 1990, § 12-298; Code 2010, § 12-298)

Sec. 48-479. Uses permitted.

The permitted uses in the commercial districts are set forth in the table below. Where the letter "X" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to the general provisions of these zoning regulations. Where the letter "P" appears instead of the letter "X," this use is permitted subject to acquiring a conditional use permit.

Permitted Uses	Zoning District						
	C-1	C-2	C-3	C-4	C-5	C-6	C-7
Abstract company		X	X	X	X	X	
Advertising agency	X		X	X	X	X	X
Addressing, duplicating, mailing, mailing list, stenographic, telephone messages and similar office services	X		X	X	X	X	X
Air conditioning and heating, retail			X	X	X	X	
Aircraft parts, other than airframes or engines; sales, service, rental or repair						X	X
Ambulance service		X	X	X	X	X	
Amusement park, commercial			P	P	P		
Animal hospital serving household pets and similar small animals			P		P	P	
Antique store			X	X	X	X	X
Apparel and accessories store		X	X	X	X	X	X
Armature rewinding shop					X	X	
Armored car service					X	X	

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Artists or photographers studio, not including the processing of film for others		X	X	X	X	X	X
Auctioneer						X	
Auditorium or arena			X	X	X	P	P
Automobile accessory and supply store		P	X	X	X	X	X
Automobile and truck rental			X	X	X	P	
Automobile and truck sales (new and used) and service			X	X	X	P	
Automobile body shop and auto mechanic repair			P		X	P	
Automobile parking or storage, as a principal use			X	X	X	P	P
Automobile wash service, including self-service				P	P	P	
Automotive service station including minor body or motor repair or painting		P	X	X	X	X	
Automotive services station, not including minor body or motor repair or painting		P	X	X	X	X	
Baked goods, candy, bread, dairy and ice cream manufacturing						X	X
Bank	X		X	X	X	X	X
Bar			P	P	P	P	
Barbershop or beauty shop	X	P	X	X	X	X	X
Beer sales for consumption off the premises		X	X	X	X	X	
Beverages, nonalcoholic, manufacturing						X	
Bicycle store		X	X	X	X	X	X
Billiard or pool parlor			P	P	P	P	
Bingo parlor			P	P	P		
Blueprinting, photocopying and similar reproductive services	P	X	X	X	X	X	
Boardinghouse or roominghouse	P					P	
Boat and marine rental, repair, sales					X	X	
Bookstore, not including newsstand		X	X	X	X	X	X
Bottling works, all beverages			X		X	X	
Bowling alley				X	X	X	
Broadcasting or recording studio	P		X	X	X	X	X

Building supplies, including sale of lumber			X		X	X	
Bus station			X		X	X	
Camera and photographic supply store		X	X	X	X	X	X
Candy confection or nut store	X		X	X	X	X	
Carnival, circus or similar temporary amusement enterprise					X	X	
Carpentry, custom wood-working or furniture making			X		X	X	
Carpeting sales and services			X	X	X	X	
Carting, crating, express handling, moving or storage					X	X	
Caterer		X	X	X	X	X	
Child care institution, other than day nursery	P	P	X	X	X	X	
Church, synagogue or temple, including Sunday school facilities	X	X	X	X	X	X	
City or county jail	P		P		X	X	
City, county, school district, state or federal facilities	P	P	X	X	X	X	
Civil defense and related activities facilities	P	P	X	X	X	X	
Clinic, dental, medical or osteopathic, chiropractist, pharmacy	X	X	X	X	X	X	X
Clothing: custom dressmaking or altering for retail, including tailoring and millinery		X	X	X	X	X	X
Clothing, secondhand		P	X	X	X	X	
Cold storage plant					X	X	
College, junior college, professional school (public or equivalent private)	P		X	X	X	P	
Community center, public	P	P	X	X	X	X	P
Computing, data processing or similar service	P		X	X	X	X	X
Contractor (special trade) facilities other than office					P	P	
Convalescent, maternity or nursing home	P	P	P	P	P	P	
Costume shop	X		X	X	X	X	
Custom ceramic products, manufacturing						X	X
Dance hall					P	P	
Delivery service			X	X	X	X	

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Department store			X	X	X	X	X
Detective or protective service			X		X	X	X
City or county jail	P		P		X	X	
City, county, school district, state or federal facilities	P	P	X	X	X	X	
Civil defense and related activities facilities	P	P	X	X	X	X	
Clinic, dental, medical or osteopathic, chiropractist, pharmacy	X	X	X	X	X	X	X
Clothing: custom dressmaking or altering for retail, including tailoring and millinery		X	X	X	X	X	X
Clothing, secondhand		P	X	X	X	X	
Cold storage plant					X	X	
College, junior college, professional school (public or equivalent private)	P		X	X	X	P	
Community center, public	P	P	X	X	X	X	P
Computing, data processing or similar service	P		X	X	X	X	X
Contractor (special trade) facilities other than office					P	P	
Convalescent, maternity or nursing home	P	P	P	P	P	P	
Costume shop	X		X	X	X	X	
Custom ceramic products, manufacturing						X	X
Dance hall					P	P	
Delivery service			X	X	X	X	
Department store			X	X	X	X	X
Detective or protective service			X		X	X	X
Diaper service		X	X	X	X	X	
Direct selling organization			X	X	X	X	X
Disinfecting, deodorizing or exterminating service					X	X	
Drafting service	X		X	X	X	X	X
Dressmaker shop			X	X	X	X	
Drive-in restaurant not serving beer			P		X		
Driving school, private			X		X	X	
Drugstore or proprietary store		X	X	X	X	X	X
Dry cleaning and dyeing plant					X	X	
Dry cleaning, pickup and self-service		X	X	X	X	X	X
Dry goods store		X	X	X	X	X	X
Eating place other than drive-in, not serving beer (non-		X	X	X	X	X	

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alcoholic beverage) but providing dancing or entertainment							
Eating place other than drive-in, not serving beer or providing dancing or entertainment		X	X	X	X	X	X
Eating place other than drive-in, serving beer (non-alcoholic beverage) and providing dancing or entertainment		P	P	P	P	P	
Eating place other than drive-in serving alcoholic beverage		P	P	P	P	P	
Eating place other than drive-in, authorized to sell beer		P	P	P	P	P	P
Electric regulating substation	P	P	P	P	P	P	
Electric supplies			X	X	X	X	X
Employment service	X		X	X	X	X	
Farm equipment sales, service, rental, repair					X		
Feed and fertilizer sales				P	P		
Financial institution, other than pawnshop	P	P	X	X	X	X	X
Fire extinguisher service			X		X	X	
Fire protection and related activities facility	P	P	X	X	X	X	
Florist shop		X	X	X	X	X	X
Food locker plant					X	X	
Food store, including bakery (retail only)		X	X	X	X	X	X
Fraternal organization (including Class A Private Club)	P		P	P	P	P	
Freight depot, railroad or truck					P	P	
Freight forwarding service					X	P	
Funeral home, mortuary or undertaking establishment			X		X	P	
Fur repair and storage			X		X	X	X
Furniture and home furnishing, sales and repair		P	X	X	X	X	X
Garage or parking for commercial or public utility vehicles			P		X		
Garden supply store		X	X	X	X	X	X
Gas pressure control station	P	P	P	P	P	P	
Gasoline service station			X	X	X	X	
General merchandise store, general store		X	X	X	X	X	X
Glass shop		X	X	X	X	X	

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Gift, novelty or souvenir shop		X	X	X	X	X	X
Golf course, including commercially operated driving range or miniature golf course					X		
Golf driving range, commercial					X		
Greenhouse			X		X		
Gunsmith shop			X	X	X	X	X
Hardware store		X	X	X	X	X	X
Hat cleaning or repair shop		P	X	X	X	X	X
Health club			X	X	X	X	
Heating equipment					X	X	
Highway or street maintenance garage yard or similar facility					X		
Hobby shop			X	X	X	X	
Hospital, health center, institution for aged or children	P		P		X		
Hospital restricted to mental, narcotics or alcoholic patients; sanatorium			P		X		
Hotel or motel					X	P	
Household appliance store		X	X	X	X	X	X
Household moving and storage			P		X		
Ice cream store	X		X	X	X	X	
Ice vending establishment		X	X	X	X	X	
Institution, nonresidential		P	X	X	X	P	
Interior decorating shop			X	X	X	X	X
Janitorial services		P	X	X	X	P	
Jewelry sales and repair		X	X	X	X	X	X
Jewelry, watchmaking			X	X	X	X	X
Laboratory, research, development or testing	P		P		X		
Laundry, pickup station only		X	X	X	X	X	
Laundry plant					X		fck
Laundry, self-service		X	X	X	X	X	X
Leather goods or luggage store		X	X	X	X	X	X
Library: private non-profit and public other than branch	P	P	X	X	X	X	X
Limited price variety store		X	X	X	X	X	X
Linen supply or industrial laundry			X		X		
Liquor store		P	P	P	P	P	
Locksmith, key shop		X	X	X	X	X	X
Lumber				X	X	X	
Mail order house, catalog office or retail store			X	X	X	X	X
Mattresses, rebuilding and renovating					P		

Medical or dental and orthopedic appliances and supply			X	X	X	X	
Medical or dental clinic	X	X	X	X	X	X	X
Medical or dental laboratory	P		X	X	X	X	X
Mobile homes or travel trailers, sales and service			X	X	X		
Monument sales					P	P	
Motion-picture distribution and services					X	X	X
Motion-picture theater			X	X	X	P	
Motion-picture theater, drive-in					X		
Motorcycle sales			X	X	X	X	
Multi-family dwelling	P						
Museum or art gallery	P		X	X	X	X	X
Music, musical instruments or phonograph record store		X	X	X	X	X	X
Newspaper distribution station	X	X	X	X	X	X	X
Newspaper offices, print shop			X		X	X	X
Newsstand		X	X	X	X	X	X
Nursery school or day nursery [Amended 10-2-1995 by Ord. No. 571]	P	P	X	X	X	X	
Office equipment and supplies, retail sales, service, rental or repair			X	X	X	X	X
Offices, general	X	X	X	X	X	X	X
Offices of nonprofit membership association	X	X	X	X	X	X	X
Offices: professional and government	X	X	X	X	X	X	X
Oil field or oil well supplies					X	P	
Optician, optical laboratory/supplies	P		X	X	X	X	X
Optician or optometrist	X	X	X	X	X	X	X
Outdoor advertising plant					X	P	
Packing or crating service					X	P	
Paint, glass or wallpaper store			X	X	X	X	X
Parish house, parsonage or rectory	X		X	X	X	P	
Pawnshop			X	X	X	X	
Pet shop			X	X	X	X	
Petroleum pressure control station	P	P	P	P	P	P	
Phonograph, videotape and record shop	X		X	X	X	X	
Photofinishing service		X	X	X	X	X	X

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Physical and recreation center (indoor)	P	P	P	P	P	P	
Picture framing			X	X	X	X	X
Pipeline pressure control station	P	P	P	P	P	P	
Plumbing fixture, sales and service			X	X	X	X	P
Police protection and related activities facilities	P	P	X	X	X	X	
Postal service facilities	P	P	X	X	X	X	
Printing or publishing, including engraving or photoengraving			X	X	X	X	X
Private club (Classes B and C)	P		P	P	P	P	
Radio, television, photograph or other household electronics equipment store		X	X	X	X	X	X
Radio transmitting station or tower, other than amateur			X	X	X	P	X
Railroad passenger terminal					P		
Recreation center family or special			P	P	P	P	
Religious goods store		X	X	X	X	X	X
Repair service limited to equipment (wholesale is permitted use in the district in which the repair service is located)					X	P	
Rug cleaning or repair						X	
Sales, service, repair or rental of business machines			X	X	X	X	X
School, elementary (public or equivalent private)	X	X	X	X	X	X	
School (private), barber, beauty, business, commercial art, correspondence, stenographic, trade or vocational	X	X	X	X	X	X	
School, secondary (public or equivalent private)	X	X	X	X	X		
Sewage treatment plant	P	P	P	P	P		
Sewage pressure control station	P	P	P	P	P	P	
Sewing machine store		X	X	X	X	X	X
Shoe sales and repair		X	X	X	X	X	X
Sign painting			X		X	X	
Skating rink			X	X	X	P	
Solid waste disposal facilities	P	P	P	P	P	P	
Sporting goods sales		X	X	X	X	X	X

Stadium, arena or similar facility	P	P	P	P	P		
Stationery store		X	X	X	X	X	X
Storage, mini-warehousing			P		X		
Store selling architects', artists', or engineers' supplies and equipment or dental, medical or office supplies or equipment			X	X	X	X	X
Studio, photographic, musical, fine arts		X	X	X	X	X	X
Swimming pool, public	P	P	P	P	P	P	
Tailor shop			X	X	X	X	
Taxicab garaging and maintenance					X		
Taxicab stand or dispatching station	P	P	X	X	X	P	
Taxidermist			X	X	X	X	X
Telegraph transmitting or receiving station			X	X	X	X	X
Telephone exchange, including garage, shop or service facilities					X		
Television transmitting station or relay tower			P		X		
Tennis courts, public	P	P	P	P	P	P	
Tire recapping					X		
Tobacco store		X	X	X	X	X	X
Tool sharpening					X		
Toy store		X	X	X	X	X	X
Transportation ticket service			X	X	X	X	X
Travel arranging service			X	X	X	X	X
Truck sales			X	X	X	P	
Variety store		X	X	X	X	X	X
Vending machines sales, service, rental or repair					X	X	
Venetian blind cleaning						X	
Venetian blind sales and cleaning					X		
Veterinarian hospital with inside runs only			P		X		
Veterinarian hospital with outside runs					P		
Veterinarian, office only	X	X	X	X	X	X	X
Wallpaper shop	P	P	P	P	P	P	
Warehousing, inside storage only					X	X	
Warehousing, outside storage					X		

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Water filtration plant, pump station, elevated storage or reservoir	P	P	P	P	P	P	
Wholesale establishment, stock limited to floor samples			P		X	X	P
Wholesale establishment with stocks not limited to floor samples					P	P	
Wig shop			X	X	X	X	
Window cleaning service					X	X	X
Wrecker and related storage			P				

(Code 1990, §§ 12-299, 12-300; Code 2010, §§ 12-299, 12-300; Ord. No. 830, § 1, 9-8-2020)

Sec. 48-480. Lot, yard and height regulations.

- (a) No lot or yard shall be established or reduced in dimension or area in any commercial district that does not meet the minimum requirements set forth below. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such districts as set forth in the following table.
- (b) The following lot, yard and height regulations apply:

	C-1	C-2	C-3	C-4	C-5	C-6	C-7
Lot Regulations							
Minimum lot area (square feet) ¹	12,000	24,000 to 48,000	12,000	200,000	15,000	—	—
Minimum lot width at building line (feet) ²	100	100	100	300	150	—	—
Maximum lot Coverage (percent)	30	40	50	20	30	—	—
Yard Regulations (in feet)³							
Minimum front yard ⁴	50	50	50	50	50	—	—
Minimum rear yard ⁵	10	10	10	10	10	10	10
Minimum side yard ⁶	—	—	—	—	—	—	—
Height ⁷	35	35	35	35	35	35	35

In addition:

¹ = The lot area of lots in the commercial districts shall be not less than that as set forth above, provided that the area of any lot in a C-2 district shall not exceed 48,000 square feet. There are no lot area requirements in a C-6 district.

² = The width of lots in the commercial districts shall not be less than that set forth above. There are no minimum lot requirements in the C-6 district.

³ = The total building coverage of any lot shall not exceed that specified above, provided, however, that paving, landscaping, lighting fixtures, and similar improvements shall not be considered as a part of the total building coverage. There are no coverage requirements in the C-6 district.

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⁴= The front yard of any lot in the commercial districts shall be not less than that specified in the table above, provided, however, that gasoline pump islands may be permitted within the front yard as herein required. There are no front yard requirements in the C-6 district.

⁵= The rear yard of any lot in the commercial districts shall be not less than that specified above, provided, however, that the rear yard of any lot adjoining a residential district on the rear shall have a rear yard setback of two feet for each one foot of building height, plus a screening wall or fence as provided in section 48-312.

⁶= There are no side yard requirements on lots within the commercial districts except where such lot abuts a residential district, in which case there shall be a side yard setback of two feet for each one foot of building height, plus a screening wall or fence as provided in section 48-312.

⁷= No building or structure in any commercial district shall exceed a height of 35 feet except upon the approval of the board of adjustment.

- (c) Subject to the right of appeal to the city council, and when recommended by city staff, the planning commission, or city council shall have the authority to waive or modify set back restrictions on commercial property when the city council or planning commission, on the advice of city staff, determines that such waiver or modification is in the public interest, and does not create a substantial hardship for owners of adjacent property.

(Code 1990, § 12-301; Code 2010, § 12-301; Ord. No. 769, § 1, 2-4-2013)

Sec. 48-481. Signs and billboards.

- (a) In the C-1 Office District, one business sign, not exceeding 32 square feet in surface area, may be erected on each street frontage of a lot. Ground signs shall not exceed the height of the building in which the principal use is located, or 20 feet, whichever is lower. No business sign shall be located within 50 feet of any R district, if visible from such district. Illumination, if any, shall be by constant light.
- (b) In the C-2, C-3, C-4, C-5 and C-6 commercial districts, business signs may be erected not exceeding an aggregate display surface area for wall or canopy signs of three square feet per each linear foot of the building wall to which the sign or signs are affixed. In addition to the wall or canopy signs permitted hereinabove, a lot containing one business establishment may utilize for business signs one roof projecting or ground sign of 2.5 square feet of display area per linear foot of street frontage.
- (c) In the C-5 and C-6 commercial districts, the roof or ground sign may be used for outdoor advertising purposes or as business signs; provided, however, that if more than one such roof or ground sign is erected, not more than 1.5 square linear foot of street frontage may be erected.
- (d) In the C-2, C-3, C-4, C-5 and C-6 districts no business or outdoor advertising sign shall be located within 50 feet of an R district if visible from such district, and no flashing sign shall be located within 100 feet of an abutting R district if visible from such district, provided if the districts are separated by a public street the district shall not be deemed abutting.
- (e) All signs shall be erected upon private property and shall not encroach upon any public street or walk except as provided by the applicable codes of the city. All signs shall not overhang at a height of less than nine feet and shall not have a maximum projection greater than 72 inches.
- (f) The use of red, green or amber illumination in connection with any sign shall not be permitted within 100 feet of any intersection. Any use of red, green or amber illumination in connection with any sign must be so located that it in no way creates a confusion with any traffic signal or may be interpreted by any motorist as a traffic signaling device.

(Code 1990, § 12-302; Code 2010, § 12-302)

Sec. 48-482. Multi-Use Commercial Building with Residential Dwelling District.

- (a) The C-6 General Commercial District shall include the Multi-Use Commercial Building with Residential Dwelling District as designated and defined herein.
- (b) The Multi-Use Commercial Building with Residential Dwelling District shall be designated as C-6-MU in this Code.
- (c) The Multi-Use Commercial Building with Residential Dwelling District shall be limited to an area beginning with the 100 block of South Broadway Street and ending with the 100 block of North Broadway Street, including both sides of Broadway Street, within the central business district of the city.
- (d) The C-6-MU Multi-Use Commercial Building with Residential Dwelling District shall include the following uses within the designated area:
 - (1) Any single, duplex and multifamily residential dwelling within a commercial business building where the commercial business activity is located;
 - (2) The residential dwelling use shall not exceed 50 percent of the total floor space of the said commercial building including the floor area for the commercial business activity;
 - (3) Single-story building. The street frontage of the said building must be no less than 50 percent for commercial use; the remaining 50 percent may be used for the commercial business owner's residential use only; and
 - (4) Multistory building. The bottom floor of the said building shall be for commercial use only; the upper floors may be used for single, duplex and multifamily residential dwellings.
- (e) The multi-use residential and commercial building as defined in this section shall comply with the applicable federal, state and local ordinances and regulations that govern residential dwellings and commercial buildings to assure the health and safety of the inhabitants.
- (f) A violation of this section shall be deemed a misdemeanor and shall be punishable as provided in section 1-15. Each day that a violation is permitted to exist shall constitute a separate offense as provided in section 1-16. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of this section.

(Ord. No. 744, § I, 5-5-2008)

Secs. 48-483—48-500. Reserved.

ARTICLE XI. INDUSTRIAL DISTRICTS

Sec. 48-501. Purpose.

The regulations for the industrial districts are designed to:

- (1) Make available a range of suitable sites for all of manufacturing and related activities; and
- (2) Protect residences by separating them from manufacturing activities and by prohibiting the use of such space for new residential or commercial development.

(Code 1990, § 12-311; Code 2010, § 12-311)

Sec. 48-502. I-1 Light Industrial District.

The purpose of the I-1 Light Industrial District is to provide a location for industries which do not by their nature create nuisances. The intent is to preserve this land for industry in a location beneficial to industries and to prohibit non-industrial uses. Any use constructed, established, altered, or enlarged in the I-1 Light Industrial District after the effective date of the ordinance from which this chapter is derived shall be so operated as to comply with the following standards:

- (1) No building shall be used for residential purposes, except that a watchman may reside on the premises;
- (2) No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
- (3) No noise, either continuous or intermittent, from any operation conducted on the premises, other than that emanating from vehicular traffic, shall be detectable at any boundary line of the lot;
- (4) No toxic matter, noxious matter, smoke, gas, or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located;
- (5) No vibrations shall be detectable beyond the lot lines of the lot on which the use is located;
- (6) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
- (7) The manufacture of flammable materials which produce explosive vapors or gases is prohibited;
- (8) No outside storage of equipment or materials, except equipment in daily use, shall be permitted in such a location where it can be viewed from any public street; or
- (9) Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

(Code 1990, § 12-312; Code 2010, § 12-312)

Sec. 48-503. I-2 Heavy Industrial District.

The purpose of the I-2 Heavy Industrial District is to provide a location for industries which may by their nature create some nuisance. The intent is to preserve this land especially for such industry in locations with access to arterial streets as designated on the thoroughfare plan, as well as locations generally accessible to railroad transportation. Any use constructed, established, altered, or enlarged in the I-2 Heavy Industrial District after the effective date of the ordinance from which this chapter is derived shall be so operated as to comply with the following standards. No use already established on the effective date of the ordinance from which this chapter is derived shall be so altered or modified as to conflict with, or further conflict with, the following standards:

- (1) No building shall be used for residential purposes, except that a watchman may reside on the premises;
- (2) No retail sales or services shall be permitted except as incidental to or accessory to a permitted use;
- (3) No storage, manufacture, or assembly of goods shall be conducted out of a building unless the nearest point of the activity is more than 300 feet from the boundary of any zoning district;
- (4) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon property located in any residential district;
- (5) All manufacturing, fabricating, assembly, disassembly, repairing, storing, cleaning, servicing, and testing of goods, water, and merchandise shall be carried on in such a manner as not to be injurious or

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offensive by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, odors, glare, heat, fire or explosive hazards; or

- (6) No activities involving storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted.

(Code 1990, § 12-313; Code 2010, § 12-313)

Sec. 48-504. Uses permitted.

The permitted uses in industrial districts are set forth below. Where the letter "X" appears on the line of a permitted use and in the column of a district, the listed use is permitted in that district, subject to special conditions applying to the districts as set forth in these zoning regulations. Where the letter "P" appears instead of an "X", this use is permitted, subject to acquiring a conditional use permit.

Permitted Uses	Zoning District	
	I-1	I-2
Abattoir		X
Accessories for vehicles or equipment whose sale is permitted, but not including the rebuilding or recapping of tires	X	X
Advertising agency	X	X
Aerosol containers: filling on contract basis	X	X
Agricultural services		X
Air conditioning and heating equipment	P	X
Aircraft parts: sales, service, rental or repair, including airframes and engines	X	X
Aircraft transportation	P	P
Aircraft transportation (special permit building or recapping of tires)	X	X
Airway beacon or marker	X	X
Animal bones, offal or waste: assembly, incinerator, processing or utilization		P
Animal hospital	P	X
Animal and marine fats and oils: manufacturing or processing		P
Animal and poultry slaughter and processing		P
Apiary		X
Apparel and other textile products	X	X
Armature rewinding shop	X	X
Armored car service		X
Arsenal		X
Auditorium or arena, public	X	X
Auctioneer (nonanimal)	X	X
Automatic merchandising establishment	X	X
Automobile accessory, tire or battery stores without tire recapping	X	X
Automobile, bus, truck dismantling, salvaging or wrecking		P
Automobile parking or storage, as a principal use	X	X
Automobile sales, new or used	X	X
Automobile wash services, including self-service	P	X
Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster		X
Blueprinting, photocopying and similar reproduction services	X	X
Boarding or training animals		X

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Boat accessory store	X	X
Boat rental or storage	X	X
Book bindery	P	X
Bottled gas	X	X
Bottling plant	X	X
Brick, tile or clay manufacturing		X
Broadcasting or recording studio	X	X
Brooms and brushes	X	X
Building materials	P	X
Building materials or lumber: wholesale sales	X	X
Building services, including janitorial service, floor waxing and office cleaning	X	X
Bus garaging and equipment maintenance		X
Buses: sales, service, rental and repair	P	X
Cabinet maker	X	X
Canvas or canvas products	X	X
Carpentry, woodworking or furniture working	X	X
Ceramic products	X	X
Cesspool cleaning establishment		X
Chemicals, compounding or packaging		X
City, county, school district, state or federal facilities	X	X
City or county jail	X	X
Civil defense and related activities facilities	X	X
Coal preparation		X
Cold storage plant	P	X
Compounding of cosmetics, toiletries, drugs and pharmaceutical products	X	X
Computing, data processing or similar service	X	X
Construction equipment repair, sales or storage	P	X
Contract sorting, grading and packing of fruits and vegetables for grower		X
Contractor (general or heavy construction) facilities other than office	P	X
Contractor (special trade) facilities other than office	P	X
Cornshelling, hay baling and threshing services		X
Cotton ginning and compressing		X
Creosoting or similar process		X
Dairy farm: products, egg farm		X
Delivery service	P	X
Detective or protective service	X	X
Direct selling organization, retail	P	X
Disinfecting, deodorizing or exterminator service	P	X
Drafting service	X	X
Drive-in restaurant	P	X
Dry cleaning and dyeing plant	X	X
Eating places other than drive-in not serving beer	P	X
Electric generating plant	P	X
Electric regulating substation	P	X
Electric utility maintenance facility	X	X
Electrical appliance, equipment and supplies	X	X
Electrical equipment assembly	X	X

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Electronic equipment assembly and manufacture	X	X
Employment service	X	X
Engraving plant	X	X
Exploration for minerals		P
Explosives; manufacture, storage, warehousing or wholesaling		X
Extraction of sand, gravel, clay, quarrying of rock		P
Facilities of ad hoc governmental agencies	X	X
Fairgrounds	X	X
Farm equipment: sales, services, rental and repair	X	X
Farm for raising dogs, cattle, goats, horses, sheep, rabbits or poultry		X
Farm products, NEC, wholesaling or public warehousing		X
Farm supply store	P	X
Fertilizer		P
Financial institution	X	X
Fire extinguisher service	X	X
Fire protection and related activities facility	X	X
Fireworks: manufacture, storage, warehousing or wholesaling		X
Food products, including bakery products, candy, fruit and vegetable processing and canning, packing and processing of meats and poultry, but not including slaughtering of animals or poultry	X	X
Food products, including slaughtering of animals and poultry		X
Forestry services		X
Foundries		X
Freight depot, railroad or truck	X	X
Freight forwarding service	X	X
Fur animal raising		X
Furnace cleaning		X
Furniture, home furnishings and equipment store	X	X
Furniture manufacturing	X	X
Gas pressure control station	P	X
Gas utility maintenance facility	P	X
Garbage or trash; assembly incineration or processing		X
Gases or liquids, flammable, storage		X
Gasoline service station	X	X
Glass or glass products		X
Grain milling or processing		X
Hair, felt, feather or leather products		X
Hardware, industrial sales	P	X
Hay, grain or feed store	P	X
Highway garage or similar public maintenance facility		X
Hog raising		P
Ice plants, dry or natural	X	X
Incinerators		X
Institution, nonresidential	X	X
Instrument and meter manufacturing	X	X

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Intensive recreation facility including go-cart track, BMX bicycle track, automobile or motorcycle race track, driving range, water park, ball diamonds, target range	P	P
Jewelry manufacturing	X	X
Laboratory: research, development or testing	X	X
Laundry (except self-service) and laundry services	P	X
Leather goods fabrication	X	X
Linen supply or industrial laundry	P	X
Livestock assembly, feeding, sales, shipment		P
Livestock auction sales barn and pens		X
Livestock breeding and slaughtering		X
Lumberyards	X	X
Manufacturing having moderate to substantial environmental influences by reason of odor, heat, smoke, noise or vibration in the more restrictive industrial district		X
Manufacturing having moderate to slight or no objectionable environmental influences by reason of odor, heat, smoke, noise or vibration in the more restrictive industrial district	X	X
Manufacturing NEC, appropriate in the more restrictive industrial districts	X	X
Mattresses: rebuilding or renovating	X	X
Medical or dental clinic	X	X
Metals or minerals (except petroleum products or scrap) sales	X	X
Mining of coal, metal ores and nonmetallic minerals other than fuels		P
Mobile homes or travel trailers, sales and service	X	X
Monument works	X	X
Motion-picture distribution and services	X	X
Motion-picture theater, drive-in	P	X
News syndicate service	X	X
Nonmetallic mineral preparation		X
Office, professional	X	X
Oil field equipment and supplies: sales, service, rental or repair	X	X
Optical goods manufacturing	X	X
Ore dressing and beneficiating		X
Orthopedic or medical supplies	X	X
Outdoor advertising plant	X	X
Packing and crating service	P	X
Paint, enamel, lacquer, turpentine, varnish manufacturing		P
Paper manufacturing or processing		P
Paper products including envelopes, stationery, wallpaper manufacturing	X	X
Petroleum pipeline or pressure control station	P	X
Petroleum products, storage		X
Photofinishing service	X	X
Pipeline pressure control station	P	X
Plastic products including luggage, tableware or similar products	X	X
Police protection and related activities facility	X	X
Postal services facilities	X	X
Poultry and small game dressing and packing		X

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Prescription pharmacy	X	X
Printing and publishing including engraving or photoengraving	X	X
Production of crude petroleum, natural gas and natural gas liquids		P
Public stable		P
Quarrying of stone		P
Radioactive waste disposal		P
Radio transmitting station or tower	P	X
Railroad equipment storage or maintenance		X
Railroad freight terminal		X
Repair, renting and servicing of commodities		X
Retail sales of farm products sold on premises		X
Rubber products, natural or synthetic manufacturing		P
Rug cleaning or repairing	P	X
School, commercial or trade	X	X
Scrap and waste materials handling, including building and vehicle wrecking establishments and junkyards		P
Scrap steel cutting on control basis		X
Secondhand automotive parts, accessories, battery and tire dealer		X
Sewage pressure control station	P	X
Sewage treatment plant or sludge drying bed	P	X
Sporting or athletic equipment manufacturing	X	X
Steel products, fabrication and assembly		X
Tar or tar products		X
Taxicab garaging and maintenance		X
Taxicab stand or dispatching station	P	X
Telegraph transmitting or receiving station	P	X
Telephone exchange station, relay tower	P	X
Television transmitting tower or receiving station	P	X
Tire recapping		X
Truck, bus, train terminals	X	X
Truck sales, service, rental, repair	X	X
Vending machines: sales, service, rental or repair	X	X
Venetian blind, window shades, awnings	X	X
Warehousing, NEC other than warehousing accessory to another permitted use	X	X
Water treatment plant, storage facility or pressure control station	P	X
Wholesaling, NEC	X	X
Wholesaling, or public warehousing of farm products NEC, food NEC, grain, hides, skins, raw furs, livestock, petroleum products (bulk station or terminal), scrap or waste materials		X
Window cleaning service	X	X
Wood distillation		X
Wood or lumber processing		X

(Code 1990, §§ 12-314, 12-315; Code 2010, §§ 12-314, 12-315)

Sec. 48-505. Lot, yard and height regulations.

- (a) No lot or yard shall be established or reduced in dimension or area in any industrial district that does not meet the minimum requirements set forth in the following tables. No building or structure shall be erected or enlarged that will cause the maximum lot coverage or maximum height regulations to be exceeded for such district as set forth below.
- (b) The following lot, yard and height regulations apply:

Lot Regulations	Zoning District	
	I-1	I-2
Maximum lot coverage (percent) ¹	30	50
Yard regulations (in feet)		
Minimum front yard ²	50	50
Minimum rear yard ³	20	20
Minimum side yard ⁴	—	—
Height ⁵	50	50

In addition:

¹ = The total building coverage of any lot shall not exceed that specified above, provided, that paving, landscaping, outside storage (where permitted), lighting fixtures and similar improvements shall not be considered as a part of the total building coverage.

² = The front yard of any lot in the industrial district shall be not less than that specified in the table above.

³ = The rear yard of any lot in the industrial districts shall be not less than that specified above, provided, however, that the rear yard of any lot adjoining a residential district on the rear, shall have a rear yard setback of two feet for each one foot of building height, plus a screening wall or fence as provided in section 48-312.

⁴ = There are no side yard requirements on lots within the industrial districts except where such lot abuts a residential district, in which case there shall be a side yard setback of two feet for each one foot of height, plus a screening wall or fence as provided in section 48-312.

⁵ = No building or structure in any industrial district shall exceed a height as set forth in the table above.

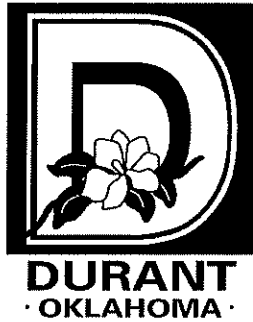
(Code 1990, § 12-316; Code 2010, § 12-316)

Sec. 48-506. Signs and billboards.

In the I-1 and I-2 industrial districts, one business or outdoor advertising sign shall be erected not exceeding an aggregate display surface area for wall or canopy sign of three square feet per each linear foot of the building wall to which the sign or signs are affixed. In addition to the wall or canopy signs permitted hereinabove, a lot containing one business establishment or vacant lot, may utilize for business sign or outdoor advertising one roof projecting or ground sign of 2.5 square feet of display area per linear foot of street frontage, provided, however, that if more than 1.5 square foot of display surface area per linear foot of street frontage may be erected.

(Code 1990, § 12-317; Code 2010, § 12-317)

Secs. 48-507—48-533. Reserved.



THE CITY OF DURANT

Office of Community Development

Date: 10/05/2021
To: Planning Commission
Case: PC 2021-28
From: Danielle O'Neal, Community Development Director
Re: Rezoning Request from A-1, General Agriculture to R-3, General Residential for property near Lindenwoods Drive and Thomas Circle.

Request: Consider a request from Ryan Hackett, for a rezoning of the property located near Lindenwoods Drive and Thomas Circle from A-1, General Agriculture to R-3, General Residential

Current Zoning: A-1, General Agriculture

Requested Zoning: R-3, General Residential

Surrounding Properties:

Direction	Zoning	Use
North	I-1 / R-3	Vacant / Residential
West	R-3 / C-2 / R-1	Residential

Applicant: Ryan Hackett, HPH Investors, LP

Background: The applicant approached staff regarding the rezoning of this property for a desired new housing development. The housing development is expected to match the current Lindenwoods development of single-family, duplex and multi-family units.

The application states that they are asking for R-3, so that it will provide them the flexibility to develop and maximize the use of the land. It further states that this rezoning will help provide additional housing options for citizens of Durant. The lot does have city water and sewer nearby.

Notifications have been made to the surrounding property owners and at the time of this report staff has not received any calls or emails regarding this rezoning request.

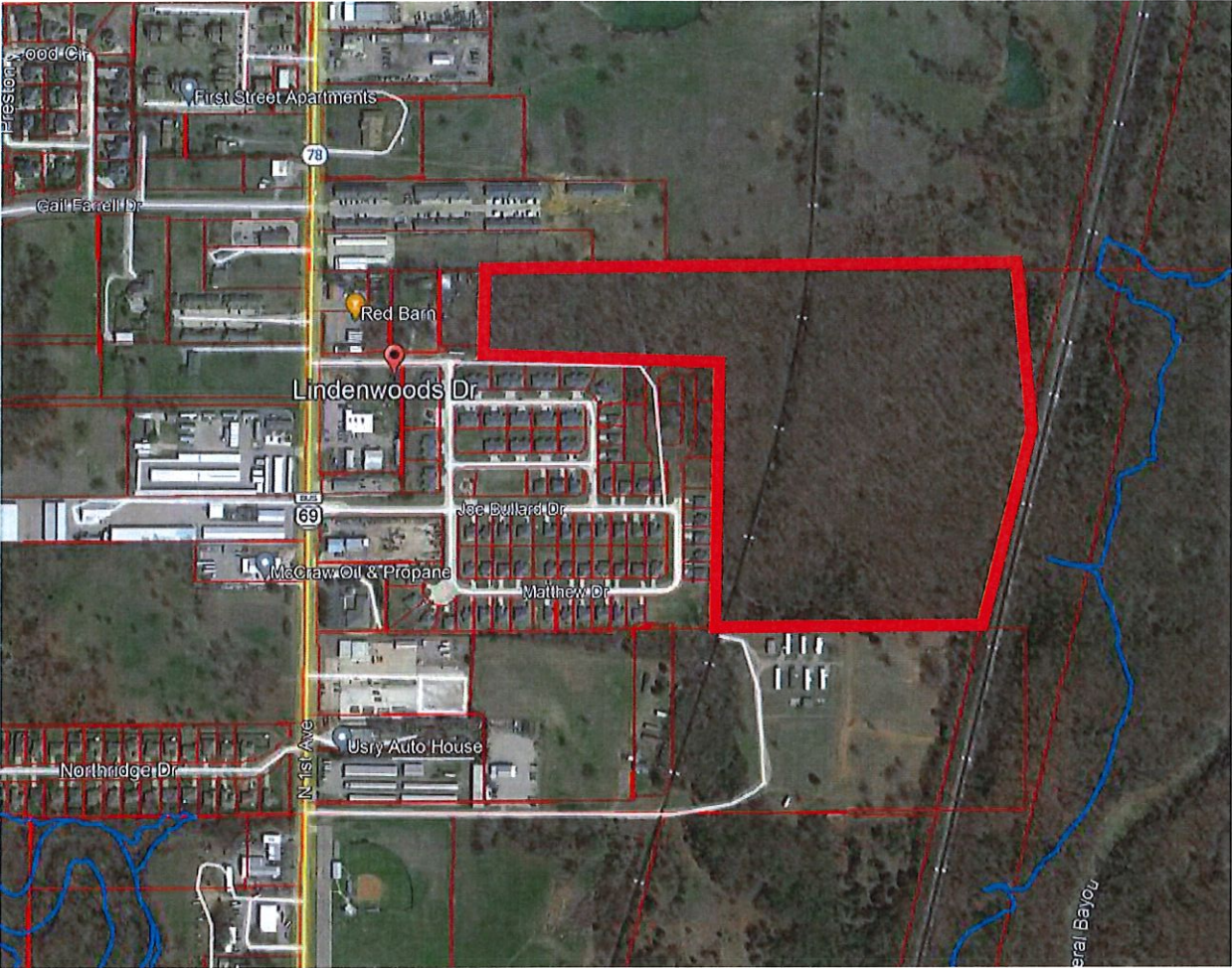
Analysis: The aforementioned property is approximately a total of 37 acres and currently is a vacant piece of property. The area is made up of a mixture of Residential, Commercial and some Industrial Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type.

The current Future Land Use Map at the time of the application appears to have this area as medium density residential land uses; therefore, this rezoning request appears to be in compliance with the Future Land Use Map that was in place at the time of application. It should be noted that we are recently adopted a new Comprehensive Plan and Future Land Use Map.

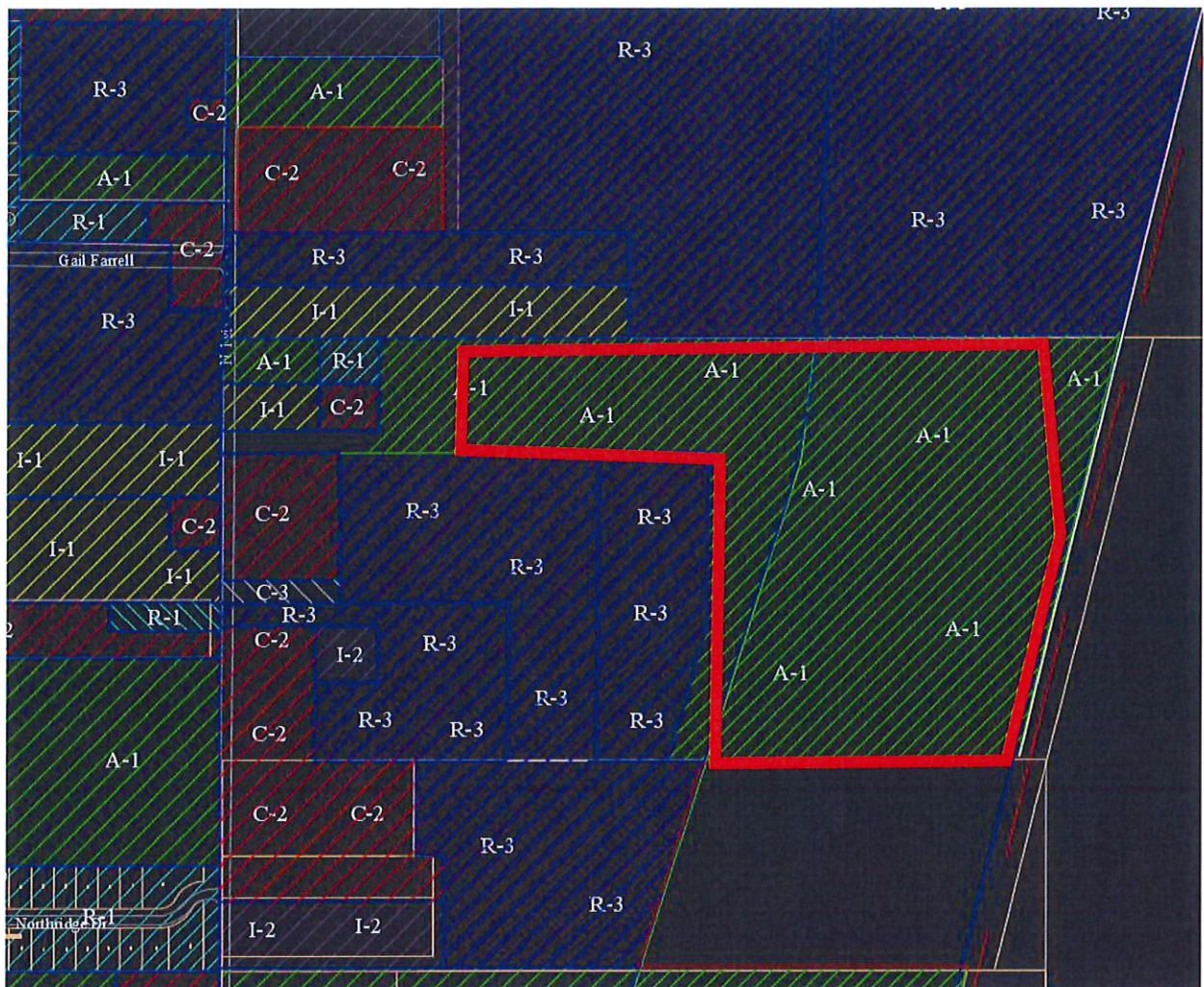
Staff Recommendation: Staff does not see any problems with this rezoning request.

Required Action: Hold a public hearing to recommend approval or denial of the rezoning request for the property located near Lindenwoods Drive and Thomas Circle. Any specific conditions imposed by the Commission should be read into any approval motion.

Aerial Map

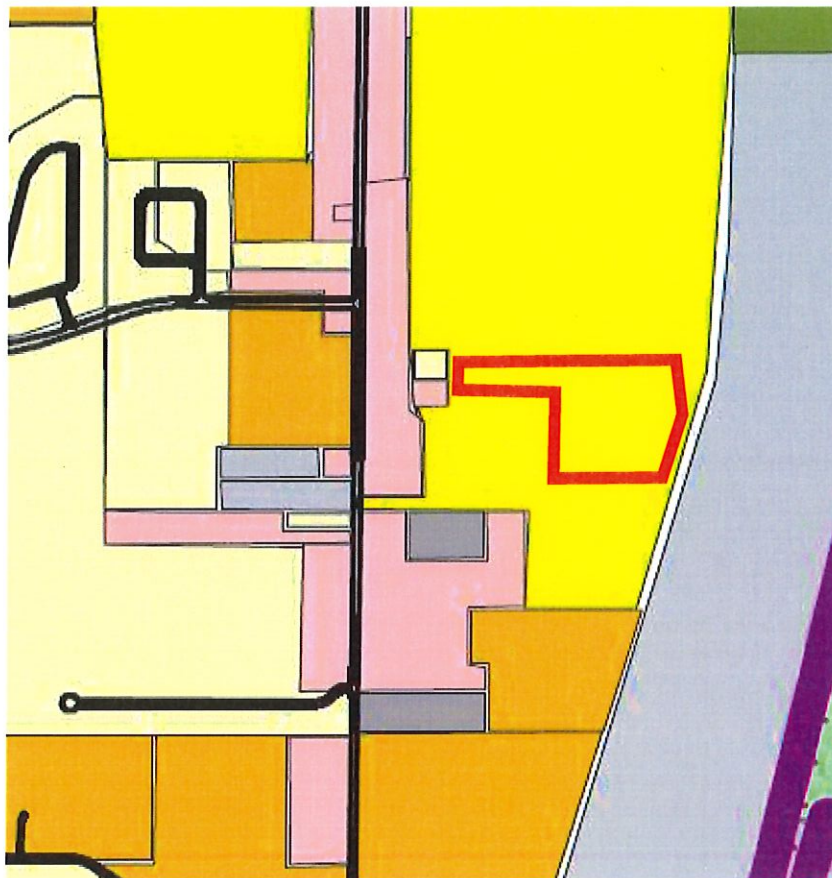


Zoning Map

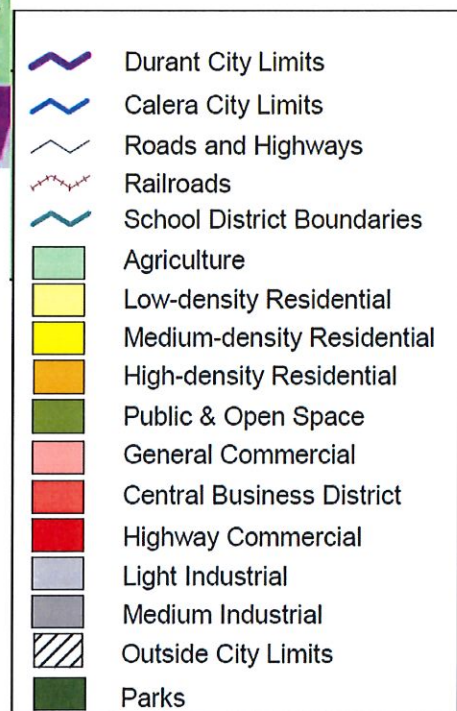


Approximate location

Future Land Use Map



Approximate location



§ 157.023 R-3 GENERAL RESIDENTIAL DISTRICT.

This residential district is intended to provide for a complete range of density in population from low to fairly high. It is established as a district in which the principal uses of the land are for multi-family dwellings and similar higher density residential development. The intent is to encourage the development and the continued use of land for multi-family dwellings and to prohibit commercial and industrial uses or any other use which would substantially interfere with the development or continuation of multi-family dwellings in this district. It is further intended to discourage any use which would generate traffic which serves the multi-family dwelling or similar residential uses in this district and discourage any use which, because of its characteristics or size, would create additional requirements and costs for public services which are in excess of such requirements and costs if the district were developed solely for multi-family or other similar residential uses.

('93 Code, § 12-210) (Ord. 1040, passed 4-12-83)

ORDINANCE NO. O-2021-29

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. That the zoning map is hereby amended as to replace the A-1, General Agriculture District to the R-3, General Residential Zoning District for property located near Lindenwoods Street and Thomas Circle, in Durant, and more particularly described as;

A tract of land located in the N/2 SW/4 of Section 21, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: Commencing at the Southwest corner of said N/2 SW/4; Thence North 00 degrees 19 minutes 48 seconds East along the West line of said N/2 SW/4 a distance of 969.00 feet; Thence North 89 degrees 49 minutes 57 seconds East a distance of 50.00 feet to the true Point of Beginning, said point being in the East Right-of-Way line of U.S. 69 Business Route; Thence North 00 degrees 19 minutes 48 seconds East along said East Right-of-Way line a distance of 45.00 feet to a point in the North line of the 45 foot wide Road and Utility Easement as recorded in the Office of the Bryan County Clerk in Book 1286, Page 729; Thence North 89 degrees 49 minutes 57 seconds East along said North line a distance of 592.68 feet; Thence North 00 degrees 19 minutes 48 seconds East a distance of 303.41 feet to a point in the North line of said N/2 SW/4; Thence North 89 degrees 49 minutes 49 seconds East along said North line a distance of 1994.46 feet to the Northeast corner of said N/2 SW/4; Thence South 00 degrees 15 minutes 29 seconds West along the East line of said N/2 SW/4 a distance of 423.56 feet to a point in the West Right-of-Way of the Union Pacific Railway; Thence South 13 degrees 42 minutes 22 seconds West along said West Right-of-Way line a distance of 900.14 feet; Thence South 89 degrees 49 minutes 57 seconds West parallel with and 20 feet North of the South line of said N/2 SW/4 a distance of 850.47 feet to a point in the East Right-of-Way line of the Kansas, Oklahoma & Gulf Railway; Thence South 18 degrees 46 minutes 36 seconds West along said East Right-of-Way line a distance of 21.15 feet to a point in the South line of said N/2 SW/4; Thence South 89 degrees 49 minutes 57 seconds West along said South line a distance of 61.43 feet; Thence North 00 degrees 19 minutes 48 seconds East a distance of 969.00 feet; Thence South 89 degrees 49 minutes 57 seconds West a distance of 1460.82 feet to the true Point of Beginning.

SECTION 2. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 12th day of October, 2021.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk

REZONING APPLICATION

Petition # PC2021-28
 Fee \$ 300

APPLICANT INFORMATION

Name: Ryan W. Hackett	Email: ryan@desertridgeinvestments.com	Phone #1 – 801-554-1912
Mailing Address: 3390 Crestbrook Lane		Phone #2 – 801-828-2838
City: Salt Lake City	State: Utah	Zip: 84109
Applicant's Interest in Property: Owner of Property		Fax # – 801-828-2839

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: Vacant Land, See Legal Description			
☐ Platted ☒ Un-Platted	Subdivision	Lot	Block
Legal Description: (If Un-platted) A tract of land located in the N/2 SW/4 of Section 21, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof, being more particularly described as follows: Commencing at the Southwest Corner of said N/2 SW/4; thence N00°19'48"E along the West line of said N/2 SW/4, a distance of 969.00 feet; thence N89°49'57"E, a distance of 50.00 feet to the True Point of Beginning, said point being in the East Right-of-Way line of U.S. 69 Business Route; thence N00°19'48"E along said East Right-of-Way line, a distance of 45.00 feet to a point in the North line of the 45 foot wide Road and Utility Easement as recorded in the Office of the Bryan County Clerk in Book 1286, Page 729; thence N89°49'57"E along said North line, a distance of 592.68 feet; thence N00°19'48"E, a distance of 303.41 feet to a point in the North line of said N/2 SW/4; thence N89°49'49"E along said North line, a distance of 1994.46 feet to the Northeast Corner of said N/2 SW/4; thence S00°15'29"W along the East line of said N/2 SW/4, a distance of 423.56 feet to a point in the West Right-of-Way line of the Union Pacific Railway; thence S13°42'22"W along said West Right-of-Way line, a distance of 900.14 feet; thence S89°49'57"W parallel with and 20 feet North of the South line of said N/2 SW/4, a distance of 850.47 feet to a point in the East Right-of-Way line of the Kansas, Oklahoma & Gulf Railway; thence S18°46'36"W along said East Right-of-Way line, a distance of 21.15 feet to a point in the South line of said N/2 SW/4; thence S89°49'57"W along said South line, a distance of 61.43 feet; thence N00°19'48"E, a distance of 969.00 feet; thence S89°49'57"W, a distance of 1460.82 feet to the True Point of Beginning.			

☐ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.

Request Rezoning From: A-1		Request Rezoning To: R-3 Zone, General Residential (Multifamily use)	
Present Use: Vacant/Wooded Ground		Proposed Use: Multifamily Use	
Parcel Width: See attached Survey	Parcel Length: See attached Survey	Acres: 39.06	Street/Road Frontage: See Survey
☒ City Water (If City Water will be extended or improvements will be made, please explain:) City Water will have to be connected through the Lindenwoods development.			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:) City Sewer will have to be connected to existing sewer on the property.			
Private Water		Private Sewer	

Is Property in the Floodplain? No (Zone X)	Is property in the Airport Zone. No
---	--

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.

[Signature]

Signature of Applicant

9/2/2021

Date

Office Use Only

Date Filed Initial	Date Payment Received Initial	Notification Mailed Date Initial	Comments
Proof of Publication Received Date Initial	Property Posting Verified Date Initial	Comprehensive Plan Recommendations	
Staff Recommendation ___ Approve ___ Deny	PC Recommendation ___ Approve ___ Deny	City Council Action ___ Approve ___ Deny	Ordinance #

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary.

Our development team has been developing on contiguous parcels called the Lindenwoods Community. Single Family Homes, Duplexes, and Multifamily Townhomes have been constructed. The area is close to the local college and has seen additional development. There is significant demand for the apartments that have currently been built and a need for additional housing. We would like to continue the development of the community and provide additional housing options for the citizens of the City of Durant.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

The current Comprehensive Plan shows medium density residential. We are requesting R-3 multifamily to help fulfill the need and to give us the flexibility to develop and maximum the use of the land. We constructed single family, duplexes, and multifamily townhomes in the previous phases all under the R-3 zoning ordinance. R-3 will give us the greatest flexibility to design a comprehensive community development.

3. List any other reasons to support this zone change.

The City of Durant is expanding and desperately needs additional housing to support the influx of residents moving into the area. The current agricultural zoning is not consistent with the current comprehensive plan and does not being used as prime farmland.

I-2021-735968 Book 1568 Pg: 761
07/30/2021 8:08 am Pg 0761-0762
Fee: \$ 20.00 Doc: \$ 586.50
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

MODERN

abstract and title

WARRANTY DEED



KNOW ALL MEN BY THESE PRESENTS:

That Dana Haggard and William M Elliott, husband and wife, party/parties of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do(es) by these presents grant, bargain, sell and convey unto HPH Investors, LP, a Limited Liability Partnership, 11837 Kingsville Dr. Frisco TX 75035, party/parties of the second part, his/her/their grantees and heirs, all of the following described real property and premises, situated in Bryan County, Oklahoma, to wit:

See Exhibit A attached hereto and made a part hereof.

together with all the improvements thereon and the appurtenances thereunto belonging and warrant the title to the same.

GRANTOR RESERVES all, if any, which grantor owns interest, in and to all of the oil, gas and all other minerals of every kind or character in and under and that may be produced from the above described lands is hereby reserved by said GRANTOR, together with the right of ingress and egress at all times for the purpose of mining, drilling, exploring, operating and developing said lands for oil, gas and other minerals and all other rights and privileges necessary for the economical operation of said land for the production and removal of said minerals

TO HAVE AND TO HOLD said described premises unto said party/parties of the second part, his/her/their grantees and the heirs and grantees of the survivors, forever, free, clear and discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature. Exceptions: Easements and rights of ways of record; oil, gas, and other mineral leases of record; prior oil, gas, and other mineral conveyances or reservations of record; restrictive and protective covenants of record; and applicable zoning ordinances.

Revenue Stamps: \$586.50

SIGNED AND SEALED this the 29th day of July, 2021.


Dana Haggard

William M Elliott

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 586.50

NOTARY AND ACKNOWLEDGMENT

STATE OF OKLAHOMA

COUNTY OF BRYAN

I, Jennifer Coley, a Notary Public for the County of Bryan and State of Oklahoma, do hereby certify that Dana Haggard and William M Elliott, husband and wife, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 29th of July, 2021.


Notary Public

My Commission Expires: May 24, 2022

(SEAL)

File No.: 201108556



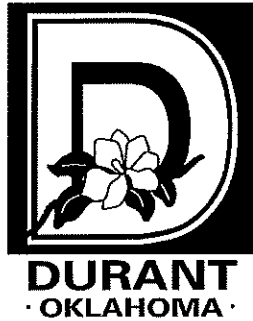
Fidelity National Title
12404 Park Central, Suite 200S
Dallas, TX 75251

319 W. Main Street | Durant, OK 74701 | (580)745-5363
www.ModAbstractTitle.com

EXHIBIT "A"

A tract of land located in the N/2 SW/4 of Section 21, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof, being more particularly described as follows: Commencing at the Southwest Corner of said N/2 SW/4; thence N00°19'48"E along the West line of said N/2 SW/4, a distance of 969.00 feet; thence N89°49'57"E, a distance of 50.00 feet to the True Point of Beginning, said point being in the East Right-of-Way line of U.S. 69 Business Route; thence N00°19'48"E along said East Right-of-Way line, a distance of 45.00 feet to a point in the North line of the 45 foot wide Road and Utility Easement as recorded in the Office of the Bryan County Clerk in Book 1286, Page 729; thence N89°49'57"E along said North line, a distance of 592.68 feet; thence N00°19'48"E, a distance of 303.41 feet to a point in the North line of said N/2 SW/4; thence N89°49'49"E along said North line, a distance of 1994.46 feet to the Northeast Corner of said N/2 SW/4; thence S00°15'29"W along the East line of said N/2 SW/4, a distance of 423.56 feet to a point in the West Right-of-Way line of the Union Pacific Railway; thence S13°42'22"W along said West Right-of-Way line, a distance of 900.14 feet; thence S89°49'57"W parallel with and 20 feet North of the South line of said N/2 SW/4, a distance of 850.47 feet to a point in the East Right-of-Way line of the Kansas, Oklahoma & Gulf Railway; thence S18°46'36"W along said East Right-of-Way line, a distance of 21.15 feet to a point in the South line of said N/2 SW/4; thence S89°49'57"W along said South line, a distance of 61.43 feet; thence N00°19'48"E, a distance of 969.00 feet; thence S89°49'57"W, a distance of 1460.82 feet to the True Point of Beginning.

I-2021-735968 Book 1568 Pg: 762
07/30/2021 8:08 am Pg 0761-0762
Fee: \$ 20.00 Doc: \$ 586.50
Tammy Reynolds - Bryan County Clerk
State of Oklahoma



THE CITY OF DURANT

Office of Community Development

Date: 10/05/2021
To: Planning Commission
Case: PC 2021-29
From: Danielle O'Neal, Community Development Director
Re: Rezoning Request from R-1, Single-Family Residential to C-2, Highway Commercial and Commercial Recreation for property at 1528 Estelle St.

Request: Consider a request from Wu Ye, for a rezoning of the property located at 1528 Estelle St. from R-1, Single-Family Residential to C-2, Highway Commercial and Commercial Recreation

Current Zoning: R-1, Single Family Residential

Requested Zoning: C-2, Highway Commercial and Commercial Recreation

Surrounding Properties:

Direction	Zoning	Use
North	R-1	Residential
West	R-1	Residential
South	R-1	Residential
East	C-2	Commercial

Applicant: Wu Ye

Background: The applicant approached staff regarding the rezoning of this property to be used as commercial property rather than residential. The applicant stated that there is a need for more commercial property in the area. There is city water and sewer nearby.

Notifications have been made to the surrounding property owners and at the time of this report staff has received several calls and emails of those that are opposed to this rezoning request. The letters that were submitted are attached to this staff report.

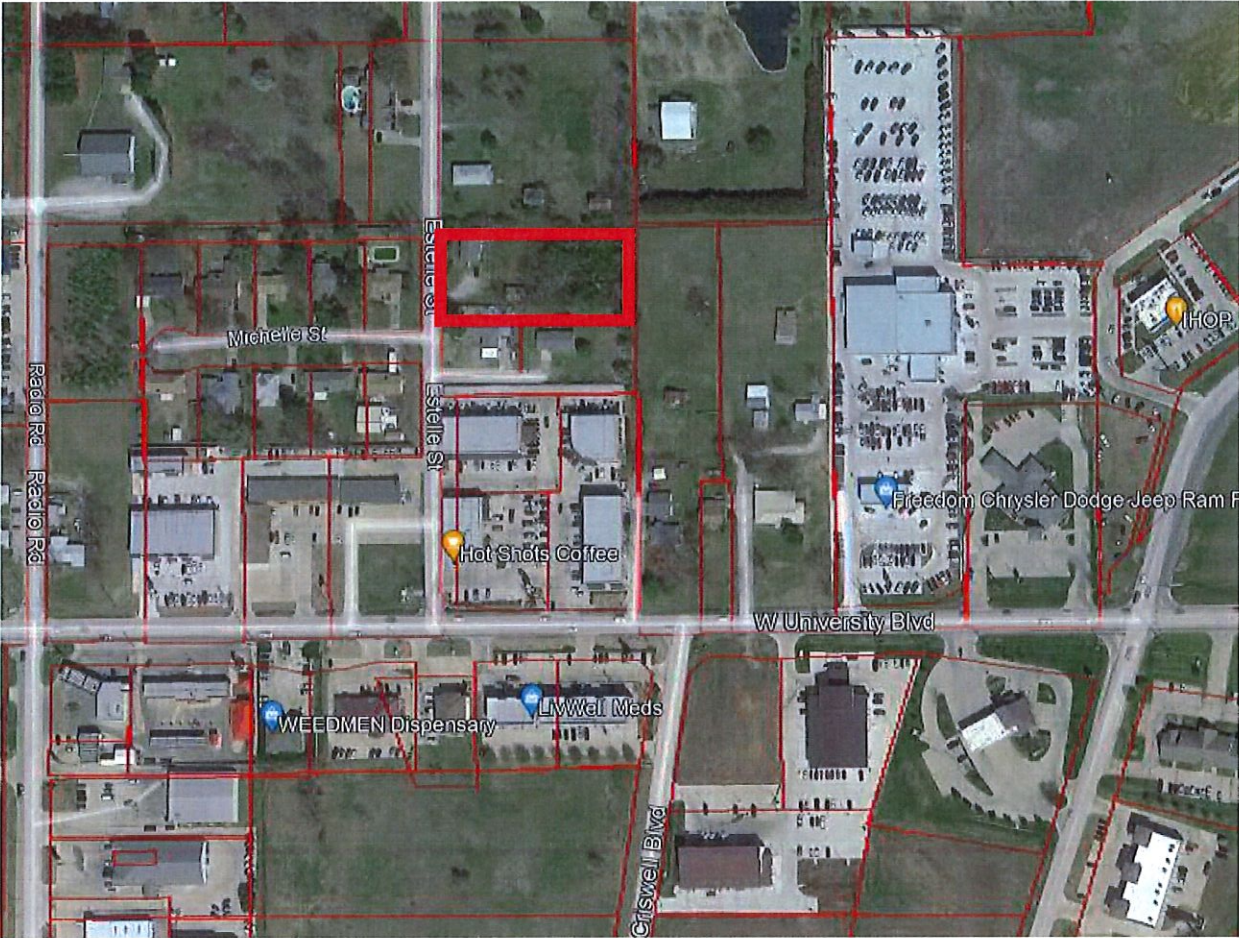
Analysis: The aforementioned property is approximately 1 acre and currently has a residence on the property. The area is made up of a mixture of Residential and Commercial Zoned properties. The subject property does meet the requirements for the lot area that is required within the requested zoning type.

The current Future Land Use Map at the time of the application appears to have this area as low density residential land uses; therefore, this rezoning request appears to not be in compliance with the Future Land Use Map that was in place at the time of application. It should be noted that a new Comprehensive Plan and Future Land Use Map was recently adopted.

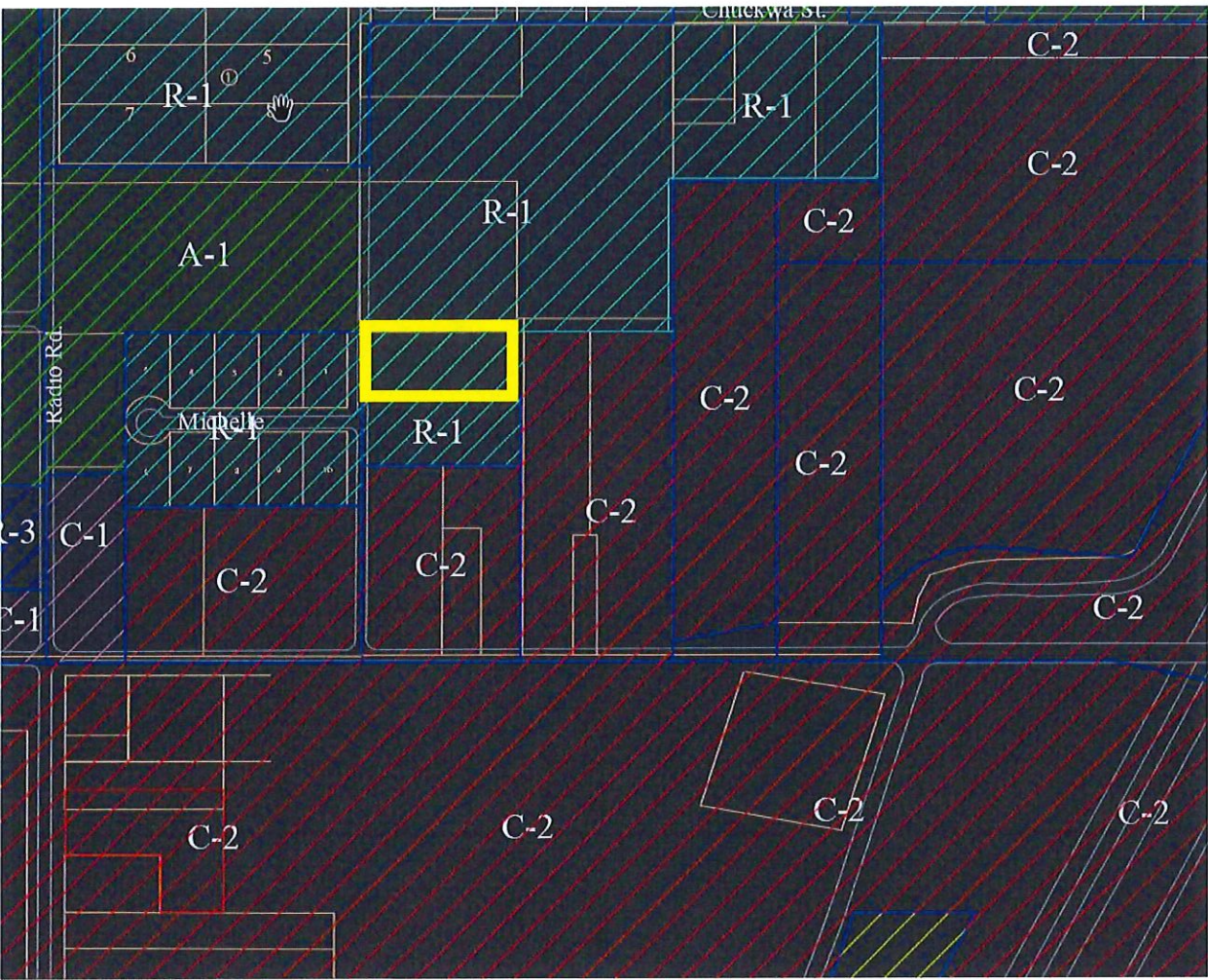
Staff Recommendation: Staff does not have any issues with the request; however, it should be noted that if this rezoning is approved the properties directly to the South will be surrounded on three sides by commercial property.

Required Action: Hold a public hearing to recommend approval or denial of the rezoning request for the property located at 1528 Estelle St. Any specific conditions imposed by the Commission should be read into any approval motion.

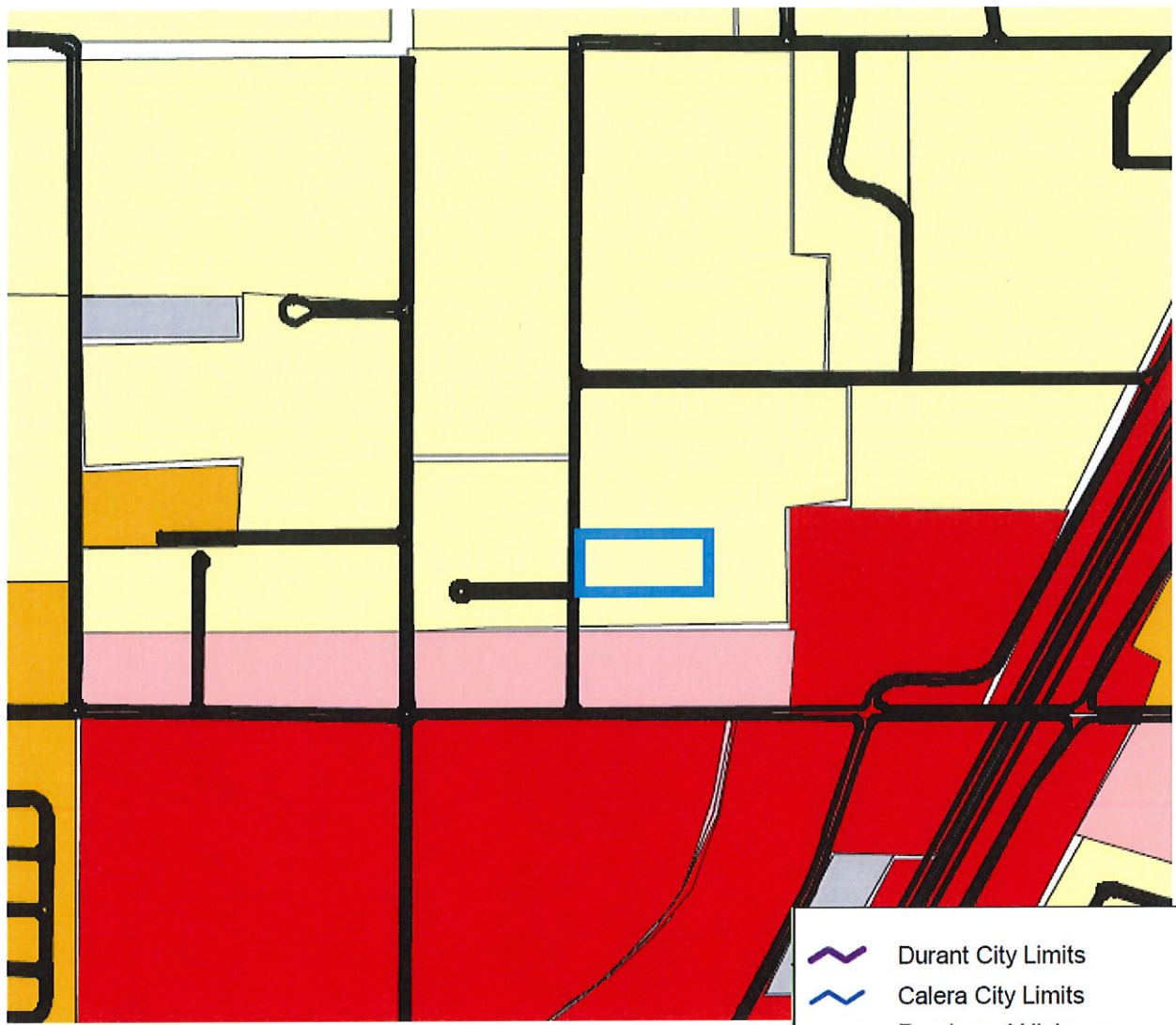
Aerial Map



Zoning Map



Future Land Use Map



Approximate location

-  Durant City Limits
-  Calera City Limits
-  Roads and Highways
-  Railroads
-  School District Boundaries
-  Agriculture
-  Low-density Residential
-  Medium-density Residential
-  High-density Residential
-  Public & Open Space
-  General Commercial
-  Central Business District
-  Highway Commercial
-  Light Industrial
-  Medium Industrial
-  Outside City Limits
-  Parks

§ 157.026 C-2 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.

This commercial district is established as a district in which the principal use of land is for establishments offering accommodations, supplies or services to motorists and for certain specialized uses such as retail outlets, extensive commercial amusements and service establishments which may serve the entire community but do not and should not locate in the central business district or the convenience district.

(`93 Code, § 12-213) (Ord. 1040, passed 4-12-83)

ORDINANCE NO. O-2021-30

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA

SECTION 1. That the zoning map is hereby amended as to replace the R-1, Single Family Residential District to the C-2, Highway Commercial and Commercial Recreation Zoning District for property located 1528 Estelle, in Durant, and more particularly described as;

A tract of land situated in a part of the Lot 2 of Section 30, Township 6 South, Range 9 East of the Indian Meridian and Baseline, in Bryan County, State of Oklahoma, more particularly described as follows:

Commencing at the SW Corner of Lot 2 of said Section 30;

Thence N 00°00'42" E, along the West line of said Lot 2, a distance of 1320.14 feet to the NW Corner of Lot 2;

Thence N 89°59'13" E, along the North line of said Lot 2, a distance of 665.46 feet to the NW Corner of the E/2 of Lot 2;

Thence S 00°02'12" W, along the West line of the E/2 of said Lot 2, a distance of 661.22 feet to the true POINT OF BEGINNING being the NW Corner of the SE 10 acres of Lot 2 marked with a found railroad spike;

Thence N 89°47'10" E, along the North line of the W/2 of the SE 10 acres of said Lot 2, a distance of 332.92 feet to a point on the West line of a tract of land conveyed to WU YE filed in Book 1356 at Page 327, a distance of 132.59 feet;

Thence N 89°55'52" W, along the North line of a tract of land conveyed to Stella Margaret Eakins filed in Book 1093 at Page 1179 and the North line of a tract of land conveyed to Gayla F. Guillory filed in Book 1546 at Page 529, a measured distance of 332.95 feet (record distance of 330.00') to a point on the West line of the SE 10 acres of Lot 2;

Thence N 00°02'12" E, along the West line of the SE 10 acres of Lot 2, a measured distance of 130.95 feet (record distance of 131.00 feet) back to the Point of Beginning.

SECTION 2. For the immediate preservation of the peace, health, and safety of the City of Durant, Oklahoma and the inhabitants thereof, it is necessary that this ordinance shall become operative and go into effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the Mayor and City Council of the City of Durant this 12th day of October, 2021.

Oden Grube, Mayor
City Of Durant, Oklahoma

ATTEST:

Cynthia J. Price, City Clerk

REZONING APPLICATION

Petition # PC2021-29,
Fee \$ 360

APPLICANT INFORMATION

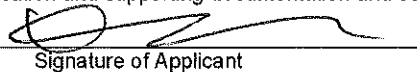
Name: Wu Ye	Email:wuye543@yahoo.com	Phone #1 917-923-8993
Mailing Address:2708 W University BLVD		Phone #2
City: Durant	State: OK Zip:74701	Fax #
Applicant's Interest In Property: Owner / user		

☐ Please use attached addendum if there is more than one applicant.

Physical Address of Rezoning Request: 1528 Estelle St, Durant, OK 74701			
☐ Platted ☐ Un-Platted	Subdivision	Lot	Block
Legal Description: the North 1 Acre of W/2 of the Southeast 10 acres of Lot 2 of Section 30, Township 6 South, Range 9 East (If Un-platted)			
☒ Deed Attached (required) If applicant is not owner listed on deed, owner consent must be included.			

Request Rezoning From: R-1		Request Rezoning To: C-3	
Present Use: Residential		Proposed Use: General Commercial	
Parcel Width: 134 ft	Parcel Length:330 ft	Acres: 1	Street/Road Frontage: 134 ft
☒ City Water (If City Water will be extended or improvements will be made, please explain:)			
☒ City Sewer (If City Sewer will be extended or improvements will be made, please explain:)			
☐ Private Water		☐ Private Sewer	
Is Property in the Floodplain? NO	Is property in the Airport Zone. NO		

The applicant has prepared this application and supporting documentation and certifies that the facts stated herein and exhibits attached hereto are true and correct.


Signature of Applicant

7-28-2021
Date

Office Use Only

Date Filed		Date Payment Received		Notification Mailed Date		Comments	
Initial		Initial		Initial			
Proof of Publication Received				Property Posting Verified		Comprehensive Plan Recommendations	
Date Initial		Date Initial		Date Initial			
Staff Recommendation ☐ Approve ☐ Deny		PC Recommendation ☐ Approve ☐ Deny		City Council Action ☐ Approve ☐ Deny		Ordinance #	

REZONING SUPPORTING INFORMATION

1. List the changed or changing conditions in the area or in the City which makes this zone change necessary. Population inflation and the immigration of people from the neighboring larger cities to our region imperative the need for additional commercial properties in the City of Durant.

2. Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

3. List any other reasons to support this zone change.



**WARRANTY DEED
(JOINT TENANCY)**

I-2014-668872 Book 1363 Pg: 282
05/16/2014 9:29 am Pg 0282-0282
Fee: \$ 13.00 Doc: \$ 165.00
Tammy Reynolds - Bryan County Clerk
State of Oklahoma

KNOW ALL MEN BY THESE PRESENTS:

That, **MARY BRYANT**, a single person, party of the first part, in consideration of the sum of Ten and more (\$10.00) Dollars, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto **WU YE and GUI WEI GAO**, 2708 W University Durant OK 74701, as joint tenants, the survivor to take all, and not as tenants in common, parties of the second part, their grantees, and their heirs and grantees of the survivor, all of the following described real property and premises, situated in Bryan County, State of Oklahoma, to-wit:

The North 1 acre of the W/2 of the Southeast 10 acres of Lot 2 of Section 30,
Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County,
Oklahoma, according to the Government Survey thereof.

R.S. \$165.00

together with all the improvements thereon and the appurtenances thereunto belonging,
and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto parties of the second
part, their grantees and the heirs and grantees of the survivors, forever, free, clear and
discharged of and from all former grants, titles, charges, taxes, judgments, mortgages and
other liens and encumbrances of whatsoever nature.

SIGNED AND SEALED this the 13th day of MAY, 2014

Mary Bryant
MARY BRYANT

STATE OF OKLAHOMA
Bryan County
Documentary Stamps \$ 165.00

STATE OF OKLAHOMA)
)ss. ACKNOWLEDGMENT
COUNTY OF BRYAN)

Before me, the undersigned, a Notary Public in and for said County and State, on
this 13th day of May, 2014, personally appeared MARY BRYANT, a single person, to me
known to be the identical person who executed the within and foregoing instrument, and
acknowledged to me that she executed the same as her free and voluntary act and deed for
the uses and purposes therein set forth.

WITNESS my hand and Seal the day and year last above written.

My Commission Expires

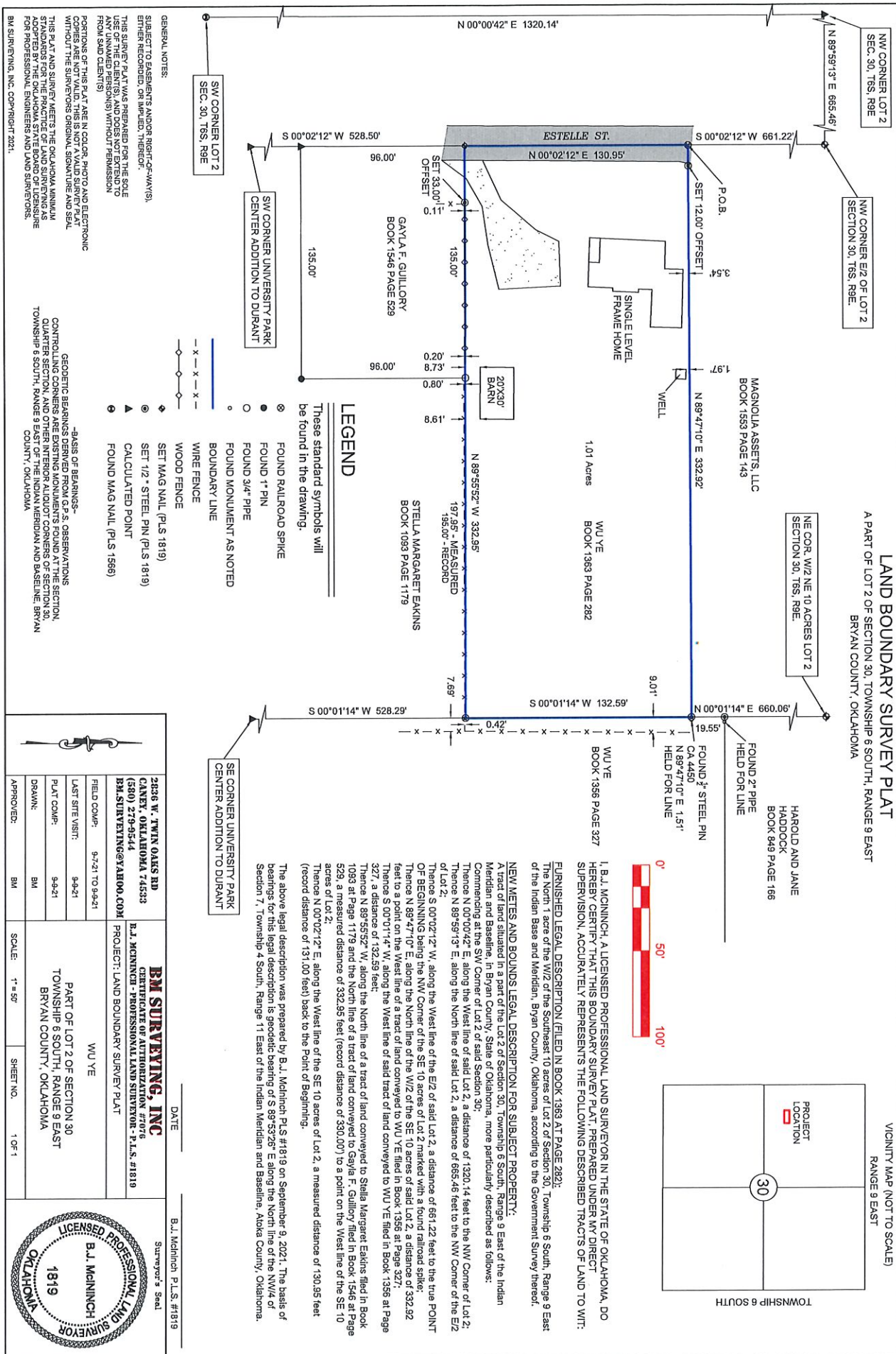
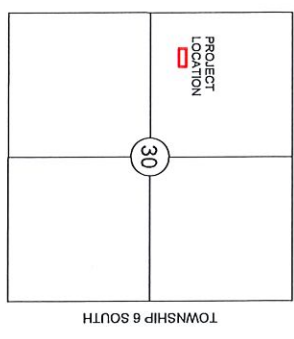


Dean Jestis
NOTARY PUBLIC

LAND BOUNDARY SURVEY PLAT

A PART OF LOT 2 OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 9 EAST
BRYAN COUNTY, OKLAHOMA

VICINITY MAP (NOT TO SCALE)
RANGE 9 EAST



LEGEND

These standard symbols will be found in the drawing.

- FOUND RAILROAD SPIKE
- FOUND 1" PIN
- FOUND 3/4" PIPE
- FOUND MONUMENT AS NOTED
- BOUNDARY LINE
- WOOD FENCE
- WIRE FENCE
- SET MAG NAIL (PLS 1819)
- SET 1/2" STEEL PIN (PLS 1819)
- CALCULATED POINT
- FOUND MAG NAIL (PLS 1566)

GENERAL NOTES:
SUBJECT TO EASEMENTS AND/OR RIGHT-OF-WAY(S), EITHER RECORDED, OR IMPLIED, THEREOF.
THIS SURVEY PLAT WAS PREPARED FOR THE SOLE USE OF THE CLIENT(S), AND DOES NOT EXTEND TO ANY OTHER PERSON(S) WITHOUT PERMISSION FROM SAID CLIENT(S).
PORTIONS OF THIS PLAT ARE IN COLOR, PHOTO AND ELECTRONIC COPIES ARE NOT VALID. THIS IS NOT A VALID SURVEY PLAT WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND SEAL.
THIS PLAT AND SURVEY MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LAND SURVEYING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
BM SURVEYING, INC. COPYRIGHT 2021.

— BASIS OF BEARINGS —
GEODETIC BEARINGS DERIVED FROM G.P.S. OBSERVATIONS
CONTROLLING CORNERS ARE EXISTING MONUMENTS FOUND AT THE SECTION, QUARTER SECTION, AND OTHER INTERIOR ALIQUOT CORNERS OF SECTION 30, TOWNSHIP 6 SOUTH, RANGE 9 EAST OF THE INDIAN MERIDIAN AND BASELINE, BRYAN COUNTY, OKLAHOMA

2636 W. TWIN OAKS RD CANYON, OKLAHOMA 74533 (580) 279-9544 BMSURVEYING@YAHOO.COM		BM SURVEYING, INC. CERTIFICATE OF AUTHORIZATION #7076 B.J. MCININCH - PROFESSIONAL LAND SURVEYOR - P.L.S. #1819	
FIELD CORR:	9-2-21 TO 9-2-21	PROJECT: LAND BOUNDARY SURVEY PLAT	
LAST SITE VISIT:	9-2-21	DATE	
PLAT CORR:	9-2-21	TOWNSHIP 6 SOUTH, RANGE 9 EAST BRYAN COUNTY, OKLAHOMA	
DRAWN:	BM	SHEET NO. 1 OF 1	
APPROVED:	BM	SCALE: 1" = 50'	



I, B.J. MCININCH, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT, PREPARED UNDER MY DIRECT SUPERVISION, ACCURATELY REPRESENTS THE FOLLOWING DESCRIBED TRACTS OF LAND TO WIT:

FURNISHED LEGAL DESCRIPTION (FILED IN BOOK 1363 AT PAGE 282):
The North 1/4 of the Southeast 1/4 of Section 30, Township 6 South, Range 9 East of the Indian Base and Meridian, Bryan County, Oklahoma, according to the Government Survey thereof.

NEW METES AND BOUNDS LEGAL DESCRIPTION FOR SUBJECT PROPERTY:
A tract of land situated in a part of the Lot 2 of Section 30, Township 6 South, Range 9 East of the Indian Meridian and Baseline, in Bryan County, State of Oklahoma, more particularly described as follows:
Commencing at the SW Corner of Lot 2 of said Section 30:
Thence N 00°00'42" E, along the West line of said Lot 2, a distance of 665.46 feet to the NW Corner of the E/2 of Lot 2;
Thence N 89°59'13" E, along the North line of said Lot 2, a distance of 1320.14 feet to the true POINT OF BEGINNING being the NW Corner of the SE 1/4 of Section 30, Township 6 South, Range 9 East of the Indian Meridian and Baseline, in Bryan County, Oklahoma, a found railroad spike;
Thence N 89°47'10" E, along the North line of the W/2 of the SE 1/4 of said Lot 2, a distance of 332.92 feet to a point on the West line of a tract of land conveyed to WU YE filed in Book 1356 at Page 327;
Thence S 00°01'14" W, along the West line of said tract of land conveyed to WU YE filed in Book 1356 at Page 327, a distance of 132.59 feet;
Thence N 89°55'52" W, along the North line of a tract of land conveyed to Stella Margaret Eakins filed in Book 1093 at Page 1179 and the North line of a tract of land conveyed to Gayla F. Gullory filed in Book 1546 at Page 529, a measured distance of 332.95 feet (record distance of 330.00') to a point on the West line of the SE 1/4 of Lot 2;
Thence N 00°02'12" E, along the West line of the SE 1/4 of Lot 2, a measured distance of 130.95 feet (record distance of 131.00 feet) back to the Point of Beginning.

The above legal description was prepared by B.J. McIninch P.L.S. #1819 on September 9, 2021. The basis of bearings for this legal description is geodetic bearing of S 89°53'28" E, along the North line of the NW 1/4 of Section 7, Township 4 South, Range 11 East of the Indian Meridian and Baseline, Adoka County, Oklahoma.

Dear Members of the Durant Planning Commission:

I live in the R-1 single-family residential district where Wu Le has requested a zoning change for property located at 1528 Estelle Street from R-1 to C-2. I am strongly opposed to this zoning change.

Many children live in this neighborhood and play in the cul-de-sac neighborhood streets. The amount of traffic in this neighborhood is already a concern and more traffic will change the surrounding blocks from a safe space for kids to a hazard. As it is, it is becoming increasingly difficult to turn either right or left onto University from Estelle Street, the very intersection that will be most affected by increased traffic resulting from any zoning change. The City does not have enough supporting infrastructure of streets and lights to change this neighborhood from residential to partly commercial.

Please do not change the entire nature of our small neighborhood. It will harm living conditions and devalue the surrounding residential property values.

Respectfully yours,

K.Ellis Naifeh
2913 Michelle Street, Durant, OK 74701
naifehssteakhouse@hotmail.com
580-421-2374

Hearing PC2021-29

1 message

Ellis Naifeh <naifehssteakhouse@hotmail.com>

Fri, Sep 24, 2021 at 10:58 AM

To: "planning@durant.org" <planning@durant.org>

Dear Members of the Durant Planning Commission:

I live in the R-1 single-family residential district where Wu Le has requested a zoning change for property located at 1528 Estelle Street from R-1 to C-2. I am strongly opposed to this zoning change.

Many children live in this neighborhood and play in the cul-de-sac neighborhood streets. The amount of traffic in this neighborhood is already a concern and more traffic will change the surrounding blocks from a safe space for kids to a hazard. As it is, it is becoming increasingly difficult to turn either right or left onto University from Estelle Street, the very intersection that will be most affected by increased traffic resulting from any zoning change. The City does not have enough supporting infrastructure of streets and lights to change this neighborhood from residential to partly commercial.

Please do not change the entire nature of our small neighborhood. It will harm living conditions and devalue the surrounding residential property values.

Respectfully yours,

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naifehssteakhouse@hotmail.com
580-421-2374



Ellis Naifeh
Quien Sabe Racing Stables
Van Meter Realty
naifehssteakhouse@hotmail.com
(C) 580-421-2374

Zoning change on Estelle Street

Rylon Hill <rylonhill@hotmail.com>

To: planning@durant.org <planning@durant.org>

Durant Planning Commission:

I currently own this property as well in the R1 single-family residential district where Wu Le has requested a zoning change for property located at 1528 Estelle Street from R1 to C2. I very much do not wish for this zoning change to be granted.

We have many small children that live in this neighborhood and play on the street directly across from the address listed for change. Already there are traffic concerns on Estelle Street and especially at the intersection of Estelle and University. In my opinion the city is already lacking in handling the traffic concerns we have without adding more commercial businesses to the problem.

I do not wish to change our small residential neighborhood into a heavily traveled commercial area. It would bring an unwelcome change to our neighborhood and possibly devalue mine as well as others residential property values.

Thank you very much.

Rylon S. Hill

2905 Michelle Street

Durant, OK 74701

rylonhill@hotmail.com

(580)-434-2894



Zoning Change on Estelle Street

1 message

Rylon Hill <rylonhill@hotmail.com>

Fri, Sep 24, 2021 at 9:05 PM

To: "planning@durant.org" <planning@durant.org>

Durant Planning Commission:

I reside in the R1 single-family residential district where Wu Le has requested a zoning change for property located at 1528 Estelle Street from R1 to C2. I very much do not wish for this zoning change to be granted.

We have many small children that live in this neighborhood and play on the street directly across from the address listed for change. Already there are traffic concerns on Estelle Street and especially at the intersection of Estelle and University. In my opinion the city is already lacking in handling the traffic concerns we have without adding more commercial businesses to the problem.

I do not wish to change our small residential neighborhood into a heavily traveled commercial area. It would bring an unwelcome change to our neighborhood and possibly devalue mine as well as others residential property values.

Thank you very much.

Rylon S. Hill
2909 Michelle Street
Durant, OK. 74701
rylonhill@hotmail.com
(580)-434-2894



Zoning change on Estelle Street

1 message

Rylon Hill <rylonhill@hotmail.com>

Fri, Sep 24, 2021 at 9:10 PM

To: "planning@durant.org" <planning@durant.org>

Durant Planning Commission:

I currently own this property as well in the R1 single-family residential district where Wu Le has requested a zoning change for property located at 1528 Estelle Street from R1 to C2. I very much do not wish for this zoning change to be granted.

We have many small children that live in this neighborhood and play on the street directly across from the address listed for change. Already there are traffic concerns on Estelle Street and especially at the intersection of Estelle and University. In my opinion the city is already lacking in handling the traffic concerns we have without adding more commercial businesses to the problem.

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Thank you very much.

Rylon S. Hill
2905 Michelle Street
Durant, OK 74701
rylonhill@hotmail.com
(580)-434-2894



Public Hearing PC2021-29 October 5, 2021-PROTEST

1 message

Nancy Hammel <nancy@adwisegroup.com>
To: planning@durant.org

Thu, Sep 23, 2021 at 10:15 AM

Planning & Zoning:

Please note that we are in PROTEST of the application for rezoning from R-1 Single Family Residential District to the C-2 Highway Commercial and commercial Recreation District for property located at 1528 Estelle Street in Durant.

Our neighborhood seems to constantly be under assault by developers that want to destroy it and turn it into just another mediocre commercial development. Look at the neighborhood, look at the small street of Estelle. Does it make sense for C-2 to be applied to property where it would be sandwiched between R-1 zoning? What about the residents' rights to safety and protection? Estelle Street dead ends into Wilson and feeds Chuckwa, both of which are streets that serve the neighborhood only. Good planning will not allow C-2 to even be considered for this tiny street that barely supports the current residential traffic.

We all appreciate that Durant is undergoing tremendous growth and we support it. However, growth at any cost to the established neighborhoods will eventually destroy the small town charm that these neighborhoods create. Without neighborhoods like Chuckwa West...Durant is just a collection of strip centers apart... from the central business district.

Thank you for your consideration.

Sincerely,

Rick and Nancy Hammel

2500 Chuckwa Dr.

Durant, OK 74701

C: 972 415 9083



Durant.org
Powered by Google

Audrey Hamilton <ahamilton@durant.org>

re: rezoning

1 message

Tony & Beth Robinson <tonybeth.rob@gmail.com>

Mon, Sep 20, 2021 at 8:09 PM

To: planning@durant.org

We would like to protest the rezoning of 1528 Estelle from residential to commercial. We have a quiet neighborhood, despite being right off University. Our quality of life in Chuckwa West neighborhood will be negatively impacted by rezoning due to increased traffic. Thank you for your consideration.

Tony and Beth Robinson
1965 Marie Drive



Danielle O'Neal <doneal@durant.org>

Rezoning opinion

2 messages

'Roberta Clark' via Community Development <planning@durant.org>

Wed, Sep 29, 2021 at 8:10 AM

Reply-To: Roberta Clark <bobbieebird@yahoo.com>

To: planning@durant.org

Hello my name is Roberta Wells.

I reside at 2900 Michelle Street

Durant OK.

I feel that a commercial business at the address of the rezoning request is not prudent for the neighbors or the neighborhood in general.

I do not want a restaurant across the street from my home.

The traffic concerns are substantial to consider.

The invasion of privacy.

The direct impact of smell coming from the kitchen.

Property devaluation is considerable.

I vote NO on the rezoning request put forth.

Sincerely, Roberta Wells.

Sent from my iPhone

Danielle O'Neal <doneal@durant.org>

Wed, Sep 29, 2021 at 5:20 PM

To: Roberta Clark <bobbieebird@yahoo.com>

Cc: planning@durant.org

Thank you for your email. We will be sure that the Planning Commission receives it as well. We also encourage you to attend the Planning Commission meeting which will be held on Tuesday, October 5 at 5:30 pm here at City Hall within the Council Chambers.

Thank you,

Danielle

[Quoted text hidden]

--

Danielle O'Neal

Community Development Director

City of Durant

300 W. Evergreen

Durant, OK 74701

Phone: (580) 931-6613