

# **City of Louisburg, Kansas Zoning Regulations Of 2010**

**ADOPTED NOVEMBER 15, 2010  
ORDINANCE NO. 987**



**City of Louisburg, Kansas  
Zoning Regulations  
Of  
2010  
With Amendments**

**Mayor**

Curt Shreckengaust

**City Council**

David Cannon  
Glena Windisch  
Steve Ward  
Carolyn Karns  
Steve Town

**Planning Commission**

Jean Carder, Chairperson  
Nate Apple, Secretary

Corrina Hauer-Sullivan      Doug Busby  
Michael Unthank      Chris Lancaster  
Leslie Page      Andy Sauber  
Gus Straughen

**City Administrator**

Jeff Cantrell

**Building & Zoning Director**

**City Engineer**

Rita Cassida

**Approved by Planning Commission on September 29, 2010  
Adopted by Governing Body November 15, 2010**

ORDINANCE NO. 987

AN ORDINANCE REPEALING THE EXISTING ZONING REGULATIONS THE SAME BEING ORDINANCE NO. 914 AND ALL AMENDMENTS THERETO, OF THE CITY OF LOUISBURG, KANSAS, AND ADOPTING NEW ZONING REGULATIONS BY REFERENCE FOR THE ENTIRE INCORPORATED AREA OF THE CITY OF LOUISBURG, KANSAS: SAID ZONING REGULATIONS ARE CONTAINED IN A BOOKLET ENTITLED "CITY OF LOUISBURG, KANSAS, ZONING REGULATIONS OF 2010" AS PREPARED AND COMPILED BY THE CITY OF LOUISBURG: SAID REGULATIONS CONTROL AND RESTRICT THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATE AND RESTRICT THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINE THE AREA OF YARD, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATE AND RESTRICT THE DENSITY OF POPULATION; DIVIDE THE PLANNING AREA INTO DISTRICTS FOR SUCH PURPOSES; ADOPT A MAP SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINE CERTAIN TERMS USED IN SAID REGULATIONS; ESTABLISH A BOARD OF ZONING APPEALS; AND PROVIDE FOR CHANGES AND AMENDMENTS TO SAID REGULATIONS.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, MIAMI COUNTY, KANSAS:**

SECTION I. That the Zoning Regulations in a booklet entitled, "City of Louisburg, Kansas, Zoning Regulations of 2010" as prepared and compiled by the City of Louisburg are hereby incorporated by reference as authorized by the provisions of K.S.A. 12-3009, et seq., as amended, and the provisions of K.S.A. 12-707, et seq., as amended.

SECTION II. That three (3) copies of said Zoning Regulations shall be marked or stamped "Official Copy" as incorporated by Ordinance No 497 to which shall be attached incorporating ordinance and such copies shall be filed with the City Clerk and shall be open to inspection and available to the public at all reasonable business hours.

SECTION III. That the Zoning Map entitled, "LOUISBURG, KANSAS, ZONING DISTRICT MAP", previously adopted by reference is hereby reincorporated into the Zoning Regulations by reference and the City Clerk is hereby ordered to certify the same as the Official Zoning Map for the City of Louisburg, Kansas, and said map shall be on file in the office of the City Clerk and be open to inspection and available to the public at all reasonable business hours.

SECTION IV. That Ordinance No. 914 of the City of Louisburg, Kansas, and all amendments thereto are hereby repealed.

SECTION V. (a) Any violation of any regulation adopted under the authority of this Ordinance shall be a misdemeanor and shall be punishable by a fine of not to exceed

\$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

(b) The City of Louisburg, and any person the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the adopted zoning regulations and to abate nuisances maintained in violation thereof.

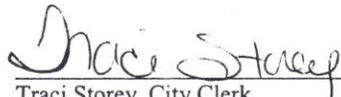
(c) Whenever any building or structure is, or is proposed to be, erected, constructed, altered, converted, or maintained or any building, structure or land is, or is proposed to be, used in violation of any zoning regulations, the City, or in the event the violation relates to a provision concerning flood plain zoning, the attorney general and chief engineer of the division of water resources of the Kansas state board of agriculture, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violation or to prevent the occupancy of such building, structure or land.

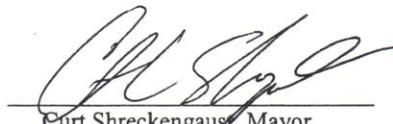
(d) Any person, company, corporation, institution, municipality, or agency of the state who violates any provision of any regulation relating to flood plain zoning shall be subject to the penalties and remedies provided for herein.

SECTION VI. That this ordinance shall take effect and be in force from and after its adoption by the Governing Body of the City of Louisburg, Kansas and upon publication in the official City newspaper.

PASSED and approved by the Governing Body this 10 day of November, 2010.

ATTEST:

  
Traci Storey, City Clerk

  
Curt Shreckengast, Mayor

(seal)

**City of Louisburg, Kansas**

**Zoning Regulations**

**Of**

**2010**

**ADOPTED NOVEMBER 15, 2010**  
**ORDINANCE NO. 987**

**CITY OF LOUISBURG, KANSAS**  
**ZONING REGULATIONS**

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**ARTICLE 1 TITLE**

SECTION 101.

These regulations, including the City of Louisburg Zoning District Maps, made a part hereof, shall be known, and may be cited and referred to as the City of Louisburg, Kansas Zoning Regulations - 2010.

**ARTICLE 2 PURPOSE AND INTENT**

SECTION 201.

This zoning ordinance, adopted pursuant to the authority contained in Article 7 of Chapter 12 of the Kansas Statutes Annotated, and amendments thereto, is intended to serve the following purposes:

- A. To promote the health, safety, morals, comfort and general welfare of the City; and
- B. To preserve and protect property values throughout the City; and
- C. To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts and other open spaces; the density of population; and
- D. To divide the City into zones and districts; and
- E. To regulate and restrict the location and use of buildings and land within each district or zone.

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**ARTICLE 3    GENERAL PROVISIONS**

**SECTION 301.    JURISDICTIONAL AREA**

The Provisions of these regulations shall apply to all structures and land in the incorporated area of Louisburg, Kansas, as shown on the City of Louisburg Zoning District Maps. The jurisdictional area shall be shown on the City of Louisburg Zoning District Map filed in the office of the City Clerk.

**SECTION 302.    ESTABLISHMENT OF DISTRICTS**

The jurisdictional area is hereby divided into sixteen zoning districts which are designated as follows:

- "A-L" Agricultural District
- "R-1" Single-Family Dwelling District
- "R-2" Two-Family Dwelling District
- "R-3" Multi-Family Dwelling District
- "M-P" Mobile Home Park District
- "C-0" Office and Institution District
- "C-1" Neighborhood Business District
- "C-2" Central Business District
- "C-3" General Business District
- "C-4" Special Use Business District
- "C-S" Highway Service District
- "HC-0" Highway K-68 /Corridor Overlay District
- "B-P" Business Park District
- "I-1" Light Industrial District
- "I-2" Heavy Industrial District
- "PUD" Planned Unit Development District

**SECTION 303.    ZONING DISTRICT MAP**

The boundaries of the districts are shown on the Official Zoning District Map which is filed in the office of the City Clerk. Said zoning map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

**SECTION 304.    RULES WHERE UNCERTAINTY MAY ARISE**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, incorporated herein, the following rules apply:

- A.     The district boundaries are the center lines of streets, alleys, and waterways, unless otherwise indicated; and where the designation of a boundary line on the zoning map

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coincides with the location of streets, alleys, or waterways, the centerline of such streets, alleys, or waterways shall be construed to be the boundary line of such district.

- B. Where the district boundaries do not coincide with the location of streets, alleys, or waterways, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- C. Where the district boundaries do not coincide with the location of streets, alleys, waterways, or lot-lines, the district boundaries shall be determined by the use of the scale shown on the zoning map.

### SECTION 305. EXEMPTIONS

The following structures and uses shall be exempt from the provisions of these regulations:

- A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.
- B. Retaining walls.
- C. Public signs.
- D. Agriculture use as defined by these regulations. In the event that any agriculture structure or land is located within a "special flood hazard area" or ceases to be used only for agriculture, then such structure or land shall be subject to the applicable provisions of these regulations. Special flood hazard areas are those areas shown on the "Flood Hazard Boundary Maps," dated June 7, 1977, including amendments thereto, and which are adopted by the City of Louisburg as the official maps to be used in determining those areas of special flood hazard within the City of Louisburg. Said maps are incorporated herein by reference as part of these Zoning Regulations.

### SECTION 306. APPLICATION OF REGULATIONS

The following general requirements shall apply to all zoning districts:

No building, structure, or land shall hereafter be used or occupied in whole or in part, and no building or structure of part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.

### SECTION 307. ANNEXED LAND

All land which may hereafter be annexed to the City of Louisburg, Kansas shall be classified according to the closest corresponding classification as it was classified in the County, except the following rules will apply to land classified as Agricultural District (AG) or Countryside District (CS):

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- A. All Agricultural District or Countryside District parcels of 20 acres or less, shall upon annexation, be classified as R-1 Single Family Dwelling District until otherwise changed by Ordinance.
- B. All Agricultural District or Countryside District parcels of 20 acres or greater, which qualify under the definition of Agricultural Use as defined in these regulations, upon annexation and approval by the Governing Body, be classified as “A-L” Agricultural District, provided the primary use of the parcel remains an agricultural use. Subdivision of such parcels will first require classification to “R-1” Single Family Dwelling District.

**SECTION 308. ZONING PROCEDURE**

The requirements of this Zoning Ordinance permit only those uses listed in each district under USE REGULATIONS. Any owner of property desiring to use his property for some use other than the listed uses may request the Planning Commission to consider amending the regulations.

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**ARTICLE 4 RULES AND DEFINITIONS**

**SECTION 401. RULES**

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

**SECTION 402. INTERPRETATION**

- A. **Minimum Requirements.** In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. **Overlapping or Contradictory Regulations.** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by another provision of these regulations or any provision of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern unless otherwise excepted.

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- C. Private Agreements. These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provision of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- D. Unlawful Uses. Any structure or use which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

**SECTION 403. SEPARABILITY**

It is hereby declared to be the intention of the City that the provisions of these regulations are separable, in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

**SECTION 404. DEFINITIONS**

For the purpose of this Zoning Regulation, certain terms or words herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise.

- A. Accessory Building or Structure. A subordinate building or structure which serves a function customarily incidental to that of the main building. Customary accessory buildings and structures include garages, carports, swimming pools, dish antennas and storage sheds.
- B. Accessory Use. A subordinate use which serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, off-street parking, air conditioners, barbecue ovens, solar panels, and fireplaces
- C. Agriculture Use. Land devoted to the production of plants, animals or horticultural products, including but not limited to : Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine, and horses; bees and apirary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use shall include the structures necessary for carrying out the applicable agricultural use and the dwellings of those owning or operating the premises, a member of the family thereof, or persons employed thereon. Land devoted to agricultural use shall not include those lands which

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are used for feed lots as defined by State Statute, or lands which are used for rural home sites or farm home sites on tracts of land twenty acres or less in size or yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed within this definition.

- D. Alley. A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, and has a right-of-way which is twenty (20) feet or less in width.
- E. Alteration. Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.
- F. Animal Hospital or Clinic. An establishment where animals are admitted principally for examination, treatment, board or care by a doctor of veterinary medicine. (This does not include open kennels or runs.)
- G. Architectural Projection. Any projection that is not intended for occupancy, and that extends beyond the face of an exterior wall of a building, such as the eave of a roof or a fireplace chase.
- H. Assisted Living Facility. See “Independent/Assisted Living Facility”.
- I. Basement. That portion of a building having more than one-half of its height below grade. This portion is not a completed structure and serves as a substructure or foundation for the remainder of the building.
- J. Board of Zoning Appeals. That Board which has been created by the Governing Body to hear and determine appeals, and variances, to the zoning regulations as set out in Article 10.
- K. Boarding, or Lodging House. A building other than a hotel or motel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for four or more persons, but not exceeding 20 persons. Individual cooking facilities are not provided.
- L. Building. Any structure designed or intended for the enclosure, shelter or protection of persons, animals or property.
- M. Building, Height. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.
- N. Codes Administrator. The person or persons authorized or empowered by the Governing Body to administer the requirements of these Zoning Regulations.

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- O. Common Open Space. An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the areas of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- P. Condominium. A single dwelling unit under individual ownership within a two-family or multiple dwelling unit structure. A single-family detached residence is defined as a condominium when it is part of a condominium subdivision where all of the land included in the subdivision is under common ownership.
- Q. Day Care Center. A building or place where care, supervision, custody or control is provided for more than six (6) unrelated children or adults for any part of a 24-hour day up to twelve (12) hours.
- R. Day Care Nursery. A residence or building in which care, supervision, custody or control is provided for six (6) or fewer unrelated children or adults for any part of a 24-hour day up to twelve (12) hours. Babysitting service for four (4) or fewer infants shall be considered a day care nursery.
- S. Disability. A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the controlled Substance Act (21 U.S.C. 802); or any person assigned to a community corrections program or diversion program, on parole from a correctional institution or on probation for a felony offense, or in a state mental institution following a finding of not guilty by reason of insanity.
- T. District or Zone. A section or sections of the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are herein established.
- U. Dog. Any canine species over six (6) months of age.
- V. Dwelling. Any building or portion thereof, including modular homes but not including mobile or manufactured homes, which is designed and used exclusively for residential purposes.
- W. Dwelling, Single-Family. A residential building having accommodations for and occupied exclusively by one family. This does not include single family detached units which are part of a condominium subdivision.
- X. Dwelling, Single-Family Attached. A portion of a residential building having accommodations for and occupied exclusively by one family, and which is located on a separate lot of record apart from the remaining portions of the building. Each such dwelling may be sold independently of other portions.

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- Y. Dwelling, Two-Family. A residential building having accommodations for and occupied exclusively by two families, independently.
- Z. Dwelling, Multiple. A residential building having accommodations for and occupied exclusively by more than two families, independently.
- AA. Dwelling for the Elderly and/or Handicapped. A two family or multiple-family residential building having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration, and is a substantial limitation to their ability to live independently.
- BB. Earth-Sheltered Residence. A residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located, and which was not intended to serve as a substructure of foundation for a building.
- CC. Family. One or more than one person related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.
- DD. Floor Area. Shall mean the gross area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:
1. The basement floor area.
  2. The area of each floor of the structure.
  3. The attic space having headroom of seven (7) feet or more.
- EE. Foster Home. A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.
- FF. Frontage. All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the Frontage shall be considered as all that property abutting on one (1) side between an intersecting street and the dead end of the street.
- GG. Gasoline Service Station. A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced, self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.

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- HH. Governing Body. The City Council of Louisburg, Kansas.
- II. Group Home. Any dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability, as defined in this ordinance, who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, and which is licensed by the Department of Social and Rehabilitation Services or the Department of Health and Environment.
- JJ. Group Boarding Home. A non-secure facility licensed by the Kansas Department of Social and Rehabilitative Services providing residential care for no fewer than five nor more than ten persons unrelated to the care givers, and includes emergency shelters and maternity homes.
- KK. Home Occupation. A business, profession, service or trade conducted for gain or support entirely within a residential building or its accessory structures. (See Article 6 for requirements.)
- LL. Hotel or Motel. A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.
- MM. Independent/Assisted Living Facility. Any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence.
- NN. Inoperable Motor Vehicle. A motor vehicle that is wrecked, dismantled, or unable to move under its own power, is impounded by a governmental agency, or is not currently licensed.
- OO. Institution. A building occupied by a non-profit corporation or a non-profit establishment for public use.
- PP. Kennel, Boarding. Any place, area, building, or structure where dogs (including those under one year in age) are boarded, housed, cared for, fed, or trained by other than the owner.
- QQ. Kennel, Breeding. Any place, area, building, or structure where more than four dogs are kept for purposes of breeding, raising or as pets.
- RR. Level. See “Story”

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SS. Living Space. The living space of a structure does not include garages, basements or porches and shall be calculated as follows:

Single Story – All floor area on the main entrance level of the structure (as determined by staff in plan review). The basement shall not be included unless it meets the conditions listed below for walk-out basements.

Split Level – All floor area at or above the main entrance level of the structure (as determined by staff in plan review) and the area in the basement that meets the conditions listed below for walk-out basements.

1½ Story – All floor area on the main entrance level of the structure (as determined by staff in plan review) plus the portion of the upper level with a minimum of 8 foot ceiling height. The basement shall not be included unless it meets the conditions listed below for walk-out basements.

Two Story – All floor area on the main entrance level of the structure (as determined by staff in plan review) plus the portion of the upper level with a minimum of 8 foot ceiling height. The basement shall not be included unless it meets the conditions listed below for walk-out basements.

Reverse 1½ Story – All floor area on the main entrance level of the structure (as determined by staff in plan review) and the area in the basement that meets the conditions listed below for walk-out basements.

Walk-Out Basements – The following conditions must be met for living space in a basement to be included for the structure.

1. One entire wall of the basement shall be at grade level with egress windows and a minimum of one door which leads directly to the outside.
2. Finished ceiling height shall be a minimum of eight (8) feet.
3. Living space will be calculated for each room in the basement which has exterior windows which have a glassed area of not less than fifteen (15) percent of the floor area in the room and give direct visual access to natural light and open space.

TT. Lot, Corner. A lot abutting upon two or more streets at their intersection.

UU. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.

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

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- WW. Lot, Front. The front of a lot shall be that narrowest dimension abutting a street right-of-way. On corner lots which have two equal sides which abut on a street right-of-way, either side may be considered the front of the lot.
- XX. Lot, Rear. The rear of a lot shall be that side opposite the front of the lot.
- YY. Lot, Zoning. A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
- ZZ. Lot of Record. A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds or a lot described by metes and bounds, the description of which was recorded in the office of the Register of Deeds.
- AAA. Mini-Warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled access cubicles, stalls, bays or lockers for the dead storage of a customer's goods or wares.
- BBB. Manufactured Home. A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.
- CCC. Mobile Home. A factory built residential structure or structures forty (40) or more feet in length and eight (8) or more feet in width, equipped with the necessary service connections required for utilities, having plumbing, heating, and electrical systems contained therein and constructed on a permanent chassis so as to be readily moveable as a unit or units on its or their own running gear and designated for residential purposes with or without a permanent foundation. Mobile Homes shall have been built to the federal manufactured home construction and safety standards in effect on the date the unit was built.
- DDD. Mobile Home Park. Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile homes and offered for use by the owner or representative for mobile home park purposes and/or ground upon which two or more mobile homes are parked, whether for compensation or not, including all accessory uses thereof. The term "mobile home park" does not include sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.
- EEE. Mobile Home Space. A plot of ground within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewerage, and electricity.
- FFF. Mobile Home Subdivision. A subdivision where individual lots are sold for the placement of traditional homes or mobile homes where the lot and structure are intended to be owned by the same party.
- GGG. Modular Home. A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Officials Conference of

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America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. Units built to the Federal Manufactured Home Construction and Safety Standards are classified as mobile homes and not modular homes.

- HHH. Multiple Story. A structure containing a minimum of two stories above the foundation or the basement separated by a vertical distance which provides a minimum ceiling height of 8 foot on each story. Each story shall occupy a single plane above the lower story. This includes Two Story and 1½ Story structures.
- III. Nonconforming Structure. A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.
- JJJ. Nonconforming Use. An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.
- KKK. Nursing Homes or Convalescent Homes. An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
- LLL. Off-Street Parking. An area that is laid out for the purpose of parking motor vehicles of residents, customers, employees or visitors and is not located on public right-of-way. Off street parking shall be considered as an accessory use to the principal use for which the parking is provided. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.
- MMM. Parking Space. An area established for the purpose of storing one parked automobile. For the purpose of this regulation, one parking space shall have a minimum width of eight (8) feet six (6) inches and a minimum length of nineteen (19) feet. In computing off-street parking, additional area shall be required for access drives to each parking space.
- NNN. Payday Loan Business. A business engaged in the practice of making short term loans, with such cash advance equal to or less than five hundred dollars (\$500.00), with the minimum term of any loan no less than seven (7) days and the maximum term no more than thirty (30) days, with a single repayment anticipated, as regulated under Sections 16a-2-404 and 405, of the Revised Statutes of Kansas, as from time-to-time amended.
- OOO. Planning Commission. The Louisburg City Planning Commission.
- PPP. Private Club, Class A. A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It

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shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.

QQQ. Private Club, Class B. An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for profit and in which said beverages are served only to members and their guests. Provided, however, that such sale of alcoholic beverages is in compliance with applicable Federal, State and local laws.

RRR. Residential-Design Manufactured Home. A mobile home which has (A) minimum dimensions of twenty-two (22) body feet in width and forty (40) feet in length, (B) a pitched roof, (C) siding and roofing materials which are customarily used on site-built homes, and meet the following additional requirements:

1. The pitch of the roof of the manufactured home has a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction in the city;
2. All roof structures shall provide an eave projection of no less than twelve (12) inches, excluding a gutter;
3. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the city;
4. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home; and
5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and it is the purpose of these criteria to ensure that a Residential-Design Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

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6. The manufactured home shall meet all of the requirements for single-family dwellings set forth in the Zoning Regulations of the City of Louisburg, Kansas.
  7. A Site Plan for each Residential-Design Manufactured Home shall be approved by the Planning Commission before a building permit will be issued.
- SSS. Restaurant. A public eating establishment at which the primary function is the preparation and serving of food for consumption on site, wherein alcoholic beverages may be sold for consumption and more than fifty (50) percent of the income is derived from the sale of food. "Restaurant" includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop, and steak house.
- TTT. Restaurant, Drive-In. An establishment whose primary purpose is the sale and dispensing of service of food, refreshments or beverage in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.
- UUU. Reverse 1½ Story. A single story structure constructed with a full basement with at least one entire wall being a walk-out and which may contain living and sleeping areas.
- VVV. Salvage or Junk Yard. A building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled, or prepared for recycling which shall include auto wrecking yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvaged materials as a part of a manufacturing operation.
- WWW. Sign. Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of official notice or official flag.
- XXX. Sight Triangle. An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1 /2) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety (90) feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the 90 foot distance shall increase to one hundred twenty (120) feet for each arterial leg of the intersection.
- YYY. Single Story. A structure in which all of the primary living areas are located on the surface of one floor normally with an entrance at ground level. A single story house may be constructed on a slab or contain a basement.
- ZZZ. Special Use Permit. A special use is a use that would not be appropriate generally throughout a zoning district without restrictions, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety,

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welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district upon approval by the Planning Commission if specific provisions for such special use are made in these Regulations.

AAAA. Split Level. Noting a house having a room or rooms that are somewhat above or below adjacent rooms, with the floor levels usually differing by approximately half a story.

BBBB. Story. That part of a building included between the surface of one floor and the surface of the floor above or, if there is no floor above, that part of the building which is between the surface of the floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. To be considered living space the minimum ceiling height shall be eight (8) feet.

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

DDDD. Street Line. A dividing line between a lot, tract, or parcel of land and the contiguous street right-of-way.

EEEE. Street Network.

1. Expressway. A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
2. Arterial. (52-foot Wide Street). A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits, and curb uses.
3. Collector. (38-foot Wide Street). A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
4. Residential Local. (34-foot Wide Street). A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.
5. Residential Access. (28-foot Wide Street). A street which provides access to residences and is not intended to be a through street.

FFFF. Structure. Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

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

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1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of non-structural members.

HHHH. Subdivision. The division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including resubdivision.

III. Subdivision Regulations. The lawfully adopted subdivision ordinances of the City of Louisburg, Kansas.

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

KKKK. Title Loan Business. A business engaged in the practice of lending money with the pledge of personal property as collateral, with the "Certificate of Title" issued by the State as proof of ownership of the personal property.

LLLL. Townhome. A type of multi-family dwelling in which individual dwelling units are attached by one or more vertical party walls, with the habitable spaces of different dwelling units arranged on a side-by-side rather than a stacked configuration. Each individual Townhome dwelling unit has a front and rear access to the outside. When sold, the land under the Townhome dwelling unit, and if specified, a distance not to exceed 24 inches from the foundation in front, in the rear, and at the side of end units is sold with the Townhome. Typically, the common areas outside of the defined property limits of the Townhome are owned and maintained by a homeowners association.

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

NNNN. Yard, Front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

OOOO. Yard, Rear. A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.

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

QQQQ. Zoning. The regulation or restriction of the location and uses of buildings and uses of land.

RRRR. Zoning Area. The area which is zoned as set out on the Official Zoning Map filed for record.

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SSSS. Zoning Regulations. The lawfully adopted zoning ordinances of the City of Louisburg, Kansas.

SECTION 405. UNDEFINED WORDS.

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

**ARTICLE 5 DISTRICT REGULATIONS**

**SECTION 501. "A-L" AGRICULTURAL DISTRICT**

- A. Intent. It is the intent of this district to provide for agricultural and related uses in a manner which will facilitate the eventual conversion of the land in this district to more intensive urban uses.
- B. Permitted Uses. In District "A-L" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Farming, truck gardening, orchards and nurseries, including the sale of products raised on the premises.
  2. Publicly owned or operated parks, playgrounds, and recreational uses.
  3. Single-family dwellings when in conjunction with an agricultural use.
    - a. Sloped roofs with three or more roof sloped planes.
    - b. The minimum pitch of the roof shall have a vertical rise of four feet for each 12 feet of horizontal run.
    - c. All roof structure shall provide an eave projection of no less than twelve (12) inches, excluding a gutter.
  4. Churches or similar places of worship.
  5. Public or private schools.
  6. Golf courses, except miniature golf courses and driving ranges operated for commercial purposes.
  7. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
  8. Accessory buildings and uses customarily incidental to those listed above.
  9. Home occupations as set out in Article 6.
  10. Group Homes as defined in Article 4 Section 404.
  11. Residential Design Manufactured Homes as defined in Article 4.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same

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manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.

1. Cemeteries, including mausoleums; provided mausoleums shall be at least two hundred (200) feet from every street line and adjoining lot lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
2. The extraction of minerals including oil and gas or raw minerals or raw materials and the processing, treating or storing of such minerals or materials.
3. Commercial transmitting towers.
4. Wind Energy Conversion Systems (WECS) subject to the following conditions:
  - a. No tower or propeller shall be so located as to ever be within one hundred (100) feet of any structure, power line or antenna located on other than the property on which the system is located.
  - b. The bottom tip of any propeller shall be at least ten (10) feet above any accessible pedestrian area.
  - c. The system and component parts shall be totally surrounded by a fence having a minimum height of six (6) feet and a maximum height of eight (8) feet unless otherwise physically inaccessible to the public.
  - d. The system shall not cause interference to the radio and television reception on adjoining property.
  - e. The system shall contain a breaking device for speeds above 40 miles per hour.
  - f. The safety results of an approved testing laboratory shall be submitted.
  - g. Proof that the system is covered by a homeowners insurance policy shall be submitted.
  - h. The maximum height shall be determined by anemometer studies which find out where the proper wind strata is in specific areas.
  - i. No system shall interfere with the wind access of an existing system. Systems shall be a minimum of five rotor blade lengths apart based upon the largest rotor in the area.
5. Earth-sheltered residences providing the following conditions are met:
  - a. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten (10) percent of the floor area and give direct visual access to natural light and open space.

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- b. Lot areas, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
- c. An outdoor space of no less than five hundred (500) square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be twenty (20) and the average grade elevation shall be no more than two (2) feet above or below the grade elevation of the floor of the dwelling.
- d. All earth-covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.
- e. A site plan, elevations and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area.

**D. Intensity of Use Regulations.**

- 1. A residence or residences shall be permitted on an agricultural tract for those owning or operating the premises or for those employed thereon, provided the tract of land is three (3) acres or more, except that a residence shall be permitted on any lot-of-record, as defined by these regulations, provided the lot can meet minimum standards for sewage treatment.
- 2. Minimum Dwelling Size;
  - a. Single Story – 1200 square feet of living space on the main entrance level of the house.
  - b. Split Level without a walk-out basement – 1200 square feet of living space at or above the main entrance level of the house.
  - c. Split Level with a walk-out basement – 1400 square feet of living space with a minimum of 1200 square feet of living space at or above the main entrance level of the house.
  - d. Multiple Story – 1400 square feet of living space with a minimum of 750 square feet of living space on the main entrance level of the house.
  - e. Reverse 1 ½ Story – 1400 square feet of living space with a minimum of 1200 square feet of living space on the main entrance level of the house.
  - f. Living space does not include garages, basements or porches.
  - g. Whenever a parcel prior to October 7, 1992 is a lot of record, the minimum single-family dwelling size shall be 960 square feet for a single level dwelling and a split level house or 1,060 square feet of living space

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for a multi-level dwelling, which shall have a minimum of 640 square feet of living space on the first floor.

- E. Height Regulations. Maximum structure height shall be thirty-five (35) feet, except that barns and silos may be of any height.
- F. Yard Regulations.
  - 1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - c. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on both streets. When lots do not front on one of the intersecting streets within the same block, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
  - 2. Minimum side yards: fifteen (15) feet on each side of a zoning lot.
  - 3. Minimum rear yard: forty (40) feet.
- G. Use Limitations. None.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

SECTION 502. "R-1" SINGLE-FAMILY DWELLING DISTRICT

- A. Intent. The intent of this district is to provide for low density residential development including those uses such as schools, churches and parks which reinforce residential neighborhoods.
- B. Permitted Uses. In District "R-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Single-family dwellings, subject to the following roof requirements
    - a. Sloped roofs with three or more roof sloped planes.
    - b. The minimum pitch of the roof shall have a vertical rise of four feet for each 12 feet of horizontal run.
    - c. All roof structures shall provide an eave projection of no less than twelve (12) inches, excluding a gutter.
  2. Public parks, playgrounds, and schools.
  3. Day care nurseries.
  4. Churches or similar places of worship.
  5. Golf courses, except miniature golf courses and driving ranges operated for commercial purposes.
  6. Accessory buildings and uses customarily incidental to the above uses.
  7. Home occupations as set out in Article 6.
  8. Group Homes as defined in Article 4 Section 404.
  9. Residential Design Manufactured Homes as defined in Article 4.
- C. Special Use Permits. The following uses may be allowed by Special Use Permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a Special Use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
1. Zero Lot-Line Dwellings. Single-family detached dwellings with one side yard equal to one foot or less are subject to the following conditions.
    - a. Zero lot-line dwellings shall meet all front and rear yard requirements.
    - b. For any zero lot-line dwelling, the lot-line wall (defined as that wall of the dwelling on the side lot-line) shall have no windows, doors, vents or other openings nor shall any window on any wall face that side lot-line.

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- c. The side yard requirement for a zero lot-line dwelling on the side opposite the lot-line wall shall be twice the normal side yard requirement of the zone or twelve (12) feet, whichever is smaller.
  - d. No two zero lot-line dwellings shall have their lot-line wall along the same side lot-line, nor shall any zero lot-line dwelling have its lot-line wall adjacent to any lot or tract of land not developed for zero lot-line dwellings.
  - e. No lot-line wall shall be located on a side lot-line adjacent to any public right-of-way.
  - f. The required yard setbacks for each zero lot-line lot shall be either shown on the subdivision plat or recorded as a restrictive covenant on the property deed.
2. Earth-sheltered residences providing the following conditions are met.
- a. The living area shall be provided with exterior windows or sky lights which have a glassed area of not less than ten (10) percent of the floor area and give direct visual access to natural light and open space.
  - b. Lot area, lot widths and setbacks for underground dwellings shall conform to those established by the zoning district.
  - c. An outdoor space of no less than five hundred (500) square feet shall be provided immediately outside one wall of the dwelling. The minimum width of the space shall be twenty (20) feet and the average grade elevation shall be no more than two (2) feet above or below the grade elevation of the floor of the dwelling.
  - d. All earth-covered structures shall be designed by a structural engineer and plans shall be submitted signed and sealed by a licensed structural engineer.
  - e. A site plan, elevations and other necessary drawings shall be submitted to ensure that the proposed structure is compatible with the adjacent residents and the topography of the area.
3. Any public building or land used by any department of the City, County, State or Federal government.
4. Telephone exchanges, electric substations or other similar public utilities.
5. Group Boarding Homes.
- D. Intensity of Use Regulations.
- 1. Lot area: Single-family - Minimum of 8,000 square feet.

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2. Lot width: Minimum of seventy (70) feet.

3. Minimum Dwelling Size –

Single Story – 1200 square feet of living space on the main entrance level of the house.

Split Level without a walk-out basement – 1200 square feet of living space at or above the main entrance level of the house

Split Level with a walk-out basement – 1400 square feet of living space with a minimum of 1200 square feet of living space at or above the main entrance level of the house.

Multiple Story – 1400 square feet of living space with a minimum of 750 square feet of living space on the main entrance level of the house.

Reverse 1½ Story – 1400 square feet of living space with a minimum of 1200 square feet of living space on the main entrance level of the house.

Living space does not include garages, basements or porches.

Whenever a parcel prior to October 7, 1992, is a lot of record, the minimum single-family dwelling size shall be 960 square feet for a single level dwelling and a split level house or 1,060 square feet of living space for a multi-level dwelling, which shall have a minimum of 640 square feet of living space on the first floor.

E. Height Regulations. Maximum structure height: thirty-five (35) feet.

F. Yard Regulations.

1. Front yard:

a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.

b. Where lots have a double frontage, the required front yard shall be provided on both streets.

c. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

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2. Side Yard: The total of both side yard setbacks shall not be less than twenty (20) percent of the width of the lot, except that no side yard setback, other than a side yard setback abutting a street right-of-way, need be more than fifteen (15) feet. In no case shall a side yard set back be less than seven (7) feet.

Wherever a lot prior to October 7, 1992, has a width of seventy-five (75) feet or less, the side yard on each side of the building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.
- G. Use Limitations. None.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 503. "R-2" TWO-FAMILY RESIDENTIAL DISTRICT**

- A. Intent. The intent of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.
- B. Permitted Uses. In District R-2, no building structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Single-family dwellings.
  2. Two-family dwellings subject to the condition that roof tops shall have at least two of the following features,
    - a. Parapets concealing flat roofs and roof top equipment;
    - b. Overhanging eaves;
    - c. Sloped roofs with three or more roof sloped planes.
  3. Public parks, playgrounds and schools.
  4. Golf courses, except miniature golf courses and driving ranges operated for commercial purposes.
  5. Day care nurseries.
  6. Churches or other similar places of worship.
  7. Home occupations as set out in Article 6.
  8. Accessory buildings and uses customarily incidental to the above uses.
  9. Group Homes as defined in Article 4 Section 404.
  10. Residential Design Manufactured Homes as defined in Article 4.
  11. Single-family attached subject to the following conditions:
    - a. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents or other openings in the common wall.
    - b. Not more than two units shall be attached in this district.
    - c. No unit shall have a depth greater than four times its width.

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- d. Any exterior wall which is not a common wall shall meet all yard requirements.
  - e. Each lot shall have direct access to a public street.
  - f. The deed to each lot shall include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.
  - g. The application shall include a plot plan with the general location of buildings, parking areas, driveways, fences and other structures, the location of easements and utility lines, the number and type of all dwelling units, and the property lines within the proposed development. Each dwelling shall be located on a separate lot of record as provided by the regulations.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
- 1. All Special Uses listed in the "R-1" District.
- D. Intensity of Use Regulations.
- 1. Minimum lot area:
    - Single-family - 7,700 square feet.
    - Two-family - 5,000 square feet/dwelling unit.
    - Single-family attached - 5,000 square feet/dwelling unit.
    - Other uses - 7,500 square feet.
  - 2. Minimum lot width:
    - Single-family – seventy (70) feet.
    - Two-family – ninety (90) feet.
    - Single-family attached – forty-four (44) feet. The gross minimum lot width of both single-family attached units when combined, shall not be less than the minimum required of two-family attached units within the same District.
  - 3. Minimum Dwelling Size –
    - Single Story – 1200 square feet of living space on the main entrance level of the house.
    - Split Level without a walk-out basement – 1200 square feet of living space at or above the main entrance level of the house.

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Split Level with a walk-out basement – 1200 square feet of living space with a minimum of 1000 square feet of living space at or above the main entrance level of the house.

Multiple Story – 1200 square feet of living space with a minimum of 750 square feet of living space on the main entrance level of the house.

Reverse 1½ Story – 1200 square feet of living space with a minimum of 1000 square feet of living space on the main entrance level of the house.

Living space does not include garages, basements or porches.

Wherever a parcel prior to October 7, 1992, is a lot of record, the minimum single-family dwelling size shall be 960 square feet for a single level dwelling and a split level house; or 1,060 square feet of living space for a multi-level dwelling, which shall have a minimum of 640 square feet of living space on the first floor.

E. Height Regulations. Maximum structure height: thirty-five (35) feet.

F. Yard Regulations.

1. Front yard:

a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.

b. Where lots have a double frontage, the required front yard shall be provided on both streets.

c. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

2. Side Yard: Not less than eight (8) feet, except as provided for single-family attached and zero lot-line development.

Wherever a lot prior to October 7, 1992, has a width of seventy (70) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

- G. Use Limitations. None.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 504. "R-3" MULTI-FAMILY RESIDENTIAL DISTRICT**

- A. Intent. The intent of this district is to provide for high density residential development, with the co-mingling of single, two-family and multi-family residences, in a manner which will retain the basic residential quality.
  
- B. Permitted Uses. In District "R-3" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
  - 1. All uses permitted in District "R-2".
  - 2. Multi-Family Dwellings.
  - 3. Boarding and Lodging Houses.
  - 4. Institutions of higher learning, including dormitory accommodations.
  - 5. Nursing or Convalescent Homes.
  - 6. Group Day Care Centers.
  - 7. Group Homes as defined in Article 4 Section 404.
  - 8. Residential Design Manufactured Homes as defined in Article 4.
  
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
  - 1. All Special Use Permits permitted in the "R-2" District except that more than two units may be attached for the single-family attached use.
  - 2. Fraternal organizations and lodges.
  - 3. Non-profit institutions of an educational, philanthropic or eleemosynary nature, except for penal or mental institutions.
  - 4. Condominiums and Townhomes subject to the following conditions:
    - a. Minimum yard areas/setbacks:
      - (1) Front Yard: Each residential or accessory building shall provide a setback from the public right-of-way or from the back of the curb of any private street of twenty-five (25) feet.

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- (2) Rear Yard: Each residential structure shall maintain a minimum rear yard of twenty (20) feet for each building, such that the minimum distance between the rear of back to back structures is not less than forty (40) feet. A utility easement of up to fifteen (15) feet can be included within the 40-foot separation distance.
  - (3) Side Yard: Each residential or accessory building shall maintain a side yard of not less than eight (8) feet from an existing property line or a distance between adjacent residential structures of sixteen (16) feet.
- b. Sidewalks shall be constructed on both sides of public or private streets in accordance with the sidewalk regulations. Sidewalks on private streets shall be constructed with a minimum of 1 foot separation from the back of the curb.
- c. All streets, including private streets, and parking lots shall be constructed with curb and gutter and underground storm drainage systems. Curb and gutter shall be constructed with “Granite Mix” concrete, and streets shall be constructed on a compacted sub-grade, with 8 inches of asphalt. The minimum width of streets shall be not less than twenty-four (24) feet as measured from back-of-curb to back-of-curb. Parking on one side of the street shall be permitted only if the street width is thirty (30) feet as measured from back-of-curb to back-of-curb.
- d. All condominium and townhome developments shall comply with the provisions of APWA Stormwater Regulations as adopted by the City.
- e. Private green space shall be provided with the subdivision, and shall contain such amenities as trails, nature areas, picnic space and playgrounds, in addition to the green space provided in front, rear, and side yards. A minimum of 20,000 square feet of such green space shall be provided, with a minimum width of forty (40) feet for each condominium subdivision. For subdivisions greater than 30 dwelling units, additional green space of three hundred (300) square feet shall be provided for each additional dwelling unit.
- f. Excise tax in the amount of \$0.12 per square foot shall be assessed for the entire area of the preliminary plat, payable at the time of recording of the Final Plat.
- g. A donation of \$200.00 per dwelling unit shall be assessed in lieu of dedication of public park land, payable at the time of recording of the Final Plat.
- h. The Covenants and Restrictions for the Condominium or Townhome Subdivision shall be submitted for review and approval with the Final Plat,

and that the Covenants and Restrictions shall be recorded with the Final Plat.

- i. A bond shall be posted in an amount to be determined at the time of approval of the Final Plat to guarantee construction of the improvements to include the sanitary sewer, storm sewer, curb and gutter, streets and sidewalks.
- j. A maintenance bond shall be posted in an amount to be determined at the time of approval of the Final Plat for a period of two (2) years for the sanitary sewer, storm sewer, curb and gutter, streets and sidewalks.
- k. The provision of streetlights, in accordance with the standards of the City of Louisburg, shall be the responsibility of the developer.
- l. All utilities, including gas, shall be extended through all streets in the subdivision.
- m. Adequate easements shall be provided and dedicated on the Final Plat for all public utilities.

D. Intensity of Use Regulations.

1. Minimum Lot Area:

Single-family - 7,000 square feet.

Two-family - 3,000 square feet/dwelling unit.

Single-family attached - 3,000 square feet/dwelling unit.

Multi-family and condominiums - 1,500 square feet/dwelling unit but not less than 6,000 square feet of lot area.

Dwellings for the Elderly - 1,000 square feet/dwelling unit but not less than 6,000 square feet of lot area.

Other uses - 7,500 square feet

2. Minimum Lot Width:

Single-family - seventy (70) feet

Multi-family - eighty (80) feet.

Two-family - eighty (80) feet.

Single-family attached - thirty-nine (39) feet. The gross minimum lot width of both single-family attached units when combined, shall not be less than the minimum required of two-family attached units within the same District.

3. Maximum Lot Coverage: forty (40) percent.

4. Minimum Dwelling Size –

Single Story – 1200 square feet of living space on the main entrance level of the house.

Split Level without a walk-out basement – 1200 square feet of living space at or above the main entrance level of the house.

Split Level with a walk-out basement – 1200 square feet of living space with a minimum of 1000 square feet of living space at or above the main entrance level of the house.

Multiple Story – 1200 square feet of living space with a minimum of 550 square feet of living space on the main entrance level of the house.

Reverse 1½ Story – 1200 square feet of living space with a minimum of 1000 square feet of living space on the main entrance level of the house.

Living space does not include garages, basements or porches.

Wherever a parcel prior to October 7, 1992, is a lot of record, the minimum single-family dwelling size shall be 960 square feet for a single level dwelling and a split level house; or 1,060 square feet of living space for a multi-level dwelling, which shall have a minimum of 500 square feet of living space on the first floor.

E. Height Regulations. Maximum structure height: forty-five (45) feet.

F. Yard Regulations.

1. Front yard:

a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.

b. Where lots have a double frontage, the required front yard shall be provided on both streets.

c. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

2. Side Yard: Not less than eight (8) feet, except as provided for single-family attached and zero lot-line development.

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Multi-family uses shall have a side yard of not less than eight (8) feet for buildings which are thirty-five (35) feet in height or less. For buildings in excess of thirty-five (35) feet in height, the side yard shall be increased by one (1) foot for each five (5) foot increase in height or portion thereof .

Wherever a lot prior to October 7,1992, has a width of seventy (70) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.
- G. Use Limitations. None.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 505. "M-P" MOBILE HOME PARK RESIDENTIAL DISTRICT**

- A. Intent. It is the intent of this district to provide low density mobile home park developments which are compatible with the character of the surrounding neighborhood in which they are located. Mobile home parks are considered as a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.
- B. Permitted Uses. In District "M-P" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Churches or other similar places of worship.
  2. Mobile or manufactured homes.
  3. Public parks and recreation areas.
  4. Accessory buildings and uses incidental to those listed above.
  5. Group Homes as defined in Article 4 Section 404.
- C. Special Use Permits. None
- D. Intensity of Use Regulations.
1. Minimum Lot Area: Mobile Home Park, 5 acres.
  2. Minimum Lot Width: three hundred (300) feet.
- E. Height Regulations. Maximum structure height: thirty-five (35) feet.
- F. Yard Regulations.
1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - c. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

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2. Side Yard: Not less than eight (8) feet, except as provided for single-family attached and zero lot-line development.

Wherever a lot prior to October 7, 1992 has a width of seventy (70) feet or less, the side yard on each side of a building may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than three (3) feet.

3. Rear Yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

G. Use Limitations. Each mobile home park shall be designed in accordance with the following minimum design standards:

1. The park shall be located on a well-drained site properly graded to ensure rapid drainage and freedom from stagnant pools of water.
2. Mobile home parks hereafter approved shall have a maximum density of seven (7) mobile homes per gross acre, and a minimum area of 4,000 square feet shall be provided for each mobile home space.
3. Each mobile home space shall be at least forty (40) feet wide at the front setback line and be clearly defined.
4. Mobile homes shall be located on each space so as to maintain a setback of not less than twenty-five (25) feet from any public street, highway right-of-way, or Residential District boundary; as to maintain a setback of not less than ten (10) feet from the edge of a park roadway, sidewalk, or rear boundary line of a mobile home space when such boundary line is not common to any public street, highway right-of-way, or Residential District boundary; and as to maintain a setback of not less than five (5) feet from any side boundary line of a mobile home space.
5. All mobile homes shall be so located to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than twenty (20) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than thirty (30) feet from any building within the park except a private storage shed or garage.
6. If mobile home spaces front upon a private roadway, it shall be not less than twenty-four (24) feet in width, including curbs on each side, provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty (30) feet; and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. All roadways shall have unobstructed access to a public street.
7. Common walks may be required in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important

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facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.

8. All roadways and sidewalks within the mobile home park shall be paved and shall be adequately lighted at night. Sidewalks shall be four-inch-thick concrete, four (4) feet wide, and streets shall be three inches of asphalt and six inches of base or an equivalent thereto.
  9. A storm shelter shall be required which may include recreation facilities, laundry facilities, storm shelter, and other similar uses.
  10. Each mobile home space shall be provided with a paved patio or equivalent, other than parking space, of not less than one hundred (100) square feet. No open storage of any unsightly material shall be permitted within the mobile home park and the space beneath the mobile home shall be considered open storage.
- H. Water Supply.
1. All mobile home parks shall be connected to a public water supply.
  2. The individual water service connections shall be provided at each mobile home space and the size, location and installation of water lines shall be in accordance with the requirements of the City.
- I. Sewage Disposal. Individual sewer connections shall be provided for each mobile home space and shall be installed in accordance with the City Plumbing Code. All mobile home parks shall be connected to a public sewer system.
- J. Tie Downs and Ground Anchors. All mobile homes shall be secured to the ground by tie downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code K.S.A. 75-1211 to 75-1234.
- K. Utilities. Electric, telephone and cable television service lines shall be installed underground and shall be in accordance with City codes and utility company specifications.
- L. Gas. Natural gas hookups, when provided, shall be installed in accordance with the City Plumbing code and the regulations of the gas supplier.
- M. Refuse and Garbage Handling.
1. Storage, collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution.
  2. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

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3. Refuse racks shall be provided for all refuse containers. Such racks shall be designed to prevent the containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
  4. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
  5. The park owner shall ensure that containers at all stands are emptied regularly and maintained in a usable sanitary condition.
- N. **Blocking.** All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home, and this blocking shall provide sixteen (16) inches by sixteen (16) inches bearing upon the stand.
- O. **Fire Safety Standards.** When liquefied petroleum gas is used in a mobile home park, containers for such gas shall not hold more than twenty-five (25) gallon water capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purpose, and shall be attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association.
- P. **Skirting.** Each mobile home shall be skirted within thirty (30) days after placement in the park by enclosing the open area under the unit with a material that is compatible with the exterior finish of the mobile home and is consistent with the quality of development of the park.
- Q. **Pad Requirements.** Pads shall be a flexible surface of either a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water, and edged to prohibit fraying or spreading of surfacing materials, or shall be a hard surface of a minimum of two, eighteen (18) inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home with a proper surface between them for weed control.
- R. **Storage Buildings.** Individual or group storage buildings may be provided, but if provided, they must be properly anchored.
- S. **Application Requirements.**
1. An applicant for "M-P" Mobile Home Park District shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than one (1) inch = one hundred (100) feet, and fifteen (15) copies of said Plan shall be submitted to the Planning Commission for its review and recommendations. Said Plan shall be designed in accordance with the Minimum Design Standards, and shall have contours shown at two-foot intervals.
  2. Upon approval of the preliminary Mobile Home Park Plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning

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Commission recommendation shall be forwarded to the Governing Body for their review and final action.

3. Any substantial deviation from the approved plan shall constitute a violation of the plan. The owner of a mobile home park shall be responsible for such violations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body.

T. Parking Regulations. See Article 7.

U. Sign Regulations. See Article 8.

**SECTION 506. "C-0" OFFICE AND INSTITUTION DISTRICT**

- A. Intent. It is the intent of the "C-0" Office and Institutional District to permit public, quasi-public, institutional and professional service uses. Density and intensity of use may be considered moderate. Uses in this district are intended to be compatible with adjoining residential districts.
- B. Permitted Uses. In District "C-0" no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Accessory buildings and uses customarily incidental to the uses permitted in "C-0" Office and Institution District.
  2. Boarding and lodging homes.
  3. Churches and other similar places or worship.
  4. Day Care Centers.
  5. Fraternities, sororities, lodges and private clubs, except those the chief activity of which is service, customarily carried on as a business.
  6. Hospital, but not animal or mental.
  7. Medical, dental, and health offices (for people only).
  8. Non-profit institutions of a religious, educational, eleemosynary or philanthropic nature.
  9. Office buildings for professional, commercial, industrial, religious, instructional, public or semi-public purposes, providing no goods, wares, or merchandise shall be prepared for sale or sold on the premises. A portion of the office building may be occupied and used as a drug store, barber shop, cosmetology shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street or visible from any sidewalk, and have no sign or display visible from outside the building indicating the existence of such use.
  10. Multiple-family dwellings.
  11. Parks, playgrounds and community buildings owned and operated by the City or County.
  12. Public buildings.
  13. Funeral homes and mortuaries.
  14. Nursing homes.

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C. Special Use Permits.

1. Independent/Assisted Living Facilities subject to the following conditions:
  - a. Place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations
  - b. Place or facility includes apartments for residents
  - c. Place or facility provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence.

D. Intensity of Use Regulations.

1. Minimum Lot Area:

6,000 square feet.  
Multi-family -1,500 square feet/dwelling unit but not less than 6,000 square feet of lot area.  
Independent/Assisted Living Facility – 6,000 square feet of lot area.
2. Minimum Lot Width: fifty (50) feet.
3. Resident apartments within an independent/assisted living facility shall have a minimum of five hundred (500) square feet of living space per apartment. In addition, a common area for use by the residents in the complex, whether attached or detached, shall be provided in the minimum amount of 1200 square feet with thirty (30) square feet added for each dwelling unit over 24 units.

E. Height Regulations. Maximum structure height: forty-five (45) feet.

F. Yard Regulations.

1. Front yard:
  - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
  - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.

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- d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
  - 2. Minimum side yard: five (5) feet except that the setback shall be increased to eight (8) feet when the building is in excess of thirty-five (35) feet in height.
  - 3. Minimum rear yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.
- G. Use Limitations.
- 1. The location of the office and institutional district shall be on property which has an acceptable relationship to major streets.
  - 2. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
  - 3. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high and having a density of not less than seventy (70) percent per square foot shall be provided adjacent to any adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-0" District.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

SECTION 507. "C-1" NEIGHBORHOOD BUSINESS DISTRICT

- A. Intent. The intent of this district is to provide commercial locations for small areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential.
- B. Permitted Uses. In District "C-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Accessory uses.
  2. Barber and beauty services.
  3. Day Care Centers.
  4. Drug stores and prescription shops.
  5. Dry cleaning and laundry establishments.
  6. Grocery stores.
  7. Package liquor stores.
  8. Self-service laundries and dry cleaning establishments.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
1. Service stations.
- D. Intensity of Use Regulations.
1. Minimum Lot Area: 10,000 square feet.
  2. Minimum Lot Width: one hundred (100) feet.
- E. Height Regulations. Maximum structure height: thirty-five (35) feet.
- F. Yard Regulations.
1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.

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- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in "a" above on both streets.
  - d. Whenever a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
2. Minimum side yard: five (5) feet when adjacent to a residential district, otherwise none.
  3. Minimum rear yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.

G. Use Limitations.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. No outdoor storage shall be permitted.
3. No business establishment shall offer or sell food or beverages where consumption is primarily intended to occur in parked motor vehicles.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-1" District.

H. Parking Regulations. See Article 7.

I. Sign Regulations. See Article 8.

**SECTION 508. "C-2" CENTRAL BUSINESS DISTRICT**

- A. Intent. The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and service and office uses that are normally found in the core area of a city.
- B. Permitted Uses. In District "C-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Accessory Uses.
  2. Amusement places (indoors), including video game arcades, game machines, pool halls, and other similar establishments.
  3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
  4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
  5. Apparel and accessory stores.
  6. Apartments on floors other than the ground floor.
  7. Art and art supply stores.
  8. Artist studio.
  9. Auditoriums and similar places of public assembly.
  10. Automobile accessory and supply store.
  11. Automobile parking lots and garages.
  12. Bakery and pastry shop (retail only).
  13. Banks and other savings and lending institutions. (excluding payday loan and title loan businesses)
  14. Barber shops, beauty shops, chiropody, physical fitness clubs or similar personal services.
  15. Bicycle shops.
  16. Books and stationery stores.
  17. Bowling alleys.

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18. Business and technical schools including schools for photography, dancing and music.
19. Business machine repair, sales and service.
20. Cigar and tobacco stores.
21. Clothing and costume rental.
22. Commercial recreation centers.
23. Custom dressmaking, millinery, tailoring and similar trades.
24. Day Care Centers.
25. Delicatessens and catering establishments.
26. Department stores.
27. Drug stores and prescription shops.
28. Dry goods and notion stores.
29. Dry cleaning and laundry establishments.
30. Fire stations, police stations and jails.
31. Fix-It shops (radio, television and small household appliances).
32. Florist and gift shops.
33. Funeral homes and mortuaries, not including crematories.
34. Furniture and home furnishing stores.
35. Government administrative buildings.
36. Grocery stores.
37. Hardware stores.
38. Hobby, stamp and coin shops.
39. Hotels and motels.
40. Household appliance stores.
41. Interior decorators' shops.
42. Jewelry and metal craft stores and shops.

43. Leather goods and luggage stores.
44. Libraries and museums (public).
45. Lock and key shops.
46. Mail order catalog stores.
47. Medical, dental and health clinics.
48. Medical and orthopedic appliance stores.
49. Meeting halls and auditoriums.
50. Messenger and telegraph service stations.
51. Music instrument sales and repair shops.
52. Newspaper offices.
53. Newsprint, job printing and printing supply stores.
54. Newsstands.
55. Offices and office buildings.
56. Office supply and office equipment stores.
57. Opticians and optometrists.
58. Package liquor stores.
59. Paint and wallpaper stores.
60. Parking lots and garages.
61. Parks and open spaces.
62. Pawn shops.
63. Pet shops.
64. Photographic equipment sales and supply stores.
65. Photographic studios.
66. Picture framing shops.
67. Plumbing, heating, ventilation, air conditioning and electrical shops including related fabrication.

68. Post offices.
69. Printers.
70. Private clubs, Class A and Class B, and lodges.
71. Radio and television studios.
72. Restaurants, excluding drive-ins.
73. Service stations.
74. Self-service laundries and dry cleaning establishments.
75. Sewing machine shops and stores.
76. Shoe stores.
77. Shoe repair shops.
78. Sporting and athletic goods stores.
79. Stores and shops for the conduct of retail business similar to the uses listed in this section.
80. Tailor shops.
81. Taverns.
82. Theaters.
83. Toy stores.
84. Travel bureaus.
85. Utility company offices.
86. Variety stores.
87. Watch repair shops.

C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.

1. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a

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safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.

2. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.
3. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
4. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
5. Automobile sales and service.
6. Light assembly and processing operations such as electronics, garment works, plate making, pattern shops, packaging plants and other similar uses.

D. Intensity of Use Regulations.

1. Minimum Lot Area: None.
2. Minimum Lot Width: None.

E. Height Regulations. Maximum structure height: Thirty Five (35) feet.

F. Yard Regulations.

1. Minimum front yard: None.
2. Minimum side yard: ten (10) feet when adjacent to a residential district, otherwise none.
3. Minimum rear yard: None.

G. Use Limitations.

1. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
2. No business establishment shall offer or sell food or beverages where consumption is primarily intended to occur in parked motor vehicles.

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3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
  4. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street or alley right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-2" District.
  5. Any tavern, restaurant, club, business or similar use may be located within five hundred (500) feet of property used for a public park, church, library or school unless more than fifty (50) percent of its revenues are derived from the sale of alcoholic or cereal malt beverages. In order to determine if a tavern, restaurant, club, business or similar use deriving more than fifty (50) percent of its revenues from the sale of alcoholic or cereal malt beverages is within five hundred (500) feet of a property used for a public park, church, library or school the distance shall be measured from property line to property line.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 509. "C-3" GENERAL BUSINESS DISTRICT**

- A. Intent. The "C-3" General Business District is intended for the purpose of allowing basic retail, service and office uses in addition to those normally permitted in neighborhood centers. This district is also intended to provide locations for commercial activity that do not require a central location downtown but do require a location easily accessible to the downtown shoppers. Business uses needing large floor areas, particularly those of a service nature, not compatible with Central Business District uses are included in this district.
- B. Permitted Uses. In District "C-3" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Accessory Uses.
  2. Ambulance service.
  3. Amusement places (indoors) including video game arcades, game machines, pool halls, and other similar establishments.
  4. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
  5. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
  6. Apparel and accessory stores.
  7. Apartments on floors other than the ground floor.
  8. Armory.
  9. Art and art supply stores.
  10. Artist studios.
  11. Auditoriums and similar places of public assembly.
  12. Automobile accessory and supply stores.
  13. Bakeries and pastry shops (retail only).
  14. Banks and other savings and lending institutions.(excluding payday loan and title loan businesses).
  15. Barber shops, beauty shops, chiropody, massage or similar personal services.
  16. Bicycle shops.

17. Books and stationery stores.
18. Bowling alleys.
19. Business and technical schools including schools for photography, dancing and music.
20. Business machine repair, sales and service.
21. Carpenter and cabinet shops.
22. Car washes.
23. Cigar and tobacco stores.
24. Churches and other similar places of worship.
25. Clothing and costume rental.
26. Custom dressmaking, millinery, tailoring and similar trades.
27. Day Care Centers.
28. Delicatessens and catering establishments.
29. Department stores.
30. Drug stores and prescription shops.
31. Dry goods and notion stores.
32. Dry cleaning and laundry establishments.
33. Equipment rental.
34. Fire stations, police stations and holding cells.
35. Fix-it shops (radio, television and small household appliances).
36. Florist and gift shops.
37. Funeral homes and mortuaries, not including crematories.
38. Furniture and home furnishing stores.
39. Golf courses not including miniature golf courses and driving ranges.
40. Government administrative buildings.
41. Grocery stores.

42. Hardware stores.
43. Hobby, stamp and coin shops.
44. Hotels and motels.
45. Household appliance stores.
46. Interior decorators' shops.
47. Jewelry and metal craft stores and shops.
48. Lawn and landscape services, providing all equipment is stored inside a completely enclosed building.
49. Leather goods and luggage stores.
50. Libraries and museums (public).
51. Lock and key shops.
52. Mail order catalog stores.
53. Medical, dental and health clinics.
54. Medical and orthopedic appliance stores.
55. Meeting halls and auditoriums.
56. Messenger and telegraph service stations.
57. Music instrument sales and repair shops.
58. Music studios.
59. Newspaper offices.
60. Newsprint, job printing and printing supply stores.
61. Offices and office buildings.
62. Office supply and office equipment stores.
63. Opticians and optometrists.
64. Package liquor stores.
65. Paint and wallpaper stores.
66. Parking lots and garages.

67. Parks and open spaces.
68. Payday and title loan businesses.
69. Pet shops.
70. Photographic equipment sales and supply stores.
71. Photographic studios.
72. Picture framing shops.
73. Plumbing and electrical shops.
74. Post offices.
75. Printers.
76. Private clubs and lodges.
77. Radio and television studios.
78. Restaurants, including drive-ins.
79. Service stations.
80. Self-service laundries and dry cleaning establishments.
81. Sewing machine shops and stores.
82. Shoe stores.
83. Shoe repair shops.
84. Sporting and athletic goods stores.
85. Stores and shops for the conduct of retail business similar to the uses listed in this section.
86. Tailor shops.
87. Taverns.
88. Theaters.
89. Toy stores.
90. Travel bureaus.
91. Upholstery shops - furniture.

92. Utility company offices.
  93. Variety stores.
  94. Watch repair shops.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
1. Amusement Places (Outdoor) including miniature golf courses and driving ranges.
  2. Automobile (new and used) sales and service.
  3. Crematories.
  4. Light assembly and processing operations such as electronics, garment works, plate making, pattern shops, packaging plants and other similar uses.
  5. Manufactured/ Mobile homes sales and service.
  6. Mini-warehouses subject to the following conditions:
    - a. The use must be located in close proximity to an arterial street as designated in the Comprehensive Plan.
    - b. All storage shall be within enclosed buildings except for boats, campers, and other vehicles which may be outside if properly screened.
    - c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
    - d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt. All one-way driveways which provide direct access to cubicles shall provide for one 10 foot-parking lane and one 15-foot travel lane. All two-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
    - e. All lights shall be shielded to direct light away from adjacent properties.
    - f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing, assembly or processing of any product shall be permitted.

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- g. The area shall be properly policed by the owner or operator for removal of trash and debris.
  - h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the special use permit application.
  - i. One residential dwelling may be erected in conjunction with the facility so as to allow a watchman to reside on the premises.
  - j. The Planning Commission or Governing Body may attach such other conditions as deemed necessary to provide for compatible development.
- 7. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.
- 8. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.
- 9. Pawn shops.
- 10. Jails and other types of Correctional Facilities.
- 11. Public utility and public service uses as follows:
  - a. Substations.
  - b. Water, sanitary sewer, storm sewer, or natural gas pipeline facilities.
- 12. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
- 13. Tire repair shops.
- 14. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.

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D. Intensity of Use Regulations.

1. Minimum Lot Area: None for commercial uses, 1500 square feet for each apartment built above ground floor.
2. Minimum Lot Width: None.

E. Height Regulations. Maximum structure height: forty-five (45) feet.

F. Yard Regulations.

1. Front yard:
  - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
  - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.
  - d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
2. Minimum side yard: ten (10) feet when adjacent to a residential district, otherwise none.
3. Minimum rear yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.

G. Use Limitations.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
2. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
3. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

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4. Any tavern, restaurant, club, business or similar use may be located within five hundred (500) feet of property used for a public park, church, library or school unless more than fifty (50) percent of its revenues are derived from the sale of alcoholic or cereal malt beverages. In order to determine if a tavern, restaurant, club, business or similar use deriving more than fifty (50) percent of its revenues from the sale of alcoholic or cereal malt beverages is within five hundred (500) feet of a property used for a public park, church, library or school the distance shall be measured from property line to property line.
  
5. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-3" District.

H. Parking Regulations. See Article 7.

I. Sign Regulations. See Article 8.

**SECTION 510. "C-4" SPECIAL USE BUSINESS DISTRICT**

- A. Intent. It is the intent of the "C-4" to provide the opportunity to limit the uses permitted at a specific location and the flexibility to change the permitted uses from one location to another. By specifying the uses permitted in the "C-4" District, greater opportunities for development as redevelopment may be available while at the same time the residential quality of the adjacent areas will be preserved and maintained. The "C-4" District is an applied for district because the uses must be specified and site plan approval is required.
- B. Permitted Uses. In District "C-4", no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered for any use except as follows:
1. There are no outright permitted uses in this district. Uses are only allowed by special use permit and the specifically requested use or list of uses must accompany the application.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and actions by the Planning Commission and Governing Body.
1. Any use permitted in the "C-0", "C-1", "C-2", "C-3" or "C-S" Districts may be requested as a special use in the "C-4" District. Upon approval of the "C-4" District, the use or list of uses for that specific location shall be included and published in the ordinance.
  2. After the initial adoption of a "C-4" District, additional uses may be added by amendment. The procedure for amendment shall be the same as for the initial adoption.
- D. Intensity of Regulations.
1. Minimum Lot Area: None.
  2. Minimum Lot Width: None.
- E. Height Regulations. Maximum structure height: forty-five (45) feet.
- F. Yard Regulations.
1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.

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- c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.
    - d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
  - 2. Minimum side yard: ten (10) feet except that the setback shall be increased to fifteen (15) feet when the building is in excess of thirty-five (35) feet in height. Otherwise none.
  - 3. Minimum rear yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.
- G. Use Limitations. All applications for District C-4 shall be accompanied by a site plan and the site plan shall be prepared, reviewed and approved in accordance with Section 616 Site Plan Approval.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 511. "C-S" HIGHWAY SERVICE DISTRICT**

- A. Intent. The intent of this district is to provide commercial locations for uses which serve as a convenience to the traveler or require a location on a highway or arterial street in order to have an efficient operation. It is further intended that each use be of a single-purpose character and not be of a nature in which people walk from store-to-store as in a nucleated center. Screening and off-street parking are required in order to reduce possible adverse effects on surrounding residential areas.
- B. Permitted Uses. In District "C-S" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:
1. Accessory uses.
  2. Electric and telephone substations.
  3. Hotels and motels including accessory service uses, such as newsstands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.
  4. Restaurants, including drive-ins.
  5. Service stations or filling stations (light service work only).
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
1. Outdoor amusement establishments such as amusement parks, permanent carnivals and kiddie parks, miniature golf, and pitch and putt courses, driving ranges and other similar establishments.
  2. Implement sales and service.
  3. Automobile, motorcycle and mobile home sales and service.
  4. Car washes.
  5. Nursery and garden stores.
  6. Commercial recreation centers.
  7. Lumber and building materials sales.
  8. Financial institutions.

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9. Recreational vehicle sales and service.
10. Recreational vehicle parks subject to the following conditions:
  - a. A recreational vehicle park shall be constructed to accommodate at least ten (10) vehicles.
  - b. Each recreational vehicle site shall be at least nine hundred (900) square feet in area and the average park density shall not exceed 30 recreational vehicles per gross acre.
  - c. Provisions shall be made to assure surface drainage so as to prevent accumulation of stagnant water.
  - d. All internal roads shall be at least ten (10) feet in width for each traffic lane and shall be paved with asphalt, concrete, asphaltic concrete or other similar material. Dead end streets longer than one hundred (100) feet shall provide a turnaround area at their terminus with a radius of no less than sixty (60) feet.
  - e. The grade of individual recreational vehicle stands shall not exceed three (3) inches per ten (10) feet across the width of the stand.
  - f. All utilities, water and sewer connections and facilities shall be approved by the Codes Administrator.
  - g. No vehicle may remain at a recreational vehicle park for more than thirty (30) days a year.
11. Mini-warehouses subject to the following conditions:
  - a. The use must be located in close proximity to an arterial street as designated in the Comprehensive Plan.
  - b. All storage shall be within enclosed buildings except for boats, campers, and other vehicles which may be outside if properly screened.
  - c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
  - d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and one 15-foot travel lane. All two-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
  - e. All lights shall be shielded to direct light away from adjacent properties.

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- f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises. Also, no manufacturing, assembly or processing of any product shall be permitted.
- g. The area shall be properly policed by the owner or operator for removal of trash and debris.
- h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Board of Zoning Appeals for their consideration with the special use permit application.
- i. The Planning Commission or Governing Body may attach such other conditions as deemed necessary to provide for compatible development.

12. Day Care Centers.

D. Intensity of Use Regulations.

- 1. Minimum Lot Area: 10,000 square feet.
- 2. Minimum Lot Width: one hundred (100) feet.
- 3. Maximum Lot Coverage: forty (40) percent.

E. Height Regulations. Maximum structure height: forty-five (45) feet

F. Yard Regulations.

- 1. Front yard:
  - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
  - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
  - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.
  - d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

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2. Minimum side yard: ten (10) feet when adjacent to a residential district, otherwise none.
3. Minimum rear yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.

G. Use Limitations.

1. Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located within the front yard but not less than twelve (12) feet from the front lot-line and in any event, not less than forty (40) feet from the centerline of any street or road on which the service station abuts.
2. No structure shall be used for residential purposes except by the owner or operator of the business located on the premises and except that accommodations may be offered to transient public by motels and hotels.
3. No outdoor storage shall be permitted except for the display of merchandise for sale to the public.
4. All business establishments shall be retail or service establishments dealing directly with consumers.
5. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential district.
6. A solid or semi-solid fence, hedge or wall at least six (6) feet, but not more than eight (8) feet high and having a density of not less than seventy (70) percent per square foot shall be provided adjacent to any adjoining residential district unless the adjacent residential district and the commercial development are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "C-S" District.
7. Any tavern, restaurant, club, business, or similar use serving alcoholic or cereal malt beverages shall not be located within five hundred (500) feet of property used for a public park, church or school.

H. Parking Regulations. See Article 7.

I. Sign Regulations. See Article 8.

**SECTION 512. "B-P" BUSINESS PARK DISTRICT**

- A. Intent. The intent of this district is to provide for development of aesthetically attractive locations for research and development institutions, specialized manufacturing establishments, offices and related facilities in locations that are supported by adequate infrastructure and facilities. It is further the intent of this district to accommodate the planned and coordinated development of large tracts of land in a business park, office park, or industrial park, campus style atmosphere or setting. The "B-P" Business Park District may provide for a mixture of uses in a single, coordinated development.
- B. Permitted Uses. In District "B-P" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Research and development oriented activities, including but not limited to scientific, technical and research oriented laboratories engaged in research, development, analysis and testing by a professional staff employed by either a corporation, institute, foundation or educational organization involved in the study or advancement of science or technology.

The research or development may be conducted in, but not limited to, the fields of medicine, bio-medicine, chemistry, animal science, computer science, transportation, energy, pharmacy, biology, environmental science, economics, atmospheric or oceanographic science, physics, and agriculture.

2. Engineering, accounting, research, management, and related services.
3. Research, development, analysis, or testing as the principal use in laboratories, product development centers, testing facilities, or research centers.
4. Business, professional, medical or governmental offices related to one or more of the following products:
  - a. Agriculture, animal science, biology, biochemistry, bio-medicine, chemistry, dentistry, energy, geology, medicine, metallurgy, petroleum, pharmacy, physics, or veterinary sciences.
  - b. Industrial and commercial machines for robotic or automated assembly, fabrication, handling, manufacture, packaging, processing, or treating of products and also including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators; metalworking machinery; special and general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery.
  - c. Electronic and other electrical equipment including machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy, and including electrical distribution

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equipment, household appliances, electrical wiring and lighting equipment, radio and television receiving equipment, communications equipment, and electronic components and accessories.

- d. Transportation equipment including equipment for transportation of passengers and cargo by land, air, and water; including motor vehicles, aircraft, ships, boats, railroad equipment, and miscellaneous transportation equipment such as motorcycles, bicycles, and snowmobiles.
  - e. Instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies, and watches and clocks.
  - f. Communications equipment or systems.
  - g. Computer equipment, office machines and computer services.
  - h. Heating, ventilating, air conditioning, air purification equipment or components.
  - i. Energy conservation, energy systems or equipment.
  - j. Fluid movement or controlling systems or equipment.
  - k. Building components, materials, or structural systems.
  - l. Photography, printing, or cartography systems, methods, equipment or services.
  - m. As accessory uses to the above uses: packaging, servicing, storage, warehousing, wholesale sales or distribution, or light fabrication or processing or assembly operations related to the principal research, development, analysis, testing or office use.
5. Research and development activities with or without light fabrication and assembly operation, limited industrial / manufacturing activities, wholesale trade, and warehousing with or without associated administrative offices related to one or more of the following products or services:
- a. Agricultural services including establishments performing soil preparation services, crop services, veterinary services, or other animal services, farm labor and management services, and landscape and horticultural services, for others on a contract or fee basis, but not including feed lots or poultry hatcheries operated on a contract or fee basis.

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- b. Building construction including general contractors and operative builders primarily engaged in the construction of residential, farm, industrial, commercial, or other buildings without outside storage unless a special use permit has been approved.
- c. Special trade contractors including those involved in painting, carpentry work, communications, plumbing, heating, air-conditioning, roofing, and sheet metal work but not including contractors primarily engaged in activities that are clearly of a type specialized to heavy construction, such as grading for highways and airport runways; guard rail construction; installation of highway signs; underwater rock removal; and asphalt and concrete construction of roads, highways, streets, and sidewalks.
- d. Food for human consumption, prepared feeds for animals or fowl, and certain food-related products, such as manufactured ice, vegetable and animal fats and oils, and chewing gum.
- e. Apparel and other finished fabric products including the production of clothing and the fabrication of products by cutting and sewing purchased woven or knit textile fabrics and related materials, such as leather, rubberized fabrics, plastics, and furs.
- f. Lumber and wood products including the wholesaling and warehousing of dimensioned lumber cut, milled and planed elsewhere; or including the cutting, milling, planing, and assembly of cabinets for permanent installation, shutters, windows, doors and door jamb frames, and ornamental woodwork for architectural trim, wainscots, trellises, and railings.
- g. Furniture and fixtures for households, offices, public buildings, stores or restaurants; including only the wholesaling or warehousing of such items if fabricated with stone or concrete.
- h. Paper and related products including paperboard, corrugated and solid fiber boxes; fiber cans, tubes, drums, and similar products; sanitary food containers; and die-cut paper, paperboard and cardboard.
- i. Printing; publishing including printing by one or more common processes, such as letterpress; lithography (including offset), gravure, or screen; and including services for the printing trade, such as bookbinding and plate making.
- j. Pharmaceutical preparations for human or veterinary use in forms typically intended for final consumption, such as ampules, tablets, capsules, vials, ointments, medicinal powders, solutions and suspensions; and including vitro and in vivo diagnostic substances which are chemical, biological, or radioactive substances used in diagnosing or monitoring the

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state of human or veterinary health by measuring the state of human or veterinary health whether or not packaged for retail sales.

- k. Fabricated metal products including cutlery; hand and edge tools; miscellaneous hardware such as hinges, latches, locks, or handles; plumbing fixture fittings and trim; heating equipment other than electric and warm air furnaces; metal doors, sashes, frames, moldings, and trim; sheet metal work; architectural and ornamental metal work such as metal plaster bases, fabricated bar joists, and concrete reinforcing bars; bolts, nuts, screws, rivets and washers; metal stampings not larger than nine (9) square feet; wire springs; and miscellaneous wire products.
- l. Household, industrial and commercial machines including home lawn and garden tractors and equipment; power-driven hand tools; computer and office equipment; and automatic vending machines.
- m. Electronic and other electrical equipment including household appliances; electric lighting and wiring equipment; household audio and video equipment; communications equipment; electronic components and accessories; electrical equipment for internal combustion engines; and magnetic and optical recording media.
- n. Instruments for measuring, testing, analyzing, and controlling, and their associated sensors and accessories; optical instruments and lenses; surveying and drafting instruments; hydrological, hydrographic, meteorological, and geophysical equipment; search, detection, navigation, and guidance systems and equipment; surgical, medical, and dental instruments, equipment, and supplies; ophthalmic goods; photographic equipment and supplies; and watches and clocks.
- o. Miscellaneous manufactured goods including jewelry, silverware, and plated ware; musical instruments; dolls, toys, games and sporting and athletic goods; pens, pencils and artist's material; costume jewelry, buttons, and miscellaneous notions; and signs and advertising specialties.
- p. Bus, taxi, or limousine dispatching centers.
- q. Warehouse/ Distribution including trucking and courier services; public warehousing and storage; and motor freight transportation terminals and maintenance facilities.
- r. Communications services for point-to-point aural, visual or electronic communications; television or film production studios; and radio or television broadcasting or receiving stations but not including towers or other structures higher than sixty (60) feet.
- s. Wholesale trade.

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- t. Business services including mailing, reproduction, stenographic, word-processing, data entry, computer programming, photocopying, duplicating, data processing, business machine servicing, and temporary labor services.
- u. Perfumes, perfume bases, cosmetics and other toilet preparations and shampoos and shaving products from soap or synthetic detergents.
- v. Printing ink including gravure ink, screen process ink and lithographic ink.
- w. Pesticides and agricultural chemicals including ready-to-use agricultural and household pest control chemicals, such as insecticides, fungicides and herbicides, and trace element products and soil conditioners as well as concentrates requiring further processing.
- x. Plastic products including unsupported plastic film, sheet and profile shapes; laminated plastic plate, sheet and profile shapes; plastic pipe, plastic bottles; plastic foam products; custom compounding of plastic resins and plastic plumbing fixtures; and
- y. As accessory uses to the above uses: offices, packaging, servicing, storage, warehousing, wholesale sales or distribution, or light fabrication or processing or assembly operations related to the principal research, development, analysis, or testing use.

C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.

- 1. Day Care Centers.
- 2. Manufacturing activities including the processing, assembly, production, warehousing, distribution, servicing, disassembly, repair, packaging, storage of one or more of the following products or services:
  - a. Heavy construction including general contractors primarily engaged in heavy construction of highways, streets, bridges, sewers, railroads, irrigation projects, or flood control projects; and including specialty contractors primarily engaged in trenching, grading, rock removal, and pavement with asphaltic or portland cement concrete materials.
  - b. Lumber and wood products including planing mills, plywood mills, and veneer mills; and articles made entirely or mainly of wood or related materials.
  - c. Chemicals and allied products including the production of basic chemicals and the manufacturing of products predominantly by chemical processes.

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- d. Rubber and miscellaneous products including articles made from plastic resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak.
- e. Leather and leather products including the tanning, currying, and finishing of hides and skins, leather converts, and finished leather and artificial leather products.
- f. Stone, glass, clay and concrete including the manufacturing of flat glass and other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products.
- g. Fabricated metal products including the fabrication of ferrous and nonferrous metal products, such as metal cans, tin ware, hand tools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal stampings, and a variety of metal and wire products.
- h. Industrial and commercial machines including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, and industrial trucks and tractors; metalworking machinery; special or general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery.
- i. Electronic and other electrical equipment including machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; and including electrical distribution equipment, household appliances, electrical wiring and lighting equipment, radio and television receiving equipment, communications equipment, and electronic components and accessories; and
- j. Transportation equipment including equipment for transportation of passengers and cargo by land, air, and water, including motor vehicles, aircraft, guided missiles and space vehicles, shops, boats, railroad equipment, and miscellaneous transportation equipment such as motorcycles, bicycles, and snowmobiles.

D. Intensity of Use Regulations.

- 1. Minimum District Size: The minimum size of a "B-P" District shall be 20 contiguous acres.
- 2. Minimum Lot Area: 10,000 square feet
- 3. Lot Width: The minimum lot width shall be seventy-five (75) feet.

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4. Maximum Lot Coverage: Buildings, drives and off-street parking areas shall not cover more than seventy-five (75) percent of the lot area.

E. Height Regulations.

The maximum height of any structure or building shall not exceed forty-five (45) feet within one hundred fifty (150) feet of a residential district and seventy-five (75) feet when more than one hundred fifty (150) feet from a residential district.

F. Yard Regulations.

1. Front Yard:

- a. The front yard setback shall be twenty-five (25) feet provided that the setback shall increase 1 foot for each additional 1 foot of building height above forty-five (45) feet.
- b. Where lots have double frontage, the required front yard setback shall be provided on both streets.
- c. In those instances where lots front on both intersecting streets within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on both streets.

2. Side Yard:

Ten (10) feet provided that the setback shall increase one (1) foot for each additional one (1) foot of building height above forty-five (45) feet.

3. Rear Yard: twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is smaller.

G. Use Limitations.

1. The development and use of property within this district shall comply with the provisions of Article 6, Supplementary District Regulations.
2. Each use shall be of a type that no equipment or vehicle other than employees' personal vehicles shall be stored outside a building unless completely screened from all adjacent property and roadways.
3. Each use shall be of a type that has limited contact with the general public and which does not produce traffic volumes which would exceed the traffic capacity of the available roadways.

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4. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
5. No building shall be used for residential purposes except that a watchman may reside on the premises.

**SECTION 513. "I-1" LIGHT INDUSTRIAL DISTRICT**

A. Intent. The "I-1" Light Industrial District is intended for the purpose of allowing certain industrial uses which do not

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

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

B. Permitted Uses. In District "I-1" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses:

1. Animal hospital or clinic.
2. Bottling works.
3. Building materials, storage and sales.
4. Carpenter, cabinet, plumbing and sheet metal shop.
5. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six-foot solid fence, wall or hedge.
6. Dog kennels.
7. Dry cleaning and laundry plants.
8. Feed and seed stores.
9. Frozen food lockers.
10. Greenhouses and nurseries, retail and wholesale.
11. Lawn and landscape services, providing the equipment storage yard is completely enclosed with a six-foot solid fence, wall, or hedge.
12. Light manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
13. Machinery sales, service and storage.
14. Mini-warehouses subject to the following conditions:
  - a. The use shall be located in close proximity to an arterial street as designated in the Comprehensive Plan.

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- b. All storage shall be within enclosed buildings except for boats, campers, and other vehicles which may be outside if properly screened.
  - c. Any side of the building providing doorways to storage areas shall be set back from the property line not less than thirty-five (35) feet.
  - d. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete, asphalt or asphaltic concrete. All one-way driveways which provide direct access to cubicles shall provide for one 10 foot-parking lane and one 15-foot travel lane. All two-way driveways which provide direct access to cubicles shall provide for one 10-foot parking lane and two 12-foot travel lanes. Adequate bumper guards or fences shall be provided to prevent the extension of vehicles beyond property lines.
  - e. All lights shall be shielded to direct light away from adjacent properties.
  - f. No activities such as miscellaneous or garage sales or the servicing or repair of motor vehicles, boats, trailers, lawn mowers, and other similar equipment shall be conducted on the premises . Also, no manufacturing, assembly or processing of any product shall be permitted.
  - g. The area shall be properly policed by the owner or operator for removal of trash and debris.
  - h. Two copies of a plot plan showing ingress and egress, widths of driveways, off-street parking, loading areas, and on-site traffic circulation shall be submitted to the Planning Commission for their consideration with the special use permit application.
  - i. One residential dwelling may be erected in conjunction with the facility so as to allow a watchman to reside on the premises.
  - j. The Planning Commission or Governing Body may attach such other conditions as deemed necessary to provide for compatible development.
15. Monument sales.
16. Sales of operable motor vehicles.
17. Municipal storage yards.
18. Public utility and public service uses as follows:
- a. Substations.
  - b. Railroads.

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- c. Public utility storage yards when the entire storage area is enclosed by a wall or fence at least six (6) feet high.
- 19. Sign painting and manufacturing.
- 20. Upholstering shops.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
  - 1. Livestock auction sales and/or sales of farm related products including seed and feed.
  - 2. Grain elevators.
  - 3. Motor vehicle body shops, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.
  - 4. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than ninety (90) percent.
  - 5. Motor vehicle storage.
  - 6. Oil field supply sales and service stores.
  - 7. Service Stations.
  - 8. Truck and rail terminals.
  - 9. Warehousing or storage except for products of a highly explosive, combustible or volatile nature.
  - 10. Welding and blacksmith shops.
  - 11. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.

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- D. Intensity of Use Regulations.
1. Minimum Lot Area: 10,000 square feet.
  2. Minimum Lot Width: one hundred (100) feet.
- E. Height Regulations. Maximum height of structure: forty-five (45) feet within one hundred fifty (150) feet of a residential district; seventy-five (75) feet when more than one hundred fifty (150) feet from a residential district.
- F. Yard Regulations.
1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.
    - d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent or more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in “a” above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.
  2. Minimum side yards: fifteen (15) feet on each side of a zoning lot.
  3. Minimum rear yard: forty (40) feet.
- G. Use Limitations.
1. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
- H. Parking Regulations. See Article 7.
- I. Sign Regulations. See Article 8.

**SECTION 514. "I-2" HEAVY INDUSTRIAL DISTRICT**

- A. Intent. The "I-2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.
- B. Permitted Uses. In District "I-2" no building, structure, land, or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered except for one or more of the following uses:
1. All uses permitted in "I-1".
  2. Contractor's office and equipment storage yard.
  3. Grain elevators.
  4. Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
  5. Radiator repair shops.
- C. Special Use Permits. The following uses may be allowed by special use permit when submitted to the Planning Commission and Governing Body for review and subsequent action. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body.
1. Auto wrecking yards, junk yards, salvage yards and scrap processing yards subject, however, to the following:
    - a. The yard shall be located on a tract of land at least three hundred (300) feet from a residential district zone.
    - b. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight (8) feet high. The fence or wall shall be of uniform height, uniform texture and color, and have a density of not less than eighty (80) percent and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
    - c. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently outside the enclosing building, hedge, fence or wall, or within the public right-of-way.

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- d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department except when prohibited by the State Board of Health. Said burning, when permitted, shall be done only during daylight hours.
  - e. No junk, salvage, scrap, or other materials shall be piled or stacked higher than the top of the required fence or wall.
- 2. Manufacturing or storage of bulk oil, gas and explosives.
  - 3. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.
  - 4. Ready-mixed concrete and asphalt mix plants.
  - 5. Sanitary landfill.
  - 6. Stockyard and slaughter houses.
  - 7. Storage and warehousing of products of a highly explosive, combustible or volatile nature.
  - 8. Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
- D. Intensity of Use Regulations.
- 1. Minimum Lot Area: 10,000 square feet.
  - 2. Minimum Lot Width: one hundred (100) feet.
- E. Height Regulations. Maximum height of structure: forty-five (45) feet within one hundred fifty (150) feet of a residential district; seventy-five (75) feet when more than one hundred fifty (150) feet from a residential district.
- F. Yard Regulations.
- 1. Front yard:
    - a. The front yard shall be a minimum of twenty-five (25) feet in depth measured from the front property line.
    - b. Where lots have a double frontage, the required front yard shall be provided on both streets.
    - c. Where lots front on both intersecting streets within the same block (a corner lot), the corner lot shall maintain a front yard setback as set out in “a” above on both streets.

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d. If a subdivision was approved prior to July 18, 2005, the following regulation will apply. In those instances where lots front on both intersecting streets within the same block (a corner lot) where fifty (50) percent of more of the lots front on an intersecting street within the same block, the corner lot shall maintain a front yard setback as set out in "a" above on both streets. Otherwise, the setback adjacent to that street may be reduced to not less than fifteen (15) feet.

2. Minimum side yards: fifteen (15) feet on each side of a zoning lot.

3. Minimum rear yard: forty (40) feet.

G. Use Limitations.

1. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.

2. A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than seventy (70) percent per square foot, shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "I-2" District.

3. No building shall be used for residential purposes except that a watchman may reside on the premises.

H. Parking Regulations. See Article 7.

I. Sign Regulations. See Article 8.

**SECTION 515. "PUD" PLANNED UNIT DEVELOPMENT DISTRICT.**

- A. Intent. The intent of the Planned Unit Development District (PUD) is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Although the specific conditions within the "PUD" District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. A development plan shall be submitted by each applicant for "PUD" zoning in accordance with the provisions and conditions that follow.

- B. Permitted Uses. All uses are permitted in the Planned Unit Development District; however, each use included in a particular "PUD" must be specified on the Plan.

- C. General Provisions.

1. The Planning Commission shall make a report to the Governing Body setting forth its reasons for recommendation of approval or denial of the application, along with specific evidence and facts showing that the proposed Planned Unit Development meets or does not meet the following conditions:

- a. Said Planned Unit Development shall be in general conformity with the provisions of the adopted Comprehensive Plan.
- b. Said Planned Unit Development shall not have a substantially adverse effect on the neighboring area.

2. The Planned Unit Development District may be established exclusively for residential, commercial or industrial development or any combination of those types of development.

3. The minimum size allowed for Planned Unit Development shall be as follows:

Residential	2 acres
Commercial	4 acres
Industrial	10 acres

Any "PUD" which has combined two or more types of use into a single plan shall have a minimum allowable size for the "PUD" equal to the sum of the minimum land areas required for each of the two or more types contained therein.

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4. Height, bulk and setback requirements may be varied so as to promote an efficient and creative "PUD".

D. Standards and Conditions for the Planned Unit Development.

1. The Planning Commission may, from time to time, adopt general policies or specific rules and regulations for Planned Unit Developments and place said policies or rules and regulations on public record in the office of the Codes Administrator; provided said policies and/or rules and regulations are not inconsistent with the adopted standards and conditions as set out within these regulations or the requirements specified in the City of Louisburg Subdivision Regulations, and provided that no policies, rules or regulations shall be revised or added to, so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development plan has been filed.
2. A Planned Unit Development shall be consistent with the general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site as set out in these regulations.
3. The applicant shall satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 18 months following approval of the final application by the Governing Body, and a minimum of fifty (50) percent of the total planned construction shall be completed within a period of six (6) years following such approval or the approval of the plan shall expire. The period of time established for the completion of the development may be modified from time to time by the Planning Commission upon the showing of good cause by the developer.
4. The Planning Commission may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which developments of each such unit must be commenced. In the case of residential Planned Unit Development, the Planning Commission may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
5. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the Planning Commission to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

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6. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development. If it is determined that traffic control signals are required to prevent traffic hazards or congestion in adjacent streets, the control signals shall be provided at the developer's expense.
7. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.
8. The entire tract or parcel of land to be occupied by the Planned Unit Development shall be held in single ownership or control, or if there are two or more owners, the application for such Planned Unit Development shall be filed jointly by all owners. After final approval is granted by the Governing Body, individual lots may be sold subject to compliance with the requirements of this section and provisions of the City of Louisburg Subdivision Regulations.
9. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading area, or access ways shall be landscaped or otherwise improved.
10. Off-street parking and loading shall be provided in accordance with Article 7 of the City of Louisburg Zoning Regulations.
11. When a commercial or industrial use within a Planned Unit Development district abuts a residential district, a ten foot wide landscaped buffer area consisting of trees, shrubs, evergreens, earth beans and privacy fencing shall be provided adjacent to any adjoining residential district. In the event the adjacent residential district and the commercial or industrial development are separated by a street right-of-way, a ten-foot wide landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the Planned Unit Development district.
12. All commercial and industrial buildings shall set back not less than forty-five (45) feet from right-of-way of any street and twenty (20) feet from any district boundary line that does not abut a street right-of-way. Additional setback from a heavily-traveled thoroughfare may be required, when found reasonable by the Planning Commission for protection of the health, safety, and general welfare.
13. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel and of the total development for each type of Planned Unit Development:  

Residential	Forty (40) percent Maximum
Commercial	Thirty-five (35) percent Maximum
Industrial	Thirty-five (35) percent Maximum

14. A minimum of thirty (30) percent of the net area of that part of a Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half of this open space or twenty (20) percent of the net area devoted to residential development shall be provided for common open space for the leisure and recreational use of all "PUD" residents and owned and maintained in common by them, generally through a homeowners' association. The common open space shall be developed for appropriate recreational facilities, and a minimum of fifty (50) percent of the proposed recreational facilities shall be constructed prior to the development of one-half of the project. All recreational facilities shall be constructed by the time the project is seventy-five (75) percent developed.
  15. The "PUD" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing Body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.
  16. Any modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Unit Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
  17. No residential use shall have direct access onto an arterial street.
  18. All commercial or industrial areas shall have access to a collector or arterial street; however, no individual commercial or industrial use may have direct access onto collector or arterial streets.
  19. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
  20. Consideration should be given for the provision of bicycle traffic along collector and arterial streets or along the approved pedestrian-sidewalk system.
  21. All signs must conform to the City Sign Ordinance.
- E. Application for Preliminary Plan.
1. An application for a Planned Unit Development shall be handled in the same manner prescribed for amending the zoning ordinance. The same requirements for notice, advertisement of public hearing, protests and adoption shall be required as specified in Article 11 of the City of Louisburg Zoning Regulations.

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2. Prior to the issuance of any building permit or zoning certificate, the applicant shall prepare and submit twenty (20) copies of the preliminary development plan for review and approval by the Planning Commission, which said plan shall include the following.
  - a. The site plan drawing shall include all data, details and supporting plans as specified in Section 616.C of these regulations.
  - b. The above-described site plan shall also include a section designated as "General Provisions", and said section shall include the following items when said items are applicable:
    - (1) Net area \_\_\_\_\_ square feet or \_\_\_\_\_ acres . (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, the net area shall be designated by parcel as well as by total net area.)
    - (2) Density shall not exceed \_\_\_\_\_ dwelling units per acre or a total of \_\_\_\_\_ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of \_\_\_\_\_ units per acre for the individual parcel by more than twenty (20) percent.
    - (3) Building coverage shall not exceed \_\_\_\_\_ of the net area of the Planned Unit Development by individual parcel or total development.
    - (4) A minimum of \_\_\_\_\_ percent of the development plan shall be provided for common open space as defined by this regulation. (Note: normally this figure should be approximately fifty (50) percent).
    - (5) A minimum of fifty (50) percent of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is seventy-five (75) percent developed.
    - (6) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.
    - (7) Required number of off-street parking spaces: \_\_\_\_\_
    - (8) Gross floor area proposed: \_\_\_\_\_ square feet . (Commercial "PUD" only.)
    - (9) All proposed land uses listed by area or parcel.
  - c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.

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- d. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development shall be provided.
  - e. A vicinity map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the proposed Planned Unit Development shall be provided.
  - f. A description, rendering or drawing of the general characteristics of the proposed buildings shall be provided.
  - g. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development shall be provided.
  - h. When a Planned Unit Development includes provisions for a common space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space or recreational facilities shall be provided. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be submitted.
  - i. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district shall be provided.
  - j. In the case where a Planned Unit Development calls for construction in units over a period of years, a schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted.
3. Action by Planning Commission: After a preliminary Planned Unit Development is filed with the Codes Administrator and has been reviewed and found to contain all of the required information as set out within these regulations, the Planning Commission shall, within 45 days, hold a public hearing on said development after giving notice as required by Article 11 of these regulations for hearings on amendments. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant specific findings of fact with respect to the extent to which the preliminary plan complies with these regulations, together with its recommendations with respect to the action to be taken on the preliminary Planned Unit Development. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
4. Action by Governing Body: The Governing Body shall either approve, disapprove, or approve with amendments, conditions or restrictions the

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preliminary development plan and authorize the submitting of the final development plan.

5. Substantial or significant changes in the preliminary Planned Unit Development shall only be made after rehearing and reapproval as required for the initial approval of the preliminary plan.
- F. Final Plan Approval. After approval of a preliminary development plan by the Governing Body, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the Governing Body and has been approved, and that such Planned Unit Development is applicable to certain specified legally-described land, and that copies of said plan are on file in the offices of the Codes Administrator. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The recorded statement shall specify that the preliminary development plan shall become binding upon all successors and assigns unless amended in conformance with this act.
1. After approval of the preliminary development plan and prior to the issuance of any building permit or zoning certificate for construction on or use of the property, the applicant shall submit an application for final approval. Said final application may include the entire Planned Unit Development or may be for a phase thereof as set forth in the approval of the preliminary plan. The application shall include twenty (20) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for Planned Unit Development.
  2. A plan submitted for final approval shall be deemed to be in substantial compliance with the approved preliminary development plan provided any modification by the landowner of the plan as tentatively approved does not
    - a. Vary the proposed gross residential density or intensity of use by more than five (5) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area;
    - b. Increase by more than ten (10) percent the floor area proposed for any non-residential use;
    - c. Increase by more than five (5) percent of the total ground area covered by buildings nor involve a substantial change in the height of buildings; nor
    - d. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission
      - (1) Pedestrian or vehicular traffic flow,
      - (2) The juxtaposition of different land uses,

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- (3) The relation of open space to residential development,
  - (4) The proposed phasing of construction, or
  - (5) The exterior appearance of buildings and/or structures.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, stormwater, sanitary sewers, or other public facilities.

In the event a public hearing is not required for final approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, the Planning Commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the Governing Body for its final approval.

4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.
  5. In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the City thereof in writing. In the event the landowner shall fail to commence the Planned Unit Development within twenty-four (24) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless prior to the expiration of said final approval, such time period is extended by the Planning Commission upon written application by the landowner.
- G. Enforcement and Modification of Provision of the Plan. To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the plan, as provided for with approval of the final development plan, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
1. Enforcement by the Municipality: The provisions of the plan relating to
    - a. The use of land and the use, bulk, appearance and location of buildings and structures; and
    - b. The quality and location of common space; and

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- c. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity by the City, without limitation on any powers or regulation otherwise granted the City by law.
  2. Enforcement by the Residents and Owners: Except when in conflict with Paragraph 1 above, all provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan. To that extent said provisions, whether recorded by plat, covenant, easement, or otherwise, may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the plan which have been granted final approval and have been recorded.
  3. Modifications of the Plan by the City of Louisburg: All those provisions of the plan authorized to be enforced by the City under Paragraph 1 of this section may be modified, removed or released by the City (except grants of easements relating to the service of equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:
    - a. No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, as provided in Paragraph 2 of this section.
    - b. No modification, removal or release of the provisions of the plan by the City shall be permitted except upon a finding by the Planning Commission, following a public hearing called and held in accordance with the provisions of this section, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development, does not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.
  4. Modification by the Residents: Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the City to enforce the provisions of the plan in accordance with the provisions of Paragraph 1 of this section.
- H. Amendments. A Planned Unit Development District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this article for approval of a preliminary or final plan. Application for amendment may be

made by the homeowner's association or fifty-one (51) percent of the owners of property within the "PUD".

- I. Platting. For unplatted tracts or tracts being replatted, the approval of the preliminary Planned Unit Development shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations and may be submitted with or incorporated with the final development plan. The final development plan and the final plat may be reviewed by the Planning Commission concurrently.

**SECTION 516. "HC-O" HIGHWAY K-68 CORRIDOR OVERLAY DISTRICT**

- A. Intent of Highway K-68 Overlay District. The Highway K-68 Overlay District is designed and intended to protect and enhance the aesthetic and visual character of the K-68 gateway into the City. This section is intended to ensure that land development adjacent to K-68 occurs in a manner that improves the overall appearance of this major entryway into the City and in a manner that meets the goals and objectives of the K-68 Corridor Management Plan (2009) adopted by the City.

The primary purpose of the Overlay District regulations is to establish a framework for development of a high quality along the K-68 corridor. The purpose of the Overlay District regulations shall also include the following:

1. Emphasize K-68 as a major entryway into the City.
2. Encourage high quality development as a strategy for investing in the city's future.
3. Shape the corridor's appearance, aesthetic quality, and form.
4. Protect and enhance property values along the corridor.
5. Provide property owners, developers, architects, engineers, builders, business owners, and members of the public with a clear and equitable set of regulations for developing land.

- B. Application of Regulations. The Overlay District functions as an overlay zoning district. The Overlay District requirements supersede the regulations of the underlying zoning district where such district's regulations are in conflict with the provisions of this section. All regulations of the underlying zoning district shall remain in effect as identified in the Overlay District regulations.

The regulations established in this section shall apply to all new development, major redevelopment and major building additions within the district. Major redevelopment shall be defined as renovation or reconstruction that exceeds fifty (50) percent of the appraised value of existing improvements. A major addition is an addition that results in a fifty(50) percent or more increase in the gross floor area of an existing building.

- C. Permitted Uses. No land shall be used and no buildings shall be erected for, converted to or used for any principal or accessory use other than such uses as are allowed in the underlying zoning district.
- D. Conditional Uses. Uses requiring approval of a Conditional Use Permit shall be allowed in the underlying zoning district only in accordance with Article 11 of these regulations.
- E. Prohibited Uses. Uses which are not listed as permitted or conditional uses in the underlying zoning district shall not be allowed. In addition, the following uses which

may otherwise be permitted by right or by conditional use permit in the underlying zoning district shall not be allowed as either permitted or conditional uses within the Overlay District:

1. Adult book stores
2. Adult cabarets
3. Adult motels
4. Adult only movie theatres
5. Concrete or asphalt batch plants
6. Drinking establishment without food sales
7. Feed lots, stockyards and rendering plants
8. Flea Markets
9. Junk dealers
10. Lumber mills
11. Manufactured home sales lots
12. Massage parlors
13. Pawn shops
14. Petroleum refineries
15. Salvage yards
16. Sand, gravel or earth mining operations
17. Scrap dealers
18. Scrap metal processing and storage
19. Tattoo parlors
20. Trash collection service or transfer station

F. Bulk Regulations.

1. Minimum street frontage. The minimum street frontage for lots within the Overlay District shall be one hundred fifty (150) feet, except for pre-existing lots of record.

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2. Minimum lot area. The minimum lot area within the Overlay District shall be fifteen thousand (15,000) sq. ft., except for pre-existing lots of record.
3. Minimum setbacks and yard areas.
  - a. For all lots in the Overlay District which abut Highway K-68, minimum setbacks shall be no less than the greater of the following:
    1. The required front, side and rear yard setbacks in the underlying zoning district, or
    2. Front Yard: 50 ft.  
Side Yard: 20 ft.  
Rear Yard: 25 ft., or
    3. The number of feet determined by the Zoning Administrator to be necessary to protect the projected right-of-way shown on the K-68 Corridor Management Plan (2009). Minimum setbacks shall be measured from such projected right-of-way line(s).
  - b. Gasoline pumps, air and water service, canopies and other fixtures used in connection with gasoline delivery shall be located no less than thirty (30) feet from the property line of any abutting street.
4. Maximum structure height. The height limit of the underlying zoning district shall apply within the Overlay District.
5. Maximum lot coverage. The maximum ground area of a zoning lot within the Overlay District that may be covered by buildings is fifty (50) percent of the lot area.

G. Development Standards.

1. Off-street parking areas.
  - a. Front yard setback. The minimum setback from the street right-of-way line to parking areas located in the front yard shall be fifteen (15) feet. The first ten (10) feet of this setback abutting the street must consist of turf grass maintained as an uninterrupted yard. The remaining setback area abutting the parking area shall be developed with vegetative screening or landscaping approved by the Zoning Administrator or Planning Commission.
  - b. Surfacing. All open off-street parking spaces and access drives within the Overlay District shall be paved with asphalt or concrete in accordance with City specifications.

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2. Off-street loading areas.
  - a. Location. Off-street loading areas serving buildings with frontage on K-68 shall be located on the side or rear of the building.
  - b. Surfacing. All off-street loading areas and access drives within the Overlay District shall be paved with asphalt or concrete.
3. Outdoor storage and display.
  - a. Location. No outdoor storage shall be permitted in that area of the property between the front of the principal building or buildings and the public street on which the principal building or buildings front.
  - b. Screening. Outdoor storage in the side or rear yard shall be effectively screened from public streets and adjoining property by a solid wall or fence or densely planted hedge of not less than six (6) feet in height.
  - c. Merchandise display. The outside display of merchandise incidental to a permitted use shall be allowed consistent with the underlying zoning district regulations. Merchandise display areas must be set back at least fifteen (15) feet from the right-of-way line of any public street.
4. Utilities. Unless otherwise permitted by the Zoning Administrator, all on-site utilities serving any zoning lot within the Overlay District, including but not limited to electrical, telephone and cable, shall be installed underground.
5. Building design and appearance. All building and structures within the Overlay District shall meet the following building design and construction standards:
  - a. Any exterior building wall facing K-68 shall be constructed of one of the following materials:
    1. Masonry brick.
    2. Natural Stone
    3. Customized concrete masonry with striated, scored or broken faced brick type units (sealed) with color consistent with design theme.
    4. Poured in place, tilt-up or pre-cast concrete. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.
    5. Steel frame structures with architectural flat metal panels or glass curtain walls.
    6. Stucco, or similar cement-based durable material giving the appearance of stucco.
  - b. Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings, and wood-sided buildings unless such metal buildings and wood-sided buildings are enhanced on all elevations by the application of brick,

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decorative masonry, or decorative stucco surfaces. The percentage of exposed exterior wall which must consist of decorative material shall comply with the requirements of the underlying zoning district regulations.

- c. In the design of buildings or clusters of buildings, developers should orient projects so that the side facing K-68 forms the front of the project.
  - d. Where additions are proposed for buildings constructed prior to the effective date of this section and such buildings do not comply with the standards in this section, such additions need not comply with the standards in this section as long as the addition(s) are not in excess of fifty (50) percent of the existing floor area of the existing building. Additions in excess of fifty (50) percent of the existing floor area of an existing building shall comply with the standards in this section. All new floor space, whether added to the existing ground floor or to a new or existing floor above the ground floor, shall be included in the determination of whether the standards apply.
6. **Signage.** Signage within the Overlay District shall be subject to the requirements of the underlying zoning district and shall further be limited to one (1) ground sign per street frontage not to exceed ten (10) feet in height. No off-site advertising signs (billboards) shall be permitted within the Overlay District. No sign shall be placed within twenty (20) feet of any public street right-of-way.
7. **Street Access.** In addition to the requirements of Section 605, Street Access Standards, and other applicable provisions of these Regulations, projects which are subject to this section which propose access points on Highway K-68 or on city streets included within the K-68 Corridor Management Plan (2009) shall be submitted to the Kansas Department of Transportation for its review and recommendation. Such recommendation shall be considered by the City in any action regarding an access request.



**ARTICLE 6 SUPPLEMENTARY DISTRICT REGULATIONS**

**SECTION 601. HEIGHT REGULATIONS**

- A. Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers, antennas or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations.
- B. In all districts, two (2) additional feet of height above the specified height limitation shall be permitted for each one foot of additional front yard provided over the minimum requirement for principal structures only.

**SECTION 602. YARD REGULATIONS**

- A. Front Yards. The front yards heretofore established shall be adjusted in the following cases:
  - 1. Where fifty (50) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required, then
    - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or
    - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- B. Accessory Buildings, Structures and Uses.
  - 1. No accessory buildings or structures shall be erected in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) feet to the rear or side lot-line except that if the building has a vehicular alley entrance that is perpendicular to the alley line, the setback of the building shall not be less than ten (10) feet from the alley line and if the building is built parallel to the alley line and has a vehicular entrance from a wall that is perpendicular to the alley line, no setback shall be required from the alley line. No accessory building shall cover more than thirty (30) percent of the required rear yard, be constructed upon a lot until the construction of the main building has been started, or be used for dwelling purposes. Accessory buildings

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shall not be placed within easements. Setbacks shall be equal to or greater than easement width. Accessory buildings shall be ancillary to the primary dwelling and shall be located on the same lot as the primary dwelling. Swimming pools shall maintain a distance of at least ten (10) feet from waters edge to any property line. Concrete decking shall not be located on any utility easement.

2. Detached accessory storage buildings with a gross floor area of one hundred fifty (150) square feet or less do not require a building permit, and are not subject to design standards.
3. Detached accessory storage buildings with a gross floor area greater than one hundred fifty (150) square feet require a building permit, must be constructed in accordance with the current building code, and are subject to design standards. Sidewalls of said buildings shall not exceed ten (10) feet in height. Any such accessory building that contains an 8-foot wide by 7-foot tall or greater garage door opening, or that exceeds three hundred (300) square feet in gross floor area, shall require construction of a hard surface driveway.
4. Detached accessory garages or carports shall not exceed a three-car capacity or floor dimensions of thirty-six (36) feet by twenty-four (24) feet and the side walls of said buildings shall not exceed ten (10) feet in height. All accessory garages or carports are subject to design standards and require construction of a hard surface driveway.
5. A larger detached accessory building may be permitted by special use permit as stated in Article 11 if it can be demonstrated that the building will be compatible with the neighborhood in design, location and size. Such request will require preparation of a site plan, will be subject to design standards, and will require construction of a hard surface driveway.
6. Accessory uses shall not be permitted in the required front yard but may be permitted in the side or rear yard.
7. In residential and mobile home districts, dish antennas shall be located only in the rear yard. A dish antenna may be allowed to be located in a side yard by special use permit as outlined in Article 11.

### SECTION 603. NUMBER OF STRUCTURES AND USES ON A ZONING LOT

Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.

### SECTION 604. SIGHT TRIANGLE

On corner lots in all districts, except the "C-2" Central Business District, development shall conform to the requirements of the sight triangle as defined by this regulation.

**SECTION 605. STREET ACCESS STANDARDS**

- A. Residential Access. All residential developments and uses shall take direct access only to local residential streets except as provided below.
1. Individual residential uses shall take access to residential collectors to the minimum extent possible. The developer shall use cul-de-sacs, or align blocks to present the sides of lots, rather than front lots, on residential collectors.
  2. Individual detached single-family residences may take direct access to a collector or arterial street only if, in the opinion of the Planning Commission, no other access options are viable and only if the developer is unable to provide a safe street access due to physical site limitations such as topography, sight distances, ownership patterns, etc. A residential street shall be required if the site can be served with a street. The Planning Commission may also require shared entrances or a private access easement for two (2) or more lots to keep individual access to a minimum.
- B. Nonresidential Access to Arterials or Collectors. No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district. Nonresidential uses shall be permitted direct access to arterial or collector roads only if
1. The access meets the minimum spacing requirements specified in Subsection C below, and the site plan provides access to/for other properties at the rear or sides;
  2. The access is temporary (see subsection E below); or
  3. No other access options are viable, and the developer is unable to provide a street due to physical site limitations such as topography, natural features, and sight distance.
- C. Access Spacing. All uses, developments, and streets shall abide by the following spacing provisions.
1. All uses shall be discouraged from having more than one (1) access point to a collector or arterial street, except where the additional access point meets the spacing requirements.
  2. In instances where more than one (1) access point is requested, or access less than the specified spacing is requested, a traffic study shall be required to demonstrate that the additional access point(s) is required to move traffic out of the development under the following conditions.
    - a. The additional access relieves congestion at intersections spaced in accordance with the following:

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Road Classification	Minimum Access Spacing			
	25 mph or Less	30 - 35 mph	40 - 45 mph	50 -55 mph
Arterial	440 feet	660 feet	880 feet	1,320 feet
Collector	300 feet	500 feet	880 feet	N
Local	150 feet	300 feet	500 feet	N
Alley	N	N	N	N

N: Not permitted

- b. Access points in excess of one (1) shall be designated as "right turn only" wherever possible. This designation shall minimize potential adverse impacts on the collector or arterial street capacity.
- c. The additional access point(s) improves or leaves road performance on the arterial or collector unchanged. Regional traffic capacity should not be reduced to permit increased access.
- d. The traffic study indicates necessary improvements are required in order to maintain levels of service, and the developer makes such improvements.
- e. The developer makes all necessary improvements, in terms of turning lanes and by-pass lanes, to maintain a level of service at the nearest intersections.

D. Exceptions on Access Standards. The minimum access standards specified above provide for the safest access conditions. Conditions may arise in which the standards do not fit the context of the topography, land ownership, or existing conditions. Where the following conditions exist, the Planning Commission shall permit deviations from Subsections A, B, and C. The deviations may be in the form of temporary access (Subsection E) or they may be permanent. Also, the Planning Commission may recommend to the City Council alterations to the road or its speed limit to improve safety.

- 1. If the vertical or horizontal alignment makes the required location dangerous, the Planning Commission shall consider the following alternatives:
  - a. Permitting a temporary access with ultimate access via adjoining properties.
  - b. Permitting a closer spacing provided site distances are adequate. Aligning with the area's existing accesses may result in a better site distance.
  - c. If other access points are in the area, lowering the speed limit to provide safe site distances.

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- d. Coordinating a road improvement project with the development to eliminate a dangerous area.
  2. Where existing access points are present, an access may be permitted even though it is too close to others, provided the access does not present safety problems.
  3. Where internal roads cannot reasonably be provided, the Planning Commission may consider alternatives.
  4. Where multiple land uses will exist, additional accesses may be permitted if a better design results. "Better design" requires one (1) of the following:
    - a. The land use will be better served by separate accesses to avoid residential/ commercial traffic conflicts and turning movements restricting access and/or disturbing a residential development's character.
    - b. Where a temporary access for one of the uses is reasonable, it shall be granted.
- E. Temporary Access. No developer shall be denied a Building Permit or site plan approval for the sole reason that a property cannot meet the permanent access standards, provided the development plan meets all other applicable provisions of the City of Louisburg Zoning Regulations and Subdivision Regulations. A Temporary Access Permit may be granted which shall expire when the permanent access to the property, via adjoining parking lots, parallel access, or reverse frontage roads, becomes feasible. The property owners shall bear the cost of closing the temporary access and connecting to the permanent access location.

**SECTION 606. HOME OCCUPATIONS**

Home occupations shall be permitted in the "A-L", "R-1", "R-2", "R-3", and "M-P" Districts.

- A. Restrictions and Limitations.
1. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than twenty-five (25) percent of the floor area of any one floor of a dwelling unit, or one room, whichever is the smaller, that shall be used for a home occupation.
  2. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
  3. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence. The home occupation shall be carried on entirely within the principal residential structure and not within a detached accessory building.

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4. No sign shall be permitted unless required by State Statute and, if so required, shall not exceed two (2) square feet in area, shall not be illuminated, and shall be placed flat against the main wall of the building.
  5. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as their residence.
  6. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
  7. Retail sales shall only be permitted if it is incidental to the permitted home occupation.
- B. Particular Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of paragraph A above.
1. Art, dancing, and music schools, provided that instruction is limited to five (5) pupils at one time
  2. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
  3. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
  4. Day care nurseries.
  5. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
  6. Tailoring, alterations, and seamstresses.
  7. Home party products.
  8. Barber and beauty shops.
- C. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, include the following:
1. Antiques - retail.
  2. Funeral services.
  3. Groceries - retail.
  4. Second-hand merchandise.

5. Tourist homes.
6. Equipment rental.
7. Automobile and vehicle repair services.
8. Physicians.
9. Dentists.
10. Chiropractors.
11. Machine shops.
12. Welding.
13. Repair shops.

**SECTION 607. TEMPORARY USES PERMITTED**

- A. Street Sales. The retail sale of merchandise not within an enclosed structure and subject to the following standards:
  1. Street sales shall not be allowed for more than three (3) consecutive days.
  2. All operation conducted in conjunction with street sales shall be allowed only on an asphalt or concrete surface.
  3. Street sales shall be allowed only on commercially zoned property.
  4. Street sale displays need not comply with the yard and setback requirements of these regulations, provided that no merchandise shall be displayed in the sight triangle.
  5. All street sale operations shall be subject to the applicable requirements of Chapter V of the City Code of Louisburg.
- B. Christmas Tree Sales. Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within the sight triangle.
- C. Contractor's Office. Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
- D. Real Estate Offices. Real estate offices (containing no sleeping or cooking accommodations unless located in a model home) incidental to a new housing development to continue only until the sale or lease of all dwellings in the development.

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Where a real estate office is in conjunction with more than one model home, a temporary fence may be installed between the curb line of the street on which the model homes front and the front set back line of the model homes. Prior to installation of said fence a building permit shall be obtained from the Codes Administrator in accordance with Section 1204 of these regulations. If said fence is to be constructed in a public right-of-way, approval by the city council for installation of said fence shall also be required. All such fences shall comply with the following standards:

1. The surface of the fence shall have an opacity of at least fifty (50) percent. In no case shall said fence be constructed of chain link or other wire materials.
  2. The fence shall be no more than four (4) feet in height.
  3. The fence shall be removed upon the termination of the real estate sales office unless otherwise specified by the city council.
  4. Any other requirements may be deemed necessary by the City Council.
- E. **Seasonal Sales.** Seasonal sale of farm produce grown on the premises in an "A-L" District. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used. All permanent structures must comply with the front yard requirement.
- F. **Carnivals and Circuses.** A carnival or circus, but only for a period that does not exceed three (3) weeks. Carnivals and circuses must be approved by the City Council. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
- G. **Garage, Yard, Basement or Porch Sale.** The sale of used or second-hand merchandise shall be permitted in any district providing that such use shall not exceed three (3) consecutive days in duration nor shall it occur more than twice each year at any particular location.

### **SECTION 608. AREA REQUIREMENTS**

In no case shall any structure be located on a lot less than one acre in area if it is not connected to a public sewer system.

### **SECTION 609. OPEN STORAGE**

The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or materials for more than forty-eight (48) consecutive hours shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.

**SECTION 610. DETERMINATION OF BUILDING SETBACK LINE**

The building setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure.

**SECTION 611. FENCES**

Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:

- A. No fence shall be constructed in the sight triangle.
- B. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
- C. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which fence shall adversely affect the public health, safety and welfare.
- D. No fence except fences erected upon public or parochial school grounds or in public parks and in public playgrounds shall be constructed of a height greater than three (3) feet in the front yard or eight (8) feet elsewhere.
- E. Open fences such as chain link, slat or picket fences may be forty-two inches (42") in height in the front yard, provided however, *a special use permit is granted*, according to procedure for considering special use permits as outlined in Article 11, for the construction of a high fence in the front yard or elsewhere.
- F. Fences constructed in the side and rear yard shall not extend any further into the front yard than the further-most projection of the primary structure on either side yard.
  - 1. Side and rear yard fences constructed on *interior lots* may be constructed adjacent to the property line.
  - 2. Side and rear yard fences constructed on *corner lots* shall maintain a 10 foot setback from the property line on the side yard adjacent to the street.
- G. All fences shall be constructed with the support posts and vertical or horizontal support members on the inside perimeter of the fence. Only approved fencing materials shall be used as support posts. Fences shall be continuous using like materials throughout. Workmanship shall have a professional appearance and shall not create blight within the surrounding area. (*amended by Ord. 1099*)
- H. A “good neighbor” fence, one in which the fencing material is mounted on alternate sides of the support rails, is also permitted, provided that more than fifty (50) percent of the fencing material is on the outside perimeter of the fence, and provided that all corners of

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any section of fence are constructed with the fencing material on the outside perimeter of the fence, joining at the corners.

- I. No fence shall be constructed without first obtaining a fence permit from the Codes Administrator. The fee for a fence permit shall be an amount established by Ordinance.
- J. Any fence installed in a dedicated easement is done at the risk of the property owner. The city or utility company is not responsible for repairing or replacing any section of fence constructed in a dedicated easement when work is required to repair, replace, or service the utility in the easement.
- K. Any person obtaining a fence permit is responsible for contacting Kansas One-Call to have the utilities marked before beginning any excavation for the fence construction.
- L. Subdivision perimeter fences that are installed along multiple parcels within or adjacent to common areas or common streetscapes shall be permanently maintained in a configuration that ensures compatibility with all adjacent fence sections. Property owners or homeowners associations wishing to replace dilapidated fence sections shall ensure that all new fence sections match the same style, height, color, configuration and alignment of pre-existing common fence. Alteration of subdivision perimeter fences resulting in change in type of material, height, color, style or configuration shall be subject to review of the Planning Commission.
- M. Perimeter fences shall have permanently anchored support posts. Fence panels shall be constructed using the following materials: Concrete Masonry Blocks, Chain link, Pre-fabricated Composite Plastic Fencing, Wood (picket or privacy fencing), Aluminum or Wrought Iron pre-engineered fencing. Additional fencing materials shall be considered by Planning Commission upon request. Perimeter fences shall not be built with agricultural materials or fencing such as barb wire, chicken or hog wire. Agricultural fencing materials may be used on properties zoned with Agricultural Zoning Districts. Temporary fencing material shall not be used in any zoning district as a substitute for permanent fencing. *(amended by Ord. 1099)*
- N. Above-ground electrical fencing shall not be allowed in any Zoning District. *(amended by Ord. 1099)*

**SECTION 612. RECREATIONAL VEHICLES**

Storage or parking of recreational equipment and vehicles including boats with or without trailers, pop-up campers, travel trailers, motorized recreational vehicles, and utility trailers shall be permitted in conjunction with any residence subject to the following conditions:

- 1. Storage or parking of recreational equipment and vehicles shall be limited to garages, rear yards or in driveways of private homes behind the front building line of the home.

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2. Such equipment and vehicles shall not encroach onto public property or obstruct any sidewalk.
3. Storage or parking of such equipment and vehicles in the side yard shall be on hard surface pavement or a concrete pad whenever such equipment or vehicle has wheels or is stored on a trailer with wheels.
4. Such equipment or vehicles may be used as temporary living quarters for one, two week time period each year upon issuance of a temporary living quarters permit for such purpose by the Louisburg Codes Administrator. Said permit may be renewed for one additional two week time period.
5. Such equipment or vehicles may be parked in the driveway of the owner in front of the front building line of the house for the purpose of loading and unloading. Said time period for loading and for unloading, however, shall not exceed 48 hours.

If condition number 1 and/or condition number 5 as specified above cannot be complied with, the owner of the property on which the recreational equipment or vehicle is proposed to be stored or parked, may apply to the Planning Commission for a conditional use permit. If such request for a conditional use permit, however, is denied or if the above conditions are not complied with, it shall be deemed a violation of these regulations. The fee amount for a Temporary Living Quarters Permit or a Conditional use Permit shall be established by the City Council by Resolution.

**SECTION 613. NUMBER OF EMPLOYEES**

Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or similar activities.

**SECTION 614. RADIO, COMMUNICATION AND TELEVISION TOWERS**

Radio, communication, and television towers that are less than thirty-five (35) feet in height, as measured from ground level to the highest point of the tower, shall be allowed as a permitted use in the "C-1", "C-2", "C-3", "C-S", "B-P", "I-1", and "I-2" districts. Radio, communication and television towers of less than thirty-five (35) feet may be permitted by special use permit in the "R-1", "R-2", or "R-3" district if they are designed to the satisfaction of the City as an architecturally compatible accessory element to an existing non-residential use such as a school, church, etc.

Radio, communication, and television towers over thirty-five (35) feet in height may be constructed in a "C-1", "C-2", "C-3", "C-S", "B-P", "I-1", or "I-2" district upon approval of a special use permit. A special use permit for a radio, communication, or television tower shall not be granted until an application has been submitted to and approved by the City of Louisburg in

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accordance with the provisions for special use permit applications as specified in Article 11 of these regulations. All towers shall maintain a hot dipped galvanized finish, and shall be a mono-pole design unless otherwise approved by the City.

In addition to the information required by the provisions of Article 11, the applicant shall also submit the following information in conjunction with the submittal of a special use permit application for installation of a communication tower:

- A. A study comparing all potential sites within an approximate one-half (1 /2) mile radius of the proposed application area. The study shall include:
  - 1. The location and capacity of existing towers;
  - 2. The location of alternative sites for erection of a new tower;
  - 3. Reasons why alternative sites were not selected for erection of the proposed tower; and
  - 4. The ability or inability of the tower site to host additional communications facility.

The study must demonstrate to the Planning Commission's satisfaction that the proposed site is the most appropriate tower location. It must also contain a statement explaining the need for the facility in order to maintain the applicant's wireless communication system and include a map showing the service area of the proposed tower as well as other existing and proposed towers.

If the use of current towers is unavailable, a reason or reasons specifying why they are unavailable needs to be set out and may include one or more of the following: refusal by current tower owner; topographical limitations; adjacent impediments blocking transmission; site limitations to tower construction; technical limitations of the system; equipment exceeding structural capacity of facility or tower; no space on existing facility or tower; other limiting factors rendering existing facilities or towers unusable.

- B. A photo simulation of the proposed facility as viewed from adjacent residential properties and public rights-of-way.
- C. A signed statement indicating the applicant's intention to share space on the tower with other providers. Each tower site shall be required to host a minimum of two communication facilities unless otherwise specified by the Planning Commission.
- D. Preliminary construction schedule including completion dates.
- E. Copies of letters sent to other wireless communication providers notifying them of the proposed request, the date of the Planning Commission meeting at which their application is to be considered, and an inquiry as to their interest in co-locating. Said letters shall be sent not less than twenty (20) days prior to the Planning Commission

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meeting. The applicant shall provide copies of said letters to the Codes Administrator prior to the Planning Commission meeting.

- F. Written agreement that mobile or immobile equipment, vehicles and other materials not used in direct support of a tower facility shall not be used for storage or parked on the site of the communication tower unless repairs to the tower are being made.
- G. A bond. Any tower that is not operated for 12 consecutive months shall be considered abandoned and the owner of such tower shall remove the same within 180 days after receiving notice from the city. If the tower is not removed within that 180 day period, the Governing Body may order the tower removed or may authorize the removal of such tower at the owner's expense. The applicant shall submit a bond to the city in an amount adequate to cover the cost of tower removal and the restoration of the site. The bond shall be submitted for a five year period of time and shall be renewed for each additional five year time period that the tower is in use unless the special use permit is for a lesser period of time.
- H. Plans. The plans for the tower shall be prepared and sealed by a structural engineer licensed in the State of Kansas. Construction observation shall be provided by the design engineer provided that said engineer is not an employee of the tower's owner. If the design engineer is an employee of the tower's owner, an independent engineer shall be required to perform construction observation.
- I. A site plan, which in addition to the information required in Section 616.C. of Article 6, shall contain the following information:
  - 1. Equipment housing for the communication tower. Adequate screening of the equipment cabinets located at the tower base shall be provided by a solid or semi solid wall or fence. All equipment cabinets shall be adequately secured to prevent access by other than authorized personnel.
  - 2. Indication of the specific trees, structures, improvements, facilities and obstructions, if any, that the applicant proposes to temporarily or permanently remove or relocate. Indication that adequate screening shall be provided at the base of the tower to the satisfaction of the planning commission.
  - 3. The setback distance of a proposed tower.
    - a. Ground mounted towers. The setback for a tower mounted on the ground shall not be less than two-thirds (2/3) the height of the tower unless a professional engineer certifies the fall zone of said tower will be within a lesser setback area. In no case, however, shall the setback of a ground mounted tower be less than the setback requirement of the zoning district in which it is located.
    - b. Roof /Structure mounted towers. The setback distance for towers on a roof/structure shall be measured from the base of the tower to the edge of the roof/structure. In no case, however, shall the setback for a roof

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/structure mounted tower be less than two-thirds (2/3) the height of the tower.

4. The location and specifications of any illumination devices. Towers shall not be lighted except as required by the Federal Aviation Administration (FAA). The use of high intensity flashing lights (i.e. strobe lights) shall be prohibited. Towers shall be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements. Security lighting around the base of the tower may be installed provided that all lighting is directed away from adjacent residential property.
5. Construction materials and colors of the tower. Towers should have a galvanized finish unless other standards are required by the FAA. If antennas are installed on a structure other than a tower, the antennas shall be screened, constructed and/or colored to match the structure to which they are attached. Antennas mounted on the side of a building or structure shall match the color of the background against which they are mounted.
6. The location, height and type of security fence or wall around the base of the tower. Towers shall be enclosed by a security fence or wall not less than six (6) feet in height. In addition, the fence or wall shall be equipped with an appropriate anti-climbing device.

**SECTION 615. SWIMMING CLUBS AND TENNIS CLUBS**

Swimming clubs and tennis clubs, including accessory concession facilities and other customary accessory uses, may be permitted in any zoning district by special use permit as outlined in Article 11.

**SECTION 616. SITE PLAN APPROVAL**

- A. Applicability. Site Plan Review and Approval is applicable for all new buildings and expansion of existing building in all zoning districts, except single family residences; detached accessory buildings that do not exceed the dimensions of 36 feet by 24 feet and side wall height of 10 feet, constructed in “R-1” Single Family Dwelling Districts; and for accessory buildings constructed in “A-1” Agricultural Districts, provided the lot or parcel meets the definition of “Agricultural Use” as defined in these regulations.
  1. Site plan review shall be performed by the Codes Administrator or designated representative and presented to the Planning Commission for approval at the first regular commission meeting for which the application may be scheduled.
  2. A Site Plan may be required for “Change of Use” of a building, whether the new use is a permitted use in the zoning district, requires a Special Use Permit, or whether the zoning of the property on which the building is located has changed, thus allowing different uses, regardless of whether or not a building permit has been requested.

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3. A "Change of Use" review will be performed by the Codes Administrator at such time that the change of use becomes known, identifying change in parking or other site plan requirements, for presentation to the Planning Commission for determination if a Site Plan is required.
  4. Planning Commission approval of a site plan shall automatically expire, without revocation, unless a building permit to effectuate the use is obtained within twelve (12) months after the Planning Commission's date of approval. If a building permit is not required, the site plan shall automatically expire unless substantial evidence of the use is filed with the Codes Administrator for the City of Louisburg within the twelve (12) month period.
- B. Authority. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Approval is applicable, unless Site Plan approval has been granted by the Planning Commission.
- C. Submission Requirements. The Site Plan shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.
- D. Site Plans shall be prepared at a scale of one (1) inch equals twenty (20) feet, on standard 24-inch by 36-inch sheets. Items required for submission include the following.
1. Name of the project, address, boundaries, date, north arrow and scale of the plan.
  2. Name and address of the owner of record, developer, and name, address and phone number of preparer.
  3. Name and address of all owners of record of abutting parcels.
  4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
  5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. Show typical elevations and building materials.
  6. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
  7. Location of required parking areas including parking stalls, setbacks and loading and service areas.

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8. The location, height intensity, and bulb type (e.g., fluorescent, metal halite, mercury vapor, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to minimize glare onto adjoining properties and into the atmosphere must also be shown. A standard will be maintained to minimize lighting which creates light pollution, as determined by the Planning Commission.
9. The location, height, size, materials, and design of all proposed signage.
10. A landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas located on the site, proposed by the applicant, or identified by the applicant.
11. The location of all present and proposed utility systems including:
  - sewer or septic system;
  - water supply system;
  - telephone, cable and electrical systems; and
  - storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.
12. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
13. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to U.S.G.S. datum. No building shall be located in the 100 year flood plain.
14. Zoning district boundaries adjacent to the site's perimeter drawn and identified on the plan.
15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Planning Commission may require a detailed traffic study for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

- a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

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- b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and
  - c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
- E. Standards of Review. The recommendations of the Codes Administrator or designated representative shall be based on the following standards:
- 1. The extent to which the proposal conforms to the provisions of these Regulations.
  - 2. The extent to which the development would be compatible with the surrounding area.
  - 3. The extent to which the proposal conforms to the provisions of the Louisburg, Kansas, Subdivision Regulations.
  - 4. The extent to which the proposal conforms to the Goals, Objectives and Policies of the Comprehensive Plan.
  - 5. The extent to which the proposal conforms to customary engineering standards used in the City.
  - 6. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
  - 7. The extent to which the buildings, structures, walkways, roads, driveways, open space (if any), and parking lots have been located to achieve the following objectives:
    - a. Preserve existing off-site views and create desirable on-site views;
    - b. Conserve natural resources and amenities including prime agricultural land;
    - c. Minimize any adverse flood impact;
    - d. Ensure that proposed structures are located on suitable soils;
    - e. Minimize any adverse environmental impact; and
    - f. Minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site.
- F. Site Plan Modifications.

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- G. Minor modifications may be made to an approved site plan by the applicant with approval of the Codes Administrator and without reapproval of the Planning Commission provided that the modifications do not
1. Vary the proposed gross residential density or intensity of use by more than five (5) percent;
  2. Increase by more than ten (10) percent the floor area proposed for non-residential use;
  3. Increase by more than five (5) percent of the total ground area covered by buildings or the height of buildings; or
  4. Substantially change the design of the approved site plan so as to significantly alter:
    - a. Pedestrian or vehicular traffic flow;
    - b. The juxtaposition of different land uses;
    - c. The relation of open space to residential development;
    - d. The architectural appearance and building materials selected for the project.

If, in the opinion of the Codes Administrator, a site plan is substantially changed from the approved plan, the applicant shall resubmit the site plan to the Planning Commission for approval.

**SECTION 617. PAYDAY AND TITLE LOAN BUSINESSES**

- A. The following separation requirements apply to all Payday and Title Loan businesses permitted within the City.
1. No permit shall be issued for any Payday or Title Loan business that is located within 5,280 feet if any other Payday or Title Loan business, or within 500 feet of any property used primarily for a single-family residence, a two-family residence, a townhome, or an apartment building.
  2. The separation distances shall be measured from or to the outer wall of the Payday or Title Loan business, and from or to the property line of the property containing the residential use. The minimum separation distances shall be measured from any Payday or Title Loan business or residence, located within the city limits of Louisburg, or outside and immediately adjacent to the city limits.
  3. This separation provision shall not apply to an existing business that has been in continuous operation at the same location and under the same business name and ownership from and after the date of enactment of this section.

- B. Each Payday and Title Loan business shall be located within a multi-tenant commercial building housing not less than four separate occupancies.
- C. A non-conforming use of land existing lawfully at the time of the enactment of this section may be continued, but shall not be extended, expanded or enlarged. Those businesses that were in legal operation at the same location as of the effective date of this ordinance shall be considered as legal nonconforming uses. An existing business shall be one that has been in continuous operation under the same business name and ownership from and after the date of enactment of this section.

**SECTION 618. DESIGN STANDARDS**

- A. These design standards are applicable in all zoning districts, and for all buildings except single family residences, and detached accessory buildings that do not exceed the dimensions of 36 feet by 24 feet and side wall height of ten (10) feet, constructed in residential districts.
  - 1. Detached accessory storage buildings that do not exceed one hundred fifty (150) square feet are exempt from these regulations.
  - 2. All other detached accessory buildings, including garages and carports, shall be constructed with like material, including roofing and exterior siding, of the primary structure.
- B. Roofs are considered to be an integral and embracing element of the over-all design of a building. Careful consideration shall be given to use of durable materials, and the proportion and shape of the roof structure.
  - 1. In all zoning districts other than "I-1" and "I-2", no building shall be erected that does not meet the following minimum standards. Building roof tops shall have at least two of the following features.
    - a. Parapets concealing flat roofs and roof top equipment.
    - b. Overhanging eaves.
    - c. Sloped roofs with three or more roof sloped planes.
  - 2. In "I-1" and "I-2" zoning districts, no building shall be erected that does not meet the following minimum standards. Building roof tops shall have at least two of the following features:
    - a. Parapets concealing flat roofs and roof top equipment.
    - b. Overhanging eaves.
    - c. Sloped roofs.

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- d. Three or more roof sloped planes.
- C. All equipment required to support the building, whether it be roof-mounted, mounted adjacent to the building, or in an accessory structure, shall be integrated into the overall site plan and treated as integral elements of the building's appearance.
1. Roof-mounted equipment, including ventilators and satellite dishes, shall be screened from view (one hundred (100) percent opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred (300) feet away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
  2. All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially-zoned area shall be screened from view (one hundred (100) percent opacity), up to a maximum of three hundred (300) feet away. Such screens and enclosures shall be treated as integral elements of the building's appearance.
  3. All telephone, cable television lines, and electrical services and distribution lines shall be placed underground, from the point of source of the utility to the point of connection to the building. Gas meters shall be located within three (3) feet of the building. All meters, electric and telephone service pedestals and, transformers shall be properly integrated into the building site plan and appropriately screened. Exceptions may be requested for three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.
  4. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets.
- D. Architectural design shall create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes.
1. Monotony of design in single or multiple building projects shall be avoided. Variation of detail and form shall be used to provide visual interest.
  2. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
  3. All building facades, with the exception of industrial use buildings constructed in isolated areas zoned as "I-1" Light Industrial District or "I-2" Heavy Industrial District, shall be governed by the provisions of this paragraph.

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- a. Any building facade that is fifty (50) feet or greater in length, abutting any public street or road right-of-way, shall incorporate recesses and projections along at least twenty (20) percent of the length of the building façade. Such facade shall contain windows, awnings, or arcades along sixty (60) percent of the façade length.
- b. Any building facade that is fifty (50) feet or greater in length, abutting a residential district, shall require an earth berm of at least three (3) feet in height to be constructed between the building facade and the abutting residential district. The earth berm shall be landscaped with evergreen trees and other plant and landscape materials, or appropriate solid fencing to adequately screen the facility from the residential district.

E. Exterior Building Material Standards.

1. The following materials are acceptable for exterior walls:

- a. Masonry. Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, or similar materials.
  - (1) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
  - (2) Brick material used for masonry construction shall be composed of hard fired (kiln fired) all-weather common brick or other all-weather facing brick.
  - (3) Stucco or approved gypsum concrete/plaster materials.
- b. Glass Walls. Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall which carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.
- c. Wood other than exposed plywood paneling.

2. The following materials shall be prohibited on all exterior walls:

- a. Concrete finish or pre-cast concrete panel (tilt wall) that is not exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating.

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- b. Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge, unless specific approval is granted for an exception for a specific architectural metal panel, a sample of which is provided to the Planning Commission for review and approval as part of the site plan review and approval process.

F. Exterior Building Material Application.

- 1. All buildings subject to provisions of this regulation, with the exception of industrial use buildings, constructed in isolated areas zoned as "I-1" Light Industrial District or "I-2" Heavy Industrial District, shall be governed by the provisions of this paragraph.
  - a. All exterior walls of the structure shall be constructed of one or more combinations of the approved materials listed in paragraph E, for a minimum of seventy-five (75) percent of the total exterior building surface.
  - b. The front entrance wall of the building, and any side of the building facing a street or public right-of-way, shall consist of one or more combinations of the approved materials listed in paragraph E, for one hundred (100) percent of that exterior wall or wall's surface.
  - c. Any side of a building adjacent to a residential district shall consist of one or more combinations of the approved materials listed in paragraph E, for a minimum of fifty (50) percent of that exterior wall or wall's surface.
  - d. Solid metal doors, sliding and overhead garage entrance doors will not be counted in computations as approved materials when calculating the percentages required, but will be allowed as required for access into the building.
- 2. Industrial buildings, constructed for uses allowed in isolated areas zoned as "I-1" Light Industrial District or "I-2" Heavy Industrial District, shall be governed by the provisions of this paragraph
  - a. All exterior walls of the structure shall be constructed of one or more combinations of the approved materials listed in paragraph E, for a minimum of twenty-five (25) percent of the total exterior building surface.
  - b. The front or main building entrance exterior wall shall consist of one or more combinations of the approved materials listed in paragraph E, for fifty (50) percent of that exterior wall's surface.
  - c. Any side of a building facing a public street or right-of-way shall consist of one or more combinations of the approved materials listed in paragraph E, for a minimum of fifty (50) percent of that exterior wall or wall's surface.

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- d. Any side of a building adjacent to a residential district, or adjacent to a contiguous commercial district, shall consist of one or more combinations of the approved materials listed in paragraph E, for a minimum of fifty (50) percent of that exterior wall or wall's surface. In addition, an earth berm of at least three (3) feet in height shall be installed between the building facade and the abutting residential district. The earth berm shall be landscaped with evergreen trees and other plant and landscape materials, or appropriate solid fencing to adequately screen the facility from the residential district.
  - e. Solid metal doors, sliding and overhead garage entrance doors, will not be counted in computations as approved materials when calculating the percentages required, but will be allowed as required for access into the building.
- G. Pedestrian Access. Pedestrian access shall be an integral part of the overall design of each multi-family, commercial, and industrial development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments to create an alternative means of transportation for residents of the city.
- 1. Sidewalks at least five (5) feet in width shall be provided along all sides of a lot which abut a dedicated public or private street. A continuous internal pedestrian sidewalk shall be provided from the perimeter public sidewalk to the principal customer entrance(s). This internal sidewalk shall feature landscaping, benches, and other such materials and facilities for no less than fifty (50) percent of its length.
  - 2. Sidewalks shall be provided along the full length of the building, along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least five (5) feet away from the building facade to provide planting areas for landscaping along the foundation of the building.
  - 3. Internal pedestrian sidewalks shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks.

**SECTION 619. BED AND BREAKFASTS**

Bed and breakfast establishments may be allowed in any district upon issuance of a special use permit in accordance with Section 1101.H and subject to the following conditions.

- A. The establishment is located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for not more than fourteen (14) consecutive nights.

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- B. Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided, and said spaces shall be adequately screened from neighboring property.
- C. A time period shall be established for each bed and breakfast establishment.
- D. A limit may be established on the number of lodging rooms allowed.

**SECTION 620. LANDSCAPE AND BUFFER REQUIREMENTS**

This section sets out the minimum landscaping and buffering requirements for new development within the City of Louisburg. Three different types of landscaping/buffering are described in this section: Open Space Landscaping, Parking Lot Landscaping and Right-of-Way and Transition Buffers.

- A. Exemptions. The following shall be exempt from the standards of this section:
  - 1. Agriculture. Uses directly relating to agricultural activities. This shall not be construed as an exemption for non-agricultural activities in the "A-L" district.
  - 2. Single-Family. Single-Family dwelling (attached or detached) on its own lot. This shall not be construed as an exemption for a residential subdivision.
  - 3. Existing Development and Changes in Use. Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity.
  - 4. Development in the Central Business District. Development in the "C-2" district.
- B. Open Space Landscaping. The Open Space Landscaping standards shall apply to all development.
  - 1. Plant Units Required. At least three plant units shall be provided for each 1,000 square feet of lot area or fraction thereof.
  - 2. Location of Plant Units. Plant units required pursuant to this section shall be installed in required front and street side yard setback areas to the maximum extent possible.
  - 3. Limit on Plant Units Required for Residential Development. In no case shall more than 45 plant units be required to be installed on any single-family or duplex lot.
- C. Parking Lot Landscaping. These Parking Lot Landscaping standards shall apply to all off- street parking areas containing more than five off-street parking spaces. They shall not apply to Vehicle/Equipment Storage lots, Vehicle and Equipment Sales lots or multi-level parking structures.

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1. **Parking Area Screening.** Off-street parking areas shall be screened from view of the public right-of-way and from adjacent lots zoned residential. Screening shall be accomplished by shrubs, earthen berms, walls or any combination of such materials. Required screens shall be located within a landscape buffer strip with a minimum width of five (5) feet. At least sixty (60) plant units shall be provided within the required buffer strip for each one hundred (100) linear feet of buffer strip. Plant units shall not be required if an earthen berm or wall design is approved. Parking area screening shall be designed to obscure views of parked cars from off-site. Landscaping provided to satisfy Right of-Way and Transition Buffer standards shall count toward these Parking Area Screening standards.
  
2. **Interior Area.** The following requirements shall apply to the interior of off-street parking areas. Landscaping provided to meet the Open Space, Parking Area Screening, Right-of-Way and Transition Buffer or other landscaping standards of this section shall not be counted towards meeting a project's Parking Lot (Interior Area) Landscaping requirements.

Benefits of interior landscaping include the addition of color and interest, relief from rows of parked cars and asphalt, shade and windbreaks, and assistance with vehicular circulation.

Parking lot perimeters are not included in the calculations of the interior planting. The required amount of landscaping is determined by the following table. Landscaped areas outside the parking lot may not be used to meet the interior planting requirements.

Landscaping Required By Percent of Total Area			
Total Site Area ( in square feet)			
	7,000 to 49,000	50,000 to 149,000	150,000 And over
Percent to be Landscaped	5 percent	8 percent	10 percent

The percentage shown may be accomplished through planting islands, landscaping between the parking lot and the building, and/or an addition to the setback. If landscaping is located within islands, such islands shall be a minimum of ten (10) feet wide. Landscaping between the parking lot and the building shall be a minimum of ten (10) feet deep.

A deciduous tree is recommended for every three hundred (300) square feet of planting area. For purposes of safety and visibility, trees must have a clear trunk at least six (6) feet above finish grade. Deciduous trees with low evergreen shrubs below is recommended.

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All plant material used in this section must be from the list of plants provided or be approved by the Plan Commission.

3. Location. Parking Lot Landscaping shall be reasonably dispersed throughout off-street parking areas.
  4. Planting Areas. The interior dimensions of any planting area used to satisfy Parking Lot Landscaping standards shall be sufficient to protect plant materials and to ensure proper growth. Planting areas that contain trees shall be at least seven (7) feet wide, and all planting areas shall be protected by raised curbs or wheel stops to prevent damage by vehicles and vehicle overhang.
- D. Right-of-Way and Transition Buffers. The Right-of-Way and Transition Buffer standards of this section require landscape buffers to be provided and maintained when certain land uses are adjacent to one another or when adjacent to certain roadway types. The standards are intended to help ease the land use transition between areas of varying development intensity, to ensure land use compatibility, and preserve the appearance of roadway areas.
1. Determination of Right-of-Way and Transition Buffer Requirements. The following procedure shall be followed in determining the type of buffer required.
    - a. Identify the minimum zoning classification required to accommodate the proposed use. This is the "Proposed Development/ Zoning" classification of Column 1.
    - b. Identify the actual zoning classification of the abutting site(s). This is the "Adjacent Development/ Zoning" classification.
    - c. Identify the classification of the roadway adjacent to the site of the proposed development. This is the "Adjacent Street" classification.
    - d. Determine the type of buffer required on each building site boundary (or portion thereof) by referring to the *Right-of-Way and Transition Buffer Table*.
    - e. Refer to *Description of Buffer Types and Options* and select the desired landscaped buffer option from those set forth in that section. Any of the listed options, at the option of applicant, may be used to satisfy Right-of-Way and Transition Buffer requirements.

	EXISTING	
Proposed	ADJACENT DEVELOPMENT/ZONING	ADJACENT STREET

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Development Zoning									
	R-1, R-2	R-3, M-P	C-1	C-0, PUD	C-2, C-3, C-4	B-P, I-1, I-2	Hwy-68	Major Arterial	Collector/Local
R-1, R-2	---	A	B	C	C	D	D	C	---
R-3, M-P	A	---	A	B	C	D	C	B	---
C-1	B	A	---	A	C	D	B	B	A
C-0, PUD	C	B	A	---	B	D	B	B	B
C-2, C-3, C-4	C	C	C	B	--	A	B	B	C
B-P, I-1, I-2	D	D	D	D	A	--	B	B	D

2. Description of Buffer Types and Options:

Buffer Type "A"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
7	60	Small Evergreen Trees
15	40	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "B"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
15	120	Small Evergreen Trees
25	100	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "C"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
25	160	Large Deciduous/ Evergreen Trees
35	140	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "D"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
35	240	Fence/Wall or Berm + Large Deciduous
45	200	Large Deciduous /Evergreen Trees

3. Location of Buffers. Right-of-Way and Transition Buffers shall be required to be located along those portions of a site that are adjacent to public rights-of-way and along those portions adjoining lots with a different zoning classification. In the case of modifications or additions to an existing building or site, buffers shall only

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be required along those portions of the site that are directly affected by the proposed improvements, as determined by the city.

4. Use of Buffers. Required buffers shall be reserved solely for screening and landscaping. No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a required buffer, provided that driveways or roads may cross required buffer if necessary to provide access to the building site. Sidewalks and pedestrian paths may also be located within required buffers.
5. Responsibility for Installing Buffers. The developing property shall always be responsible for providing required buffers. If, however, the developing site is adjacent to an undeveloped site which has a more intensive zoning classification, the developing site shall have the option of merely setting aside the required land area for the buffer. Then, when the adjacent site develops, it shall be responsible for installing the required plant material.

E. Landscape Material Standards. The following standards shall be considered the minimum required planting standards for all trees and landscape material.

1. Plant Units. Many of the landscaping standards of this section are expressed in terms of the number of "plant units" required. The following table provides a breakdown of plant unit equivalencies.

Type of Plant Material	Equivalent Plant Units
Medium or Large Deciduous Tree	10
Small Deciduous or Ornamental Tree	5
Conifer or Upright Evergreen	7
Shrub	1

2. Plant Quality. Plants installed to satisfy the requirements of this section shall conform to or exceed the plant quality standards of the most recent edition of *American Standard for Nursery Stock*, published by the American Association of Nurserymen. Plants shall be nursery grown and adapted to the local area.
3. Artificial Plants. No artificial plants or vegetation shall be used to meet any standards of this section.
4. Trees Required. Where required or permitted, trees shall be of ornamental, evergreen, or of the large deciduous types, such as oak, maple, ash, hickory, or thornless honey locust.
  - a. Prohibited. The following trees shall be prohibited and shall not be used to satisfy the landscaping or buffering standards of this section: box elder, soft maple, hackberry, American elm, poplar ailanthus (tree of heaven), willow or mimosa.

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- b. Species Mix. When more than ten (10) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted in accordance with the following requirements:

Required .Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	5

- c. Sizes:

- (1) Medium and Large Deciduous Trees. Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum caliper (diameter) of two inches, measured at a point that is at least six inches above ground level.
- (2) Small Deciduous or Ornamental Trees. Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four (4) feet.
- (3) Conifers. Conifers planted to satisfy the standards of this section shall have a minimum height of five (5) feet.
- (4) Upright Evergreens. Upright evergreens planted to satisfy the standards of this section shall have a minimum height of four (4) feet.
- (5) Shrubs (Deciduous and Conifer). Shrubs may be of a size determined by the applicant, unless otherwise indicated by other sections of this development code.
- (6) Ground Treatment. The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards shall apply to the design of ground treatment:
  - (a) Ground Cover. Ground cover appropriate for the area may be planted in lieu of turf grass. Ground cover shall be of a size and spacing to provide a minimum of fifty (50) percent coverage after the first full growing season and complete coverage at maturity. Edging shall be provided for all ground cover.

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- (b) Mulch. Mulch shall be installed and maintained at a minimum depth of three inches on all planted areas except where ground cover plants are fully established. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate.
      - (c) Grass Seed and Sod. Turf areas shall be planted with species suitable as permanent lawns in Louisburg. Turf areas shall be sodded or seeded. In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season.
  - 5. Use of Existing Plant Material. Vegetation and plant material that exists on a site prior to its development may be used to satisfy the landscaping standards of this section provided that it meets the size, variety and locational requirements of this section.
- F. Installation and Maintenance.
- 1. Installation. All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, living and nonliving, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Occupancy Certificate may be issued prior to installation of required landscaping if written assurances and financial guarantees are submitted ensuring that planting will take place when planting season arrives.
  - 2. Maintenance. Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following.
    - a. Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
    - b. The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
    - c. The regular maintenance, repair, or replacement, where necessary, of any screening or buffering required by this section; and

- d. Continuous maintenance of the site.
- 3. Replacement. Required landscaping shall be replaced with equivalent landscaping if it is not living within one year of issuance of a Certificate of Occupancy.
- G. Alternative Compliance. Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved, an Alternative Compliance Landscape Plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this section.
  - 1. Procedure. Alternative Compliance Landscape Plans shall be prepared and submitted for Planning Commission approval. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan;" and the plan shall clearly delineate and identify the modifications and alternatives proposed.
  - 2. Review Criteria. In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties.
    - a. Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;
    - b. Innovative landscaping or architectural design employed on the proposed development site would achieve a buffering effect that is equivalent to the buffer standards of this section;
    - c. The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
    - d. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.



**ARTICLE 7 OFF-STREET PARKING AND LOADING REGULATIONS**

**SECTION 701. APPLICABILITY**

Off-street parking and loading space, as required in this article, shall be provided for all new buildings and structures or additions thereto. Off-street parking and loading space shall also be required for any expansion or enlargement of an existing building or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures or additions to existing buildings, structures, or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article. The only exception is that no off-street parking or loading space shall be required for any use in the "C-2" Central Business District.

**SECTION 702. GENERAL PROVISIONS**

- A. Utilization. Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
- B. Residential Districts. One space may be provided in the front yard in all residential districts. Each required space shall have unobstructed access to the street. The maximum width of the driveway shall be twenty-seven (27) feet.
- C. Accessory Use. Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use.

In no instance shall off-street parking required by this article be located more than three hundred (300) feet (as measured along lines of public access) from the use which it serves.
- D. Repair Service. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- E. Computation. When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space.
- F. Mixed Uses. When a building or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

**SECTION 703. LAYOUT AND DESIGN REQUIREMENTS**

- A. Area. A required off-street parking space shall include the actual parking space and access drives or aisles, ramps, and columns.
- B. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. Design. Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article. No new parking spaces shall be created parallel to the edge of the pavement on non-curb and gutter streets, whether in the right-of-way or on private property. Any new spaces will be created perpendicular to the street and designed and constructed such as to not impede stormwater flow or damage the edges of the existing pavement or street surface.
- D. Lighting. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use. If lighting causes pollution, such as high pressure sodium light fixtures, it shall not be permitted.
- E. Surfacing. All off-street parking and loading areas, including driveways and aisles, shall be graded and paved with asphalt, concrete or asphaltic concrete. If a use of business expands which has an off-street parking area that is not surfaced with asphalt, concrete, or asphaltic concrete, the entire off-street parking area must be brought into compliance with the surfacing requirements of this sub-section. If an existing legally nonconforming off street parking surface is expanded without the use or building which it serves expanding, the entire legally non-conforming off-street parking area shall be paved with asphalt, concrete or asphaltic concrete.

**SECTION 704. PLANS AND APPROVAL REQUIRED.**

Plans showing the layout of all required off-street parking and loading areas shall be submitted to and approved by the Codes Administrator prior to issuance of a building permit. Before approving any parking layout, the Codes Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria contained herein. All required off-street parking spaces shall be clearly marked.

**SECTION 705. REQUIRED SPACES.**

Off-street parking spaces shall be provided as follows:

- A. Dwelling and Lodging Uses.
  - 1. Boarding or rooming houses: One parking space per each three sleeping rooms.

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2. Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the maximum design capacity of the building.
3. Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
4. Mobile or manufactured homes: Two parking spaces per each home.
5. Nursing homes, rest homes, etc.: One parking space per each five beds based on the designed maximum capacity of the building, plus one parking space for each employee.
6. Single-family: Two spaces per dwelling unit, one of which shall be provided in an enclosed garage or carport.
7. Two-family and multiple-family: Two spaces per dwelling unit.
8. Two-family and multiple-family dwelling units designed specifically for the elderly: one space per two dwelling units.
9. Independent/Assisted Living Facility: One space per two apartment units plus one space for each employee in the largest working shift and such spaces as are required for other affiliated facilities being provided, in addition to required ADA parking .

**B. Business, Commercial, and Industrial Uses.**

1. Automobile, truck, recreational vehicle and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.
2. Automobile salvage yards: One parking space for each employee, plus one parking space for each 10,000 square feet of storage area.
3. Financial, business, and professional offices: One parking space for each three hundred (300) square feet of gross floor area.
4. Bowling alleys: Five parking spaces for each lane.
5. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period, plus one parking space for each vehicle maintained on the premises.
6. Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.

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7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.
8. Furniture and appliance stores, household equipment or furniture repair shops: One parking space for each four hundred (400) square feet of floor area.
9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One parking space per three employees upon the largest working shift in any 24-hour period.
10. Medical and dental clinics or offices: One parking space for each two hundred (200) square feet of gross floor area.
11. Restaurants, private clubs and taverns: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
12. Retail stores and shops: One parking space per two hundred (200) square feet of floor area.
13. Service stations: One parking space for each employee plus two parking spaces for each service bay.
14. Theaters, auditoriums, and places of assembly, with or without fixed seats: One parking space for each four people, based upon the designed maximum capacity of the building.
15. Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
16. All other business and commercial establishments not specified above: One parking space for each three hundred (300) square feet of floor area.

C. Other Uses.

1. Churches: One parking space for each five seats based upon the maximum designed seating capacity, including choir lofts.
2. Elementary, junior high and equivalent parochial and private schools: Two parking spaces for each classroom.
3. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.
4. Hospitals: One parking space for each two beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.

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5. Laundromats: One space for each two washing machines.
6. Nursery schools and day care centers, public or private: One parking space for each employee.
7. Fraternal associations and union headquarters: One parking space for each three seats based upon the designed maximum seating capacity.
8. Swimming pools and clubs: One parking space for each thirty-eight (38) square feet of water area.
9. Trade and commercial schools: One parking space for each three students and employees.

**SECTION 706.   LOADING AND UNLOADING REGULATIONS**

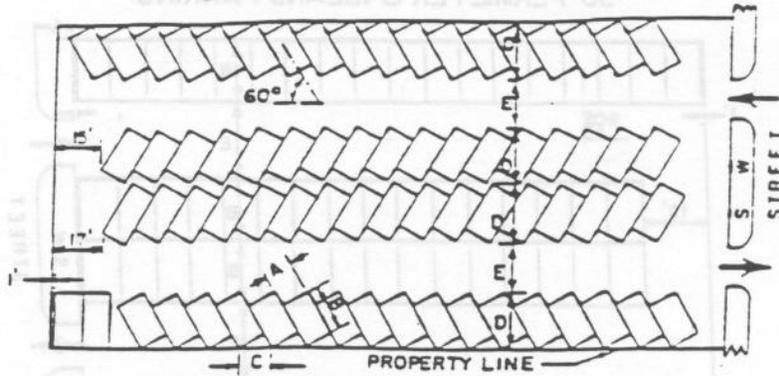
Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkway.

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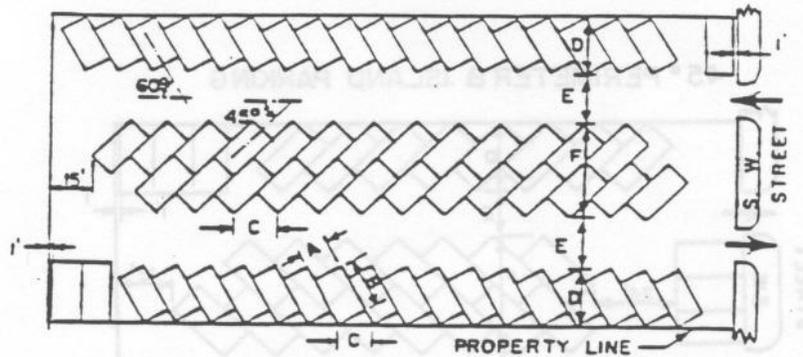
### OFF-STREET PARKING STANDARDS

#### 60° PERIMETER & ISLAND PARKING

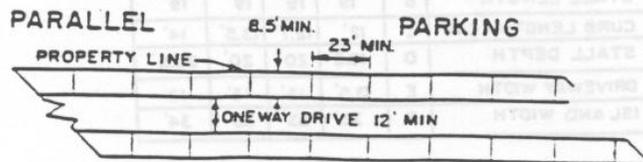


60° PERIMETER & ISLAND PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
CURB LENGTH/ CAR	C	9.8'	10.5'	11'	11.5'
STALL DEPTH	D	21'	21'	21'	21.5'
DRIVEWAY WIDTH	E	16.5'	18'	18'	18'

#### 45° & 60° HERRINGBONE PATTERN PARKING



STALL WIDTH	STALL LENGTH	CURB LENGTH PER CAR		STALL DEPTH	DRIVEWAY WIDTH	ISLAND WIDTH
A	B	C/45°	C/60°	D/60°	E/60°	F
8.5'	19'	12'	9.8'	21'	18.5'	33'
9'	19'	12.7'	10.5'	21'	18'	33'
9.5'	19'	13.5'	11'	21'	18'	33'
10'	19'	14'	11.5'	21.5'	18'	34'

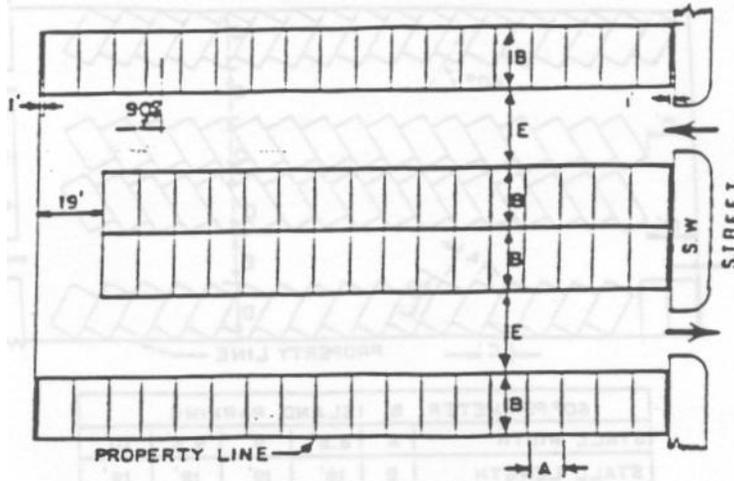


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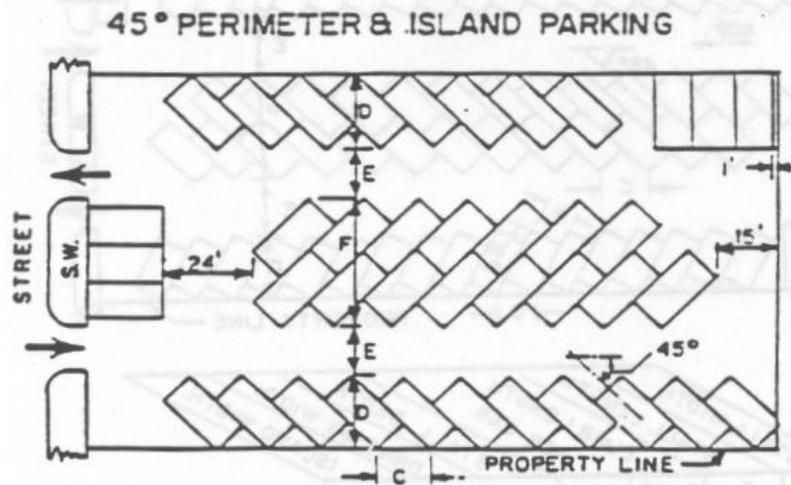
## ZONING REGULATIONS

### OFF-STREET PARKING STANDARDS

#### 90° PERIMETER & ISLAND PARKING



90° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	19'	19'	19'	19'
DR 'WAY WIDTH	E	25'	24'	24'	24'



45° PERIMETER & "ISLAND" PARKING					
STALL WIDTH	A	8.5'	9'	9.5'	10
STALL LENGTH	B	19'	19'	19'	19'
CURB LENGTH/CAR	C	12'	12.7'	13.5'	14'
STALL DEPTH	D	19.5'	20'	20'	20.5'
DRIVEWAY WIDTH	E	13.5'	13'	13'	13'
ISLAND WIDTH	F	33'	33'	33'	34'



**ARTICLE 8 SIGN REGULATIONS**

**SECTION 801. APPLICABILITY**

Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in the Sign Use Regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this Regulation, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation. All signs shall be constructed in such a manner and of such materials that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the Codes Administrator as part of the application for a sign permit for all signs. The fee for a sign permit shall be that amount established by the City Council by ordinance.

**SECTION 802. CLASSIFICATION OF SIGNS**

- A. Advertising Sign (Billboards) A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- B. Bulletin Board Sign. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- C. Business Sign. A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- D. Construction Sign. A temporary sign identifying the developer, contractors, engineers, architects, or financial institutions involved in the building construction or development of a property.
- E. Electronic Sign. A type of sign that presents its message through computer generated text, symbols, and animation. Electronic signs are components of otherwise permitted signs for a principal land use on the premises where the sign is placed.
- F. Entrance Monument Sign. A sign located at a discernible entrance into a particular subdivision, development, office or industrial park.

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- G. Identification Sign. A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily-recognized symbol.
- H. Inflatable Sign. A temporary sign that is intended to be expanded by air or other gas for its proper display or support.
- I. Name Plate Sign. A Sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
- J. Real Estate Sign. A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.
- K. Off-Site Residential Promotional Sign. A sign providing direction to a subdivision or development where lots are for sale or lease.
- L. Off-Site Business Directional Sign. A sign containing the name, logo, and direction to the businesses, placed adjacent to the intersection of the street on which the businesses are located.
- M. Temporary Event Sign. A sign advertising an activity having a specific duration or the end of which is related to a specific action, usually lasting for a period of a few days, a few weeks, or a few months. Temporary events include such activities as:
1. The offering of a property for sale or lease.
  2. The construction of a building or development project.
  3. Each political campaign, referendum or ballot proposition put on the voters as part of City, County, State or Federal governance.
  4. Special, temporary event that requires attention getting devices.

**SECTION 803. STRUCTURAL TYPES**

- A. Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on, or attached to an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.
- B. Banners. A temporary sign of lightweight fabric or similar material that is mounted between two support poles or mounted on a building. Promotional banners may be used to announce open houses or grand openings or special events.
- C. Ground Sign. Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property, where the bottom edge of the sign is less than six (6) feet above the ground, and the support structure is no less than fifty percent (50%) of the width of the face of the sign, presenting a monolithic base.

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- D. Monument Sign. Any sign placed upon, or supported by the ground, independent of the principal building or structure on the property, whose base is at least the same or greater in width than the face of the sign, and whose height is no greater than 10 feet.
- E. Pole Sign. Any sign placed upon, or supported by the ground, independent of the principal building or structure on the property where the bottom edge of the sign is six (6) feet or more above the ground level.
- F. Portable Display Sign. A moveable display, capable of relocation under its own power, or towed by a motor vehicle, with the display message of the sign capable of being easily changed. Portable display signs may be with or without electrical illumination, power or wheels.
- G. Projecting Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. Projecting signs shall not project more than five and one-half (5 1/2) feet beyond the face of a building. The bottom of any projecting sign shall be a minimum of eight (8) feet above the level of any sidewalk from the bottom of the sign.
- H. Temporary Stand Alone Sign. A sign that is intended to be easily moved and that is not permanently affixed to a structure or the ground, including, but not limited to, A-frame, T-frame and sandwich board signs. Banners on T-posts are not included in this definition.
- I. Wall Sign. A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such building. Wall signs shall not project above the top of the wall on which the sign is attached.

**SECTION 804. GENERAL STANDARDS**

- A. Gross Area of Sign. Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended.
1. The gross area of a single face sign shall include the area of the single face used as a sign. The gross area of a two face sign, or a multiple face sign, shall include the total of all areas of each face used as a sign. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this regulation.
  2. Multiple free standing signs located side-by-side to convey a single message, shall not exceed the gross area for the type and category of sign permitted by this regulation.
  3. For computing the gross area of any wall sign which consists of letter mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

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- B. Sign Height. Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- C. Illuminated Sign. A sign designed to give forth artificial light or designed to reflect light derived from any source:
1. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district.
  2. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.
- D. Flashing or Moving Signs. Any illuminated signs on which the artificial light is not constant in intensity and color at all times, any revolving, rotating, moving or animated signs with moving lights or signs which create the illusion of movement shall be considered as flashing signs.
1. Flashing signs shall not be permitted in any district.
  2. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indication time, temperature, or other public messages. Such sign shall not in any case exceed 32 square feet in area.
- E. Access way or Window. No sign shall block any required access way or window.
- F. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.
- G. Metal Signs. No metal ground sign shall be located within eight (8) feet vertically and four (4) feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
- H. Traffic Safety.
1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
  2. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, in no event shall any sign except wall signs and awnings, canopy or marquee signs be placed so as to project over any public right-of-way.
  3. Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.

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- I. Lineal Street Frontage. In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:
1. For those tracts or parcels located on major streets as designated in the Major Street Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.
  2. For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.
- J. Off-Site Residential Promotional Signs. Off-site promotional signs shall be allowed in a C-0, C-1, C-3, C-4, C-S, B-P, I-1 and I-2 District upon issuance of a Special Use Permit issued in accordance with the provisions of Article 11 and subject to the following conditions:
1. One off-site promotional sign may be allowed for each development.
  2. Off-site promotional signs shall be permitted for a maximum of three years beginning with the issuance of the first building permit in the project, acceptance by City Council of street improvements in the project or acceptance by the City Council of a performance guarantee for street improvements in the project.
  3. Projects constructed in phases shall be considered as only one project with respect to the three year limitation.
  4. Off-site promotional signs shall be limited to one-family subdivisions, two-family subdivisions, or multi-family subdivisions.
  5. Off-site promotional signs may have a maximum height of 10 feet, a maximum gross area of 40 square feet, and shall be well designed and maintained throughout the life of the sign.
- K. Off-site Business Directional Signs. Off-site business directional signs shall be allowed in C-2 Central Business Districts and C-3 General Business Districts upon issuance of a Special Use Permit in accordance with the provisions of Article 11 and subject to the following conditions:
1. One or more off-site promotional signs may be allowed by Special Use Permit adjacent to K-68 at the intersections providing access to C-2 or C-3 Zoning Districts.
  2. The initial period for the Special Use Permit shall not exceed ten (10) years, and shall be renewable in no more than ten year increments.

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3. Sign shall be ground or monument style, located on private property behind the right-of-way. Applicant shall obtain a lease agreement with the property owner, and submit a copy with the application for a Special Use Permit.

4. Sign may be one or two sided, and shall have six (6) to eight (8) equal size spaces per side for business identification. Spaces for business identification shall be designed to provide for easy change of businesses.

5. Text on business identification signs shall be minimum of six (6) inches in height, and be limited to name of the business, business logo, and directional arrow.

6. All directional monument signs shall be of standard design, regardless of where located.

L. Temporary Signs: Temporary event signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.

1. Duration: The sign may be placed upon the initiation of the temporary event, and must be removed within a set time period as provided below:

- a. Real estate sale or lease. Initiation upon actual availability of the property or premises for sale or lease. All signs shall be removed one (1) day after closing.
- b. Construction sign. Initiation upon issuance of a building permit or upon initiation of construction activity requiring no permits, and termination upon issuance of any occupancy permit or termination of construction activity.
- c. Election. Initiation upon the last day of the statutory filing period or the date of certification of a ballot question, and ending one (1) week after the general or special election. Political signs may remain up between the primary and general election except for candidates who lost in the primary. All signs shall be removed the day after the election. Signs that become deteriorated or partially destroyed shall be removed.

2. Number of signs: Only one (1) sign for each entity (i.e. candidate, real estate company, or a developer) may be placed on a parcel or lot at any one time.

M. Special Temporary Event Signs. Temporary signs used to advertise time-limited events, whether one time, annual, or recurring events (i.e. such as the Farmers Market, July 4<sup>th</sup> Event, Fishing Derby, Tractor Pull, Pancake Feed, Grand Opening, and similar events), are subject to the following conditions:

1. Number of signs: No more than five (5) temporary signs shall be displayed per event. No more than one (1) temporary sign shall be located on a parcel or lot at any one time.

2. Time of display: Signs may be displayed for no more than 14 days in advance of an event, will be removed when the event is over, and may be displayed on the day of the

event on recurring events. A special event sign, whether it is a one-time or a recurring event, cannot be displayed for more than 21 days per calendar year, except for “Grand Opening” banners may be displayed as permitted by the Governing Body for a period of up to 60 days, to include as much as 30 days before the grand opening.

3. Sign locations and size: Signs will be located only on private property in non-residential districts, with written permission of the property owner. Maximum size sign is 16 square feet, and maximum height is five (5) feet. Maximum banner size mounted on “T” posts is three (3) by eight (8) feet. Larger banners permitted if mounted on a building.

4. Design and Construction: Temporary signs shall meet commonly accepted design parameters, as well as construction and material standards for each sign type, and be of professional quality.

5. Permit and Application Requirements: A permit will be required for all Special Temporary Event signs, and the application will include:

- a. Completed and signed application.
- b. A professional drawing of the sign that will be displayed.
- c. The actual calendar dates that the sign will be displayed.
- d. Location of each sign and written permission of the property owner.

N. Entrance Monument Sign Construction and Landscaping. The construction of all entrance monument signs whether in residential, commercial, business park, or industrial zoning districts will comply with the following guidelines:

1. Materials. All subdivision monument signs shall have a masonry or concrete substructure with surfaces of only clay brick, split-face concrete block, stone or stucco; and the surfaces shall not be painted. Wood shall not be used.

2. Lighting. Any lighting shall be designed to minimize glare in all directions to the greatest extent possible. High intensity lights, such as floodlights, shall not be used to illuminate the sign.

3. Landscaping. Landscaping is required at the base of the sign that blends into the environment. A landscape plan will be submitted for review and approval with the sign permit application.

4. Plat easement or tract. The subdivision plat shall dedicate an easement for access to a lot or parcel for the express and sole purpose of erecting and maintaining a subdivision monument sign; or if dedicated to a homeowners association, designate a “Subdivision Monument Sign Tract: with sign maintenance vested with a homeowners association.

- O. Prohibited Signs. The following signs are prohibited in all zoning districts.
1. Pole signs
  2. Flashing signs
  3. Portable Display Signs
  4. A-Frame and Sandwich Board Signs

**SECTION 805. EXEMPTIONS**

- A. Total Exemptions. The following signs shall be exempt from the requirements of this Article, except for the provisions of Section 804 and as otherwise herein addressed.
1. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
  2. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossing and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
  3. Memorial signs, and tablets displayed on public or private property.
  4. Small signs, not exceeding three (3) square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs.
  5. Score boards in athletic stadiums.
  6. Political campaign signs, not exceeding eight (8) square feet in area, may be displayed for a period beginning on the last day of the statutory filing period and ending one week after the general or special election. Political signs may remain up between the primary and general elections except that signs for candidates who lost in the primary and signs that become deteriorated or partially destroyed shall be removed. No more than one (1) political campaign sign per candidate, referendum, or ballot proposition can be placed on one parcel or lot.
  7. Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed three (3) days. Garage sale signs are only allowed on the property where the sale is being conducted.
- B. Exemptions from Sign Permit. The following signs are exempt from the sign permit section of this Article, but shall comply with all of the other regulations imposed by this Article.
1. Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.

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2. Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
3. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
4. Real estate signs not exceeding six (6) square feet in area.
5. Construction signs not exceeding sixteen (16) square feet.

**SECTION 806. DISTRICT REGULATIONS**

A. "A-L" Agricultural District, "R-1" Single-Family Residential District "R-2" Two-Family Residential District, "R-3" Multi-Family Residential District, and "M-P" Mobile Home Park District.

1. Functional Types Permitted.
  - a. Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this regulation.
  - b. Bulletin board signs.
  - c. Construction signs.
  - d. Entrance monument signs
  - e. Identification signs.
  - f. Name plate signs.
  - g. Real estate signs.
2. Structural Types Permitted.
  - a. Ground signs.
  - b. Monument signs.
  - c. Wall signs.
3. Number of Signs Permitted: One ground or monument sign for each residential development and one per lot for other than residential permitted uses.
4. Maximum Gross Area:
  - a. Business signs - home occupations: two (2) square feet.
  - b. Bulletin board and identification signs: sixty-four (64) square feet.

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- c. Construction signs: thirty-two (32) square feet.
  - d. Name plate signs: two (2) square feet.
  - e. Real estate signs: six (6) square feet, provided that one sign not more than one hundred (100) square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three years or when seventy-five (75) percent of the lots have been sold, whichever occurs sooner.
5. Maximum Height: ten (10) feet.
  6. Required Setback: No sign shall be placed in the right-of-way nor closer than ten (10) feet from the property line.
  7. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting.
- B. "C'-0" Office and Institution District, "C-1" Neighborhood Business District and "C-4" Special Use Business District
1. Functional Types Permitted.
    - a. Bulletin board signs.
    - b. Business signs.
    - c. Construction signs.
    - d. Entrance monument sign.
    - e. Identification signs.
    - f. Name plate signs.
    - g. Real estate signs.
  2. Structural Types Permitted.
    - a. Awning, canopy or marquee signs.
    - b. Ground signs or monument signs.
    - c. Wall signs.
  3. Number of Signs Permitted.
    - a. Awning, canopy or marquee signs and wall signs: One awning, canopy or marquee sign or wall sign shall be permitted on that side of a building having frontage on a publicly or privately dedicated road right-of-way.

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- b. Ground or monument signs: One per zoning lot.
  4. Maximum Gross Surface Area: Not more than forty (40) square feet per facade or a total of eighty (80) square feet per zoning lot.
  5. Maximum Height: ten (10) feet.
  6. Required Setback: None.
  7. Illumination: Illuminated signs shall be permitted.
- C. "C-S" Highway Service District, "C-3" General Business, District, "B-P" Business Park District, "I-1" Light Industrial District and "I-2" Heavy Industrial District.
1. Functional Types Permitted.
    - a. Advertising signs in an I-1 or I-2 District upon issuance of a special use permit in accordance with the provisions of Article 11 of these regulations
    - b. Bulletin board signs.
    - c. Business signs.
    - d. Construction signs.
    - e. Electronic signs.
    - f. Entrance monument sign.
    - g. Identification signs.
    - h. Name plate signs.
    - i. Off-site business directional signs in C-3 Zoning Districts upon issuance of a special use permit in accordance with the provisions of Article 11 of these regulations.
    - j. Off-site residential promotional signs upon issuance of a special use permit in accordance with the provisions of Article 11 of these regulations.
    - k. Inflatable signs.
      - l. Real estate signs.
  2. Structural Types Permitted.
    - a. Awning, canopy or marquee signs.
    - b. Banners

- c. Ground signs.
  - d. Monument signs.
  - e. Projecting signs.
  - f. Wall signs.
3. Number of Signs Permitted.
- a. Awning, canopy or marquee signs and wall signs: One awning, canopy or marquee sign or wall sign shall be permitted on the side of a building having frontage on a publicly or privately dedicated road right-of-way.
  - b. Ground signs or monument signs: One per zoning lot.
4. Maximum Gross Surface Area: Four (4) square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of two hundred (200) square feet.
5. Maximum Height: ten (10) feet.
6. Required Setback: None
7. Illumination: Illuminated signs shall be permitted.
- D. "C-2" Central Business District.
1. Functional Types Permitted.
- a. Bulletin board signs.
  - b. Business signs.
  - c. Construction signs.
  - d. Identification signs.
  - e. Name plate signs.
  - f. Off-site business directional signs upon issuance of a special use permit in accordance with the provisions of Article 11 of these regulations.
  - g. Real estate signs.
2. Structural Types Permitted.
- a. Awning, canopy or marquee signs.
  - b. Ground and monument signs.

- c. Wall signs.
3. Number of Signs Permitted.
- a. Awning, canopy or marquee signs and wall signs: One awning, canopy or marquee sign or wall sign shall be permitted on that side of a building having frontage on a publicly or privately dedicated road right-of-way.
  - b. Ground and monument signs: One per zoning lot.
4. Maximum Gross Surface Area: Signage area of awning, canopy, marquee and wall signs shall not exceed twenty (20) percent of the wall façade to which the sign is attached, or eighty (80) square feet, whichever is least. The gross area of a two face sign shall include the total of all areas of each display face of the sign.
5. Maximum Height: Ground signs - ten (10) feet;
6. Required Setback: None.
7. Illumination: Illuminated signs shall be permitted.

see new sign regulations



**ARTICLE 9 NONCONFORMITIES**

**SECTION 901. GENERAL**

Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses. A definition of each type is as follows.

- A. Nonconforming Lot of Record. A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning and/or subdivision regulations in the City and which does not comply with the lot width or area requirements in the district in which it is located.
- B. Nonconforming, Structure. An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
- C. Nonconforming Use. An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

**SECTION 902. NONCONFORMING LOTS OF RECORD**

The Codes Administrator may issue a Building Permit for any nonconforming lot of record provided that:

- A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations; and
- B. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by any zoning regulations; and
- C. Said lot can meet all yard regulations for the district in which it is located; and
- D. Said lot can meet minimum sanitation requirements by either connecting to a sanitary sewer line or having adequate area to support a septic system.

**SECTION 903. NONCONFORMING STRUCTURES**

- A. Authority To Continue. Any structure which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
- B. Enlargement. Repair, Alterations. Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or

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increase the degree of existing nonconformity of all or any part of such structure. Notwithstanding the above, a porch which is covered by a roof which extends into a front setback area may be enclosed but not in excess of the area covered by the existing roof.

- C. **Damage or Destruction.** In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months, and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.
- D. **Moving.** No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

**SECTION 904. NONCONFORMING USES**

- A. **Authority to Continue.** Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful and so long as it is not specified to be terminated by these regulations.
- B. **Ordinary Repair and Maintenance.**
  - 1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
  - 2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such a structure to be unsafe and orders its restoration to a safe condition.
- C. **Extension.** A nonconforming use shall not be extended, expanded, enlarged, or increased either in land area or floor area.
- D. **Enlargement.** No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. **Damage or Destruction.** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than sixty (60) percent of its structural value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning

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district in which it is located. When such damage or destruction is sixty (60) percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

- F. Moving. No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. A mobile home may be replaced on an existing utility hookup if such pad or hookup has not been discontinued or abandoned for the previous ninety consecutive days. A mobile home park must be entirely vacant for ninety days to be considered as abandoned.
- G. Change in Use. If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use as a special use permit application, provided that the Board of Zoning Appeals shall find that the proposed use is as appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board, may require conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.
- H. Abandonment or Discontinuance. When a nonconforming use is discontinued or abandoned, for a period of ninety consecutive days, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land or buildings shall comply with the regulations of the zoning district in which such land or buildings are located.
- I. Nonconforming Accessory Uses. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- J. Nonconforming Residential Uses. Notwithstanding the provisions of Sections 904.C and 904.D, any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.
- K. Open Storage in Residential District. No existing use prohibited by Section 609 shall be continued in any residential district for more than six (6) months past the effective date of this ordinance.

**SECTION 905. STATUS OF SPECIAL USE PERMITS**

- A. Status of Existing, Special Use Permits. Where a use exists at the effective date of these regulations and is permitted by these regulations only as a Special Use Permit in the

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zoning district in which it is located, such use shall be deemed to be a nonconforming use. Such Special Use Permit shall not be enlarged or expanded unless an application is approved as set out in Article 11 of these regulations.

- B. Status of Future Special Use Permit. Any use for which a Special Use Permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

**ARTICLE 10 BOARD OF ZONING APPEALS**

**SECTION 1001. BOARD OF ZONING APPEALS ESTABLISHED**

The Board of Zoning Appeals shall consist of five members. Two members shall reside in the unincorporated growth area, and three shall reside in the City. The Mayor with the approval of the Governing Body, shall appoint all members. None of the members shall hold any other public office of the City, with the exception that two members shall be members of the Planning Commission, one of which shall reside within the City and one within the growth area. Each member shall serve for a term of three years, except that in May 2000, two terms shall be for two years so that terms will be staggered. All terms shall begin on the date of the first regular council meeting in May. Vacancies shall be filled by appointment of the Mayor with the approval of the Governing Body. Appointments shall be for the remaining unexpired term. Members shall serve without compensation.

**SECTION 1002. BOARD OF ZONING APPEALS: ORGANIZATION MEETINGS**

The Board shall organize by selecting one of its members as chairman and one as vice-chairman and such other officers as may be necessary, and they shall serve as such officers one (1) year and until their successors have been selected. Said Board of Zoning Appeals shall meet at such time and place as may be fixed by said Board, and special meetings may be called by the chairman or in his absence by the vice-chairman, and a majority of said Board shall constitute a quorum for the transaction of business. The Board shall elect a secretary who shall keep a complete and accurate record of all proceedings, hearings, and actions of the Board. The secretary may either be a member of the Board or someone who is not a member of the Board.

**SECTION 1003. POWERS AND JURISDICTION.**

The Board shall have the following powers and jurisdictions:

- A. Appeals. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Codes Administrator in the enforcement of these regulations.
  - 1. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the Government affected by any decision of the Codes Administrator. Such appeal shall be filed with the Codes Administrator within thirty (30) days after the date of the decision. The Codes Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
  - 2. An appeal stays all proceedings in furtherance of the action appealed from, unless the Codes Administrator certifies to the Board, after the Notice of Appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

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In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Codes Administrator on good cause shown.

- B. Variances. To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.
1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, the strict application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located.
  2. Variances from these regulations may be granted only in the following instances:
    - a. To vary the applicable lot area and width, height and yard regulations.
    - b. To vary the applicable off-street parking and off-street loading requirements.
  3. A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition and the finding shall be entered in the record.
    - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.
    - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners represented in the application.
    - c. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
    - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
    - e. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

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4. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
- C. Conditions of Determinations. To exercise the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a building permit.

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

### SECTION 1004. APPLICATIONS

- A. Procedure. The procedure for requesting a hearing before the Board shall be as follows:
1. All applications to the Board shall be in writing on forms provided by the Board and filed with the Codes Administrator.
  2. All applications shall be accompanied by an ownership list obtained from an abstractor or from County Records, listing the legal description and the name and address of the owners of all property located within two hundred (200) feet of the boundaries of the property included on the application.
  3. The Board shall fix a reasonable time for the hearing of an application, and notice of the time, place and subject of each hearing shall be published in the official City newspaper at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be mailed by the applicant, return receipt requested, to each party of interest, each person on the ownership list, and each Planning Commission member at least fifteen (15) days prior to the date of the public hearing. The applicant shall submit the Post Office receipts and returned notices to the Codes Administrator at least two working days prior to the public hearing.
  4. An application shall be accompanied by a fee in an amount as established by the City Council by Ordinance. A separate filing fee shall be required of each application.

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- B. Additional Requirements. In addition to the above requirements, certain applications require additional information as follows:
1. Appeal.
    - a. An application for an appeal shall be filed within 30 days after a ruling has been made by the Codes Administrator.
    - b. A clear and accurate written description of the proposed use, work, or action in which the appeal or interpretation is involved and a statement justifying the appellant's position shall be submitted.
    - c. Where necessary a plot plan, drawn to scale, in duplicate, showing existing and proposed plans for the area in question shall be submitted.
  2. Variances.
    - a. The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 1003.B.3 of this Article.
    - b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the application shall be included.
- C. Performance. In making any decision varying or modifying any provisions of the zoning regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, screening, and other appropriate safeguards as needed to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board and shall be enforceable by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements.

In lieu of the performance requirement, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

SECTION 1005. APPEALS FROM THE BOARD OF ZONING APPEALS

Any person, official, or governmental agency dissatisfied with any order or determination of the Board may bring an action in the District Court to determine the reasonableness of any such order or determination. Such appeals must be filed in the District Court within thirty (30) days after the date the decision of the Board has been filed in the office of the City Clerk.



**ARTICLE 11 AMENDMENTS**

**SECTION 1101. GENERAL PROVISIONS**

- A. Authority. The Governing Body of Louisburg may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the City Council until the Planning Commission has held a public hearing and submitted its recommendations.
- B. Proposal of Amendments. Amendments may be initiated by the Governing Body, the Planning Commission, or upon application by the owners of the property affected. Any such amendment, if in accordance with the land use plan or the land use element of the comprehensive plan, shall be presumed to be reasonable.
- C. Application. When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the City Clerk. Said application shall be completed in its entirety and filed with the City Clerk so that a public hearing date can be established.
- D. Ownership List. The application for an amendment shall be accompanied by an ownership list obtained from an abstractor or County Records listing the legal description and the name and address of the owners of all property located within two hundred (200) feet of the boundaries of the property for which the zoning change is requested.
- E. Fees. For each amendment application, there shall be charged and collected from the applicant a fee as established by the City Council by ordinance.
- F. Disposition of Amendment Proposals. Upon receipt of a proposed amendment, the Planning Commission shall hold a public hearing on the proposed amendment, and forward its findings and recommendations with respect to the proposed amendment to the City Council.
- G. Re-application. No application for a change of zoning classification shall be filed on the same property within six months from the date the last application was considered by the Governing Body.
- H. Special Use Permits. Special uses are those types of uses which, due to their nature, are dissimilar to the normal uses permitted within a given zoning district or where product, process, mode of operation, or nature of business or activity may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within the various zoning districts, specific uses may be permitted only after additional requirements are complied with as established within this section. In no event shall a Special Use Permit be granted where the Special Use contemplated is not specifically listed as a Special Use in the zoning regulations.

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1. The consideration of a special use application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing, notices, protests and action by the Planning Commission and Governing Body. The Planning Commission shall, in each specific case, consider the application with respect to the following matters directly based upon the particular evidence presented.
  - a. The proposed special use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
  - b. The proposed special use at the specified location will not adversely affect the welfare or convenience of the public.
  - c. The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  - d. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood consideration shall be given to
    - (1) The location size, nature and height of buildings, structures, walls, and fences on the site; and
    - (2) The nature and extent of landscaping and screening on the site.
  - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
  - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
  - g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
  - h. Adjoining properties and the general public shall be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises.

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2. Applications
  - a. The applicant shall submit a statement in writing justifying the special use applied for, and indicating under which Article and Section of the Zoning Regulations the Planning Commission has jurisdiction.
  - b. The applicant shall prepare and submit in duplicate at the time of filing the application and a site plan as specified in Section 616, as well as any other information which would be helpful to the Planning Commission in consideration of the application.
  - c. An application shall be accompanied by a filing fee in an amount as established by the City Council by ordinance. A separate filing fee shall be required for each request.
3. In granting a Special Use Permit, the Governing Body may impose such conditions, safeguards and restrictions upon the premises benefited by the special use as may be necessary to reduce or minimize any potentially injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
4. All special use permits may be valid for the length of time set forth in the approving ordinance, provided, however, that all such permits shall expire. When the use for which the permit has been issued is discontinued or abandoned for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed, unless a new permit is issued following the procedures set forth herein.
5. Special use permits may not be assigned, conveyed or transferred.
6. Special use permits may be revoked by the Governing Body of the City of Louisburg in the following instances.
  - a. For a violation of the ordinances of this City including, but not limited to, the zoning regulations;
  - b. For a violation of the district regulations; or
  - c. For a violation of non-compliance with the conditions, limitations or requirements contained in the special use permit or these regulations.

**SECTION 1102. PLANNING COMMISSION PUBLIC HEARING**

- A. **Public Hearing.** The Planning Commission shall hold a public hearing on each proposed amendment and special use permit that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendment or special use permit is referred to, filed with, or initiated by it. An applicant

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for an amendment may waive the requirement that such hearing be held within sixty (60) days.

- B. Notice of Hearing. All such proposed amendments or Special Use Permits first shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed special uses or changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed special use permit or if such amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.

In addition to such publication notice, written notice of such proposed amendment or Special Use Permit shall be mailed by the applicant return receipt requested at least twenty (20) days before the hearing to all owners of record of lands located within at least two hundred (200) feet of the area which the application applies to. The applicant shall then furnish all return receipts to the City. If the City proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the City's action shall be at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body. Such notice is sufficient to permit the Planning Commission to make a recommendation to the Governing Body on a proposed special use permit or to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice.

- C. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment or special use permit from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Codes Administrator. The Planning Commission may also require such reports after such public hearing if additional information is deemed necessary. Such reports shall again be made available to the applicant and any other interested persons.

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SECTION 1103. ACTION BY THE PLANNING COMMISSION

A. Recommendations. The procedure for the consideration and adoption of a proposed amendment or special use permit shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a written record of the hearing thereon, to the Governing Body. Said recommendations may be for approval or disapproval, or approval for less area or a less intense zoning district, and reasons for the recommendation shall be included.

A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment or Special Use Permit to the Governing Body. If the Planning Commission fails to make a recommendation on a rezoning request or Special Use Permit, the Planning Commission shall be deemed to have made a recommendation of disapproval.

B. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:

1. Whether such change is consistent with the intent and purpose of these regulations;
2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

C. Table of Lesser Zoning Districts. The Planning Commission may recommend a lesser zoning district classification than requested in accordance with the following table.

<u>Zoning District Requested</u>	<u>Lesser Zoning Districts</u>
1. "A-L" Agricultural District	None
2. "R-1" Single-Family Dwelling District	None
3. "R-2" Two-Family Dwelling District	"R-1" District
4. "R-3" Multiple-Family Dwelling District	"R-1" and "R-2" Districts
5. "M-P" Mobile Home Park District	"R-1" District
6. "C-0" Office and Institution District	"R-1", "R-2", "R-3" Districts
7. "C-1" Neighborhood Business District	"R-1", "R-2", "R-3" & "C-0" Districts

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8.	"C-2" Central Business District	"R-1", "R-2", "R-3" & "C-0" Districts
9.	"C-3" General Business District	"R-1 ", "R-2", "R-3", "C-0" & "C-1" Districts
10.	"C-4" Special Use Business District	None
11.	"C-S" Highway Service District	"R-1 ", "R-2", "R-3" & "C-0" Districts
12.	"B-P" Business Park District	None
13.	"I-1" Light Industrial District	"R-1", "R-2", "R-3", "C-0", "C-1", "C-3"; C-4" & "C-S" Districts
14.	"I-2" Heavy Industrial District	"R-1", "R-2", "R-3", "C-0", "C-1"; "C-2", "C-3" & , "C-4 ", "I-1" Districts
15.	"PUD" Planned Unit Development	None

**SECTION 1104. ACTION BY THE GOVERNING BODY.**

- A. Planning Commission Recommendation. When the Planning Commission submits a recommendation of approval or disapproval of such amendment or Special Use Permit and the reasons therefore, the Governing Body may
1. Adopt such recommendation by ordinance;
  2. Override the Planning Commission's recommendations by a 2/3 majority vote of the membership of the Governing Body; or
  3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.
- If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning or special use permit shall become effective upon publication of the respective adopting ordinance.
- B. Protest. Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment or special use permit, if a protest petition against such amendment or special use permit is filed in the office of the City Clerk of Louisburg within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice,

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signed by the owners of record of twenty (20) percent or more of any real property proposed to be rezoned or to which the special use permit applies, or by the owner of record of twenty (20) percent or more of the total area required to be notified of the proposed rezoning or special use permit, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of all of the members of the Governing Body.

- C. **Publication.** If the Governing Body approves an amendment or special use permit application, it shall adopt an ordinance to that effect, but said amendment or special use permit shall not become effective until its publication in the official City newspaper.

If the official zoning map has been adopted by reference, the amending ordinance shall define the change or boundary as amended, shall order the official zoning map to be changed or reflect such amendment and shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.

### SECTION 1105. MATTERS TO BE CONSIDERED FOR AMENDMENTS

In order to recommend approval or disapproval of a proposed zoning district for amendment, the Planning Commission shall consider the following matters in order to determine whether the application is found to be compatible with them.

- A. Character of the neighborhood.
- B. Consistency with the comprehensive plan and ordinances of the City of Louisburg.
- C. Adequacy of public utilities and other needed public services.
- D. Suitability of the uses to which the property has been restricted under its existing zoning.
- E. Length of time the property has remained vacant as zoned.
- F. Compatibility of the proposed district classification with nearby properties.
- G. The extent to which the zoning amendment may detrimentally affect nearby property.
- H. Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.

### SECTION 1106. CONDITIONAL USE PERMITS

Conditional uses are those types of uses which, due to their nature, may be detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs. Within various zoning districts, conditional uses may be permitted only after compliance with specified conditions as established by these Zoning Regulations and by the Planning Commission. In no event shall a Conditional Use Permit be granted where the conditional use contemplated is not specifically listed as a conditional use in the Zoning Regulations.

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- A. **Public Hearing.** The Planning Commission shall hold a public hearing on each proposed Conditional Use Permit application. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed Conditional Use Permit is filed with the City Clerks Office. An applicant for a Conditional Use Permit may waive the requirement that such hearing be held within sixty (60) days.
- B. **Notice of Hearing.** All such Conditional Use Permit applications shall be submitted to the Planning Commission for their decision. The Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of the proceedings.

In addition, notice of said public hearing shall be mailed by the applicant, return receipt requested, to all owners of record of lands that abut or are opposite the property to which the Conditional Use Permit application applies. Said notice shall be sent at least twenty (20) days before the hearing at which said Conditional Use Permit application is scheduled to be considered. Such notice shall fix the time and place for such hearing, shall contain a statement regarding the proposed conditional use, and shall contain a legal description or general description that is sufficient to identify the property under consideration. All notices shall contain a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission. The applicant shall furnish all return receipts to the City Clerk's Office. Such notice is sufficient to permit the Planning Commission to take action on a proposed Conditional Use Permit as described in such notice.

- C. **Conduct of Hearing.** The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed Conditional Use Permit from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant or any other interested persons upon request and shall be available for review in the office of the Codes Administrator. The Planning Commission may also require such reports after such public hearing, if additional information is deemed necessary. Such reports shall again be made available upon request to the applicant and any other interested persons.
- D. **Applications.**
  - 1. The applicant shall prepare and submit in duplicate at the time of filing an application as supplied by the City, a site plan of the property to which the Conditional Use Permit application applies, and any other information that may be helpful to the Planning Commission in reviewing said application. The Site Plan shall include, at a minimum, the following:

- a. Address of the property, boundaries, date and north arrow, and scale of the plan.
  - b. All existing lot lines and right-of-way.
  - c. Location of structures, driveways, walkways, fences, trees and shrubbery on the property to which the application applies.
  - d. Location of structures on abutting and opposite properties.
  - e. Abutting and opposite land uses.
  - f. Location of proposed Conditional Uses.
  - g. Zoning districts of abutting property.
2. An application shall be accompanied by a filing fee in an amount as established by the City Council by Ordinance. A separate filing fee shall be required for each request.
- E. Consideration of Conditional Use Permit Application. The Planning Commission shall consider each Conditional Use Permit application with respect to the following:
1. Conformity with the applicable provisions of these regulations.
  2. Whether or not the proposed Conditional Use at the specified location will adversely affect the value of other property in the neighborhood in which it is located.
  3. The location and size of the proposed Conditional Use, the nature and intensity of the proposed Conditional Use, so as to prevent the Conditional Use from dominating the immediate neighborhood or hindering development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Conditional Use will so dominate the immediate neighborhood, consideration shall be given to
    - a. The location, size, nature and height of buildings, structures, walls and fences on the site; and
    - b. The nature and extent of landscaping and screening on the site.
  4. Adequate protection of adjoining properties and the general public from any adverse visual or aesthetic affects the proposed conditional use may cause.
- F. Conditions. In granting a Conditional Use Permit, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to reduce or minimize any potentially injurious effect of such Conditional Use upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

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- G. Time Period of Conditional Use Permit. All Conditional Use Permits may be valid for the length of time set forth by the Planning Commission when considering said Conditional Use Permit application provided, however, that all such permits shall expire. When the use for which the permit has been issued is discontinued or abandoned for a period of twelve consecutive months, such use shall not thereafter be re-established or resumed, unless a new permit is issued following the procedures set forth herein.
- H. Conditional Use Permits may not be assigned, conveyed or transferred to a different property than that which each Conditional Use Permit is approved for.
- I. Conditional Use Permits may be revoked by the Codes Administrator for any of the following reasons:
1. Violation of the ordinances of this City, including but not limited to the Zoning Regulations;
  2. Violation of the district regulations; and
  3. Violation of non-compliance with the conditions, limitations or requirements contained in the Conditional Use Permit or these regulations.
- J. Appeals of Conditional Use Permits. Any person, official or governmental agency dissatisfied with the Planning Commission's decision on any Conditional Use Permit application may bring an action in the District Court to determine the reasonableness of any such decision. Such appeals must be filed in the District Court within thirty (30) days after the date the decision of the Planning Commission was made.

**ARTICLE 12 ADMINISTRATION**

**SECTION 1201. ADMINISTRATION PROCEDURE**

The Codes Administrator shall be responsible for the administration of these regulations.

**SECTION 1202. PERMITS REQUIRED**

No building or other structure shall be erected, constructed, reconstructed, moved, or structurally altered without first obtaining a Building Permit from the Codes Administrator and no open, vacant or unimproved land shall be used for any purpose other than agriculture without first obtaining an Occupancy Permit. No such permit shall be issued for any building, structure, or land use except in complete conformance with all provisions of these regulations and the building codes adopted by the City of Louisburg by ordinance.

**SECTION 1203. APPLICATION FOR BUILDING PERMIT**

Every application for a building permit shall include all information as required by the adopted building codes of the City of Louisburg.

**SECTION 1204. ISSUANCE OF BUILDING PERMIT**

No building permit shall be issued unless all provisions of the zoning regulations and adopted building codes of the City of Louisburg are met.

**SECTION 1205. OCCUPANCY CERTIFICATES**

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

**SECTION 1206. APPLICATION FOR OCCUPANCY CERTIFICATE**

Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no building permit is required shall be filed with the Office of the Codes Administrator and be in such form and contain such information as the Codes Administrator shall provide by general rule.

**SECTION 1207. ISSUANCE OF OCCUPANCY CERTIFICATE**

No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until the premises has

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been inspected and certified by the Codes Administrator to be in full and complete compliance with all provisions of the adopted building codes of the City of Louisburg and with all applicable regulations for the zoning district in which it is located. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the Codes Administrator to be in full and complete compliance with the adopted building codes of the City of Louisburg and all the applicable regulations for the zoning district in which it is located.

### SECTION 1208. PERMIT FEES

For each permit issued, there shall be charged and collected from the applicant a fee as established by the City Council by ordinance.

### SECTION 1209. PERMITS REVOKED

A permit may be revoked at any time by the Codes Administrator when it appears that there is a departure from conditions as required by the terms of the adopted building codes of the City of Louisburg or that any of the terms of this ordinance are being violated. In such case, or when no permit has been issued before construction or occupancy begins, the Codes Administrator may issue a stop order and thereafter any construction or further violation of this ordinance shall be punishable as provided herein.

**ARTICLE 13 VIOLATIONS AND PENALTIES**

SECTION 1301.

The owner or agent of a building or premises in or upon which a violation of any provision of this regulation has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense. Each and every day that such violation continues shall constitute a separate offense.

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

**ARTICLE 14 INVALIDITY IN PART**

SECTION 1401.

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

**ARTICLE 15 CONFLICTING ORDINANCES**

SECTION 1501.

Where this ordinance conflicts with any other local, state or federal ordinance or regulation, the most restrictive ordinance or regulation shall apply.

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**APPENDIX A**

**ALPHABETICAL INDEX OF USES PERMITTED IN  
COMMERCIAL ZONING DISTRICTS**