

## **CHAPTER XVI: ZONING AND PLANNING**

### Article

- 1. CITY PLANNING COMMISSION**
- 2. ZONING REGULATIONS**
- 3. RULES AND DEFINITIONS**
- 4. DISTRICTS AND BOUNDARIES**
- 5. SPECIAL USES**
- 6. “A-1” AGRICULTURE DISTRICT**
- 7. “R” SINGLE-FAMILY DWELLING DISTRICT**
- 8. “R-1” SINGLE-FAMILY DWELLING DISTRICT**
- 9. “R-2” TWO-FAMILY DWELLING DISTRICT**
- 10. “R-3” MULTIPLE-FAMILY DWELLING DISTRICT**
- 11. “R-P” COMMUNITY UNIT PLAN DISTRICT**
- 12. (RESERVED)**
- 13. “M-P” MOBILE HOME PARK DISTRICT**
- 14. (RESERVED)**
- 15. “C-1” NEIGHBORHOOD SHOPPING DISTRICT**
- 16. “C-2” CENTRAL BUSINESS DISTRICT**
- 17. (RESERVED)**
- 18. “I-1” LIGHT INDUSTRIAL DISTRICT**
- 19. “I-2” HEAVY INDUSTRIAL DISTRICT**
- 20. SIGN REGULATIONS**
- 21. PARKING AND LOADING REGULATIONS**

**Silver Lake - Zoning and Planning**

- 22. ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS**
- 23. NONCONFORMING USES**
- 24. ENFORCEMENT, VIOLATION AND PENALTY**
- 25. BOARD OF ZONING APPEALS**
- 26. AMENDMENTS**
- 27. VALIDITY**
- 28. SUBDIVISION REGULATIONS**
- 29. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS**
- 30. DEFINITIONS**
- 31. CLASSIFICATION OF SUBDIVISIONS**
- 32. REQUIREMENTS FOR EACH CLASS OF SUBDIVISION**
- 33. MINIMUM DESIGN STANDARDS**
- 34. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES**
- 35. PRE-APPLICATION**
- 36. PRELIMINARY PLATS**
- 37. FINAL PLAT**
- 38. EXTENT AND MANNER OF CONSTRUCTING OR INSTALLING**
- 39. VARIANCES AND EXCEPTIONS**
- 40. MISCELLANEOUS PROVISIONS**

- 41. SUPPLEMENTARY DOCUMENTS AND INFORMATION**
- 42. FLOODPLAIN ZONING**



## **ARTICLE 1: CITY PLANNING COMMISSION**

### Section

- 16-101 Created
- 16-102 Membership, vacancies, compensation
- 16-103 Meetings, quorum
- 16-104 Powers, duties; comprehensive plan
- 16-105 Construction, public facility or utility; approval, disapproval of Planning Commission

### **§ 16-101 CREATED.**

There is hereby created a City Planning Commission as provided for and authorized by K.S.A. 12-744, as amended.  
(Ord. 688, passed 2-6-1961)

### **§ 16-102 MEMBERSHIP, VACANCIES, COMPENSATION.**

The City Planning Commission shall consist of seven electors of which number two members shall reside outside of but within three miles of the corporate limits of the city, but the remaining members shall be residents of the city, to be appointed by the Mayor by and with the consent of the Council. The members of the Commission first appointed shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equal as possible between these terms. Thereafter members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their services.  
(K.S.A. 12-744) (Ord. 688, passed 2-6-1961)

### **§ 16-103 MEETINGS, QUORUM.**

The members of the City Planning Commission shall meet within two weeks following their appointment and organize by selection of one of their members as Chairperson, and one as Vice-Chairperson who shall serve one year and until his or her successor has been selected and qualified. The City Planning Commission shall meet thereafter at least once each month at such time and place as it may fix by resolution, and special meetings may be called by the Chairperson or in his or her absence by the Vice-Chairperson. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of all its proceedings.  
(K.S.A. 12-745) (Ord. 688, passed 2-6-1961)

**§ 16-104 POWERS, DUTIES; COMPREHENSIVE PLAN.**

The Planning Commission is hereby authorized to make or cause to be made a comprehensive plan for the development of the city and any unincorporated territory lying outside of the city but within Shawnee County, which in the opinion of the Commission forms the total community of which the city is a part. In the preparation of such plan, the Planning Commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Such proposed plan, which may in addition to a written presentation, include maps, plats, charts and other descriptive matter, shall show the Commission's recommendations for the development or redevelopment of the territory including:

(a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;

(b) Population and building intensity standards and restrictions and the application of the same;

(c) Public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;

(d) Public improvement programming based upon a determination of relative urgency;

(e) The major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;

(f) Utilization and conservation of natural resources; and

(g) Any other element deemed necessary to the proper development or redevelopment of the area.  
(K.S.A. 12-747)

**§ 16-105 CONSTRUCTION, PUBLIC FACILITY OR UTILITY; APPROVAL, DISAPPROVAL OF PLANNING COMMISSION.**

Whenever the Planning Commission shall have adopted and certified the comprehensive plan of the community or of one or more major sections or districts thereof, then and henceforth no public improvement, public facility or public utility of a type embraced within the recommendations of the comprehensive plan or portion thereof shall be constructed without first being submitted to and being approved by the Planning Commission as being in conformity with the plan. If the Planning Commission does not make a report within 60 days, the project shall be deemed to have been approved by the Planning Commission. In case the Planning Commission shall find that any such proposed public

improvement, facility or utility does not conform to the plan, the Commission shall submit forthwith in writing the manner in which such proposed improvement, facility or utility does not conform, to the governing body sponsoring the same, and such governing body may, by a recorded vote of three-fourths majority of its membership overrule the disapproval of the Planning Commission and the plan for the area concerned shall be deemed to have been amended and the Planning Commission shall make the necessary changes in the plan to reflect the same.

(K.S.A. 12-748)





## **ARTICLE 2: ZONING REGULATIONS**

### Section

- 16-201 Title
- 16-202 Zoning map
- 16-203 Jurisdiction
- 16-204 Interpretation and scope

### **§ 16-201 TITLE.**

This chapter, including the zoning district maps made a part hereof, by reference, may be known and cited as the “Zoning Ordinance of the City of Silver Lake”.  
(Ord. 1050, passed 10-16-1978)

### **§ 16-202 ZONING MAP.**

(a) The location boundaries of the zones and districts created by the zoning ordinance for the City of Silver Lake, Kansas, are hereby established as defined and shown on the map entitled “Zoning District Map, Silver Lake, Kansas”, prepared by B.G. Consultants, and signed by the Mayor and City Clerk and hereinafter referred to as the “zoning map”.

(b) The zoning map above referred to and all notations thereon are hereby incorporated by reference and made a part of the zoning ordinance.

(c) In accordance with K.S.A. 12-3010, at least one copy of the zoning map, marked “Official Copy as Incorporated by the Code of the City of Silver Lake, Kansas” and filed in the office of the City Clerk to be open to inspection and available to the public at all reasonable hours.  
(Ord. 1050, passed 10-16-1978; Ord. 1467, passed 10-16-1978; Ord. 2563, passed 4-17-2023)

### **§ 16-203 JURISDICTION.**

The jurisdiction of this chapter shall apply to all land located within the corporate limits of the City of Silver Lake, Kansas.

### **§ 16-204 INTERPRETATION AND SCOPE.**

In interpretation and application, the provisions of this article shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this article

imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this article shall control.

### ARTICLE 3: RULES AND DEFINITIONS

#### Section

- 16-301 Rules
- 16-302 Definitions
- 16-303 Same; ordinary meaning

#### § 16-301 RULES.

For the purpose of this article, the following rules shall apply:

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

#### § 16-302 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE OR BUILDING.** A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises.

**ALLEY.** A public or private thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.

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

**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.

**APARTMENT.** See **DWELLING, MULTIPLE**.

**BASEMENT.** A story having part, but not less than one-half, of its height below grade.

**BOARD HOUSE.** A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding 20 persons.

**BUILDING.** Any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

**BUILDING HEIGHT.** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**CELLAR.** A story having more than one-half of its height below grade.

**CLINIC.** See **MEDICAL, DENTAL OR HEALTH CLINIC**.

**DAY NURSERY.** An establishment, other than a public or parochial school, which provides day care and education for four or more unrelated children aged five years and under.

**DEPTH OF LOT.** The distance between the midpoints of straight lines connecting the far most points of the side lot lines in front and the rear most points of the side lot lines in the rear.

**DISTRICT.** A section or sections of the city for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity or use are uniform.

**DWELLING.** Any building or portion thereof which is designed and used exclusively for residential purposes.

**DWELLING, MULTIPLE.** A building having accommodations for and occupied exclusively by more than two families.

**DWELLING, SINGLE-FAMILY.** A building having accommodations for and occupied exclusively by one family.

**DWELLING, TWO-FAMILY.** A building having accommodations for and occupied exclusively by two families.

**FAMILY.** One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel.

**FARM.** Any parcel of land containing at least ten acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables, dog kennels and commercial feed lots.

**FLOOR AREA.** As used herein for computing off-street parking requirements, shall mean the gross floor area of the building.

**FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the **FRONTAGE** shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

**GARAGE, PRIVATE.** An accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory,

**GARAGE, PUBLIC.** A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

**GARAGE, STORAGE.** A building or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.

**HOTEL.** A building used as an abiding place for more than 20 persons who are being lodged for compensation with or without meals.

**INSTITUTION.** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**LODGING HOUSE.** A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.

**LOT or PLOT.** A parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this article. A **LOT** or **PLAT** may include more than one platted lot provided the ownership of all of such platted lots is identical.

**LOT, CORNER.** A lot, as defined above, abutting upon two or more streets at their intersection.

**LOT, DEPTH OF.** The mean horizontal distance between the front and the rear lot lines.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

**LOT OF RECORD.** A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

**MAIN BUILDING.** Any structure designed or intended for the occupancy by persons in zones permitting residential occupancy or for commercial or industrial occupancy in zones permitting commercial or industrial use.

**MANUFACTURED HOME.** A structure which is subject to federal act and which is transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this subsection, except the size requirements and with respect to which the manufacturer voluntarily files with the United States Department of Housing and Urban Development a certification required by the Secretary of Housing and Urban Development and complies with the standards established under federal Act, except that such term shall not include any self-propelled recreational vehicle.  
(K.S.A. 58-4202)

**MEDICAL, DENTAL OR HEALTH CLINIC.** Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists and podiatrists; and in which no patients are lodged overnight.

**MOBILE HOME.** A structure which is not subject to the federal Act and which is transportable in one or more sections which, in the traveling mode, is eight body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.  
(K.S.A. 58-4202)

**MOBILE HOME PARK.** Any park, court, camp, lot, area, piece, parcel, tract or plat of ground upon which mobile homes are used, whether for compensation or not, including all accessory use thereof.

**MODULAR HOME.** A structure which is:

- (1) Transportable in one or more sections;

(2) Designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and

(3) Certified by its manufacturer as being constructed in accordance with a nationally recognized building code.  
(K.S.A. 58-4202)

**NONCONFORMING USE.** Any building or land lawfully occupied by a use, at the time of the passage of this article or amendments hereto, which does not conform with the provisions of this article or amendments hereto.

**NURSING HOMES.** An establishment or agency licensed by the state for the reception, board, care or treatment of three or more unrelated individuals.

**PARKING SPACE.** An area surfaced for the purpose of storing one parked automobile. For the purpose of this article, one parking space shall have a minimum width of nine feet and a minimum length of 20 feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.

**PLACE or COURT.** An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PROFESSIONAL OFFICE.** Any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession.

**PUBLIC UTILITY.** Any building which furnishes the general public telephone service, telegraph service, electricity, natural gas, or water, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

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

**ROOMING HOUSE.** Any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals.

**SERVICE STATION.** Consists of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.

**SETBACK.** The distance between the lot line and building line. (See § 16-2203 for measurement.)

**SIGN.** A sign shall include any sign or other device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of,

an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but shall not include any display of official notice or official flag.

(1) **SIGN, ADVERTISING.** A sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.

(2) **SIGN, BUSINESS.** A sign which directs attention to a business or profession conducted or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “For Sale” sign or a “For Rent” sign relating to the property on which it is displayed shall be deemed a **BUSINESS SIGN**.

(3) **SIGN, FLASHING.** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this article, any revolving illuminated sign shall be considered a **FLASHING SIGN**.

(4) **SIGN ILLUMINATED.** A sign designed to give forth artificial light, or designed to reflect light derived from any source.

(5) **SIGN, SANDWICH.** An advertising or business ground sign which is constructed in such a manner to form an “A” or a tentlike shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.

**SMALL ANIMAL HOSPITAL OR CLINIC.** A veterinary hospital whose practice is limited to small animals (i.e., dogs, cats and birds) to include the boarding and kenneling of small animals. All facilities used by a small animal hospital or clinic shall be totally enclosed within a building.

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

**STREET LINE.** A dividing line between a lot, tract or parcel of land and the contiguous street.

**STREET NETWORK.**

(1) **ARTERIAL STREET.** A street which provides for through traffic movement between and around areas and across the city, with direct access to abutting property; subject to necessary control of entrances, exits and curb uses.

(2) **COLLECTOR STREET.** A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.

(3) **LOCAL STREET.** A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial or residential areas.



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

- (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; and
- (4) Minor repair or replacement of non-structural members.

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

**TAVERN.** An establishment in which the primary function is the public sale and service of malt beverages.

**TRAILER.** See *MOBILE HOME*.

**WIDTH OF LOT.** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80% requirements shall not apply.

**YARD.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this article; in measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

**YARD, FRONT.** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line.

**YARD, REAR.** A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half the width of the alley may be included in the rear yard requirements.

**YARD, SIDE.** A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at 90 degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

***ZONE* or *DISTRICT*.** A section of the city for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open spaces about buildings are herein established. (Ord. 1339, passed - -; Ord. 1786, passed 6-23-1999)

**§ 16-303 SAME; ORDINARY MEANING.**

Words or terms not herein defined shall have their ordinary meaning in relation to the context. (Ord. 1230, passed - -)

## **ARTICLE 4: DISTRICTS AND BOUNDARIES**

### Section

- 16-401 District classifications
- 16-402 Zoning district map
- 16-403 Annexation rule
- 16-404 Rules where uncertainty may arise

### **§ 16-401 DISTRICT CLASSIFICATIONS.**

In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the city is hereby divided into districts designated as follows:

“A-1”	Agriculture District
“R”	Single-Family Dwelling District
“R-1”	Single-Family Dwelling District
“R-2”	Two-Family Dwelling District
“R-3”	Multiple-Family Dwelling District
“R-P”	Community Unit Plan
“M-P”	Mobile Home Park District
“C-1”	Neighborhood Shopping District
“C-2”	Central Business District
“I-1”	Light Industrial District
“1-2”	Heavy Industrial District

### **§ 16-402 ZONING DISTRICT MAP.**

The boundaries of the districts are shown on the map and/or sections thereof attached hereto and made a part of this article, which map is designated as the “zoning district map” as established in § 16-

202(a). The zoning district map and all the notations, references and other information shown thereon are a part of this article and have the same force and effect as if the map and all the notations, references and other information shown thereon were all fully set forth or described herein. The zoning district map is properly attested and is on file with the City Clerk.

**§ 16-403 ANNEXATION RULE.**

All territory which may hereafter be annexed to the city shall be in the “R” Single-Family Dwelling District until or unless otherwise changed by ordinance.

**§ 16-404 RULES WHERE UNCERTAINTY MAY ARISE.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this article, the following rules apply.

(a) The district boundaries are the centerline of either streets or alleys unless otherwise shown.

(b) Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this article are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.

(c) In unsubdivided property, the district boundary line on the map accompanying and made a part of this article shall be determined by the use of the scale appearing on the map.

## ARTICLE 5: SPECIAL USES

### Section

- 16-501 Purpose and intent
- 16-502 Application of special uses
- 16-503 Special use enumerated

### **§ 16-501 PURPOSE AND INTENT.**

The purpose and intent of this article is to identify those land uses that may be established by special use, except those specifically prohibited herein or allowed as a permitted use in the city. The approval of such request by the governing body is a purely discretionary act that will be decided based upon the facts and circumstances discovered in the review of each application. There is no implied “right” for any person or landowner to obtain a special use for any use on any property.  
(Ord. 1956, passed 10-18-2004)

### **§ 16-502 APPLICATION OF SPECIAL USES.**

(a) Before the location or establishment of any land use requiring a special use, or before any change of use of any land use requiring a special use existing at the time of the effective date of these regulations, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission. At the time of submittal of the development plan, the applicant shall pay to the City Clerk a fee in the amount of \$50. The Planning Commission shall hold a public hearing on the request and shall review the development plan and statements and shall, after a careful study of the effect that such buildings, structures or uses will have upon the surrounding property, submit a recommendation to the governing body.

(b) Following receipt of the Planning Commission’s recommendation, the governing body may, within the specifications herein provided, permit such buildings, structures or uses; provided that the public health, safety, morals and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, that the transportation and utility services to the affected property are appropriate for the level and intensity of the proposed development, and that the necessary safeguards will be provided for the protection of surrounding property, persons and of neighborhood values. In this regard, the governing body may impose reasonable conditions on the approval of such special use.  
(Ord. 1956, passed 10-18-2004)

**§ 16-503 SPECIAL USE ENUMERATED.**

The following are the land uses that shall require a special use in order to be established in the city: fences constructed closer to the street than the front set back line established for the district in which such fence is to be erected; provided, however, that such fences will not create sight distance safety risks and will not be inconsistent with the surrounding neighborhood; and further, provided that the benefit to the subject property outweighs any detriment to the surrounding neighborhood, (Ord. 1956, passed 10-18-2004)

## **ARTICLE 6: “A-1” AGRICULTURE DISTRICT**

### Section

- 16-601 Intent and purpose of district
- 16-602 District regulations
- 16-603 Use regulations
- 16-604 Intensity of use regulations
- 16-605 Height regulations
- 16-606 Yard regulations
- 16-607 Parking regulations
- 16-608 Sign regulations

### **§ 16-601 INTENT AND PURPOSE OF DISTRICT.**

The “A-1” Agriculture District is established to permit normal agriculture uses and their accessory structures and to preserve the natural character of the land and protect agriculture uses by restricting and regulating density, land coverage and land use.

### **§ 16-602 DISTRICT REGULATIONS.**

In District “A-1”, no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the uses listed in § 16-603 of this article. No uses may be permitted in this district which will be objectionable or offensive by reason of odor, dust, noise or other factors.

### **§ 16-603 USE REGULATIONS.**

- (a) General farm operations and uses incidental thereto;
- (b) Truck garden;
- (c) Orchard;
- (d) Horticulture nursery for growing or propagation of plants, trees and shrubs, including temporary stands for seasonal sales of products raised on the premises;
- (e) Cemetery;

- (f) Churches;
- (g) Golf courses, except miniature golf courses and driving tees operated for commercial purposes;
- (h) Public parks, play fields and public recreation areas;
- (i) Public and parochial schools; and
- (j) Telephone exchange, electric and gas substations.

**§ 16-604 INTENSITY OF USE REGULATIONS.**

Farm tracts in this district shall be ten acres or larger.

**§ 16-605 HEIGHT REGULATIONS.**

(a) When a building or structure is within 150 feet of any residential district, the building or structure shall not exceed 35 feet in height.

(b) When a building or structure is more than 150 feet from any residential district, the building or structure shall not exceed 75 feet in height.

**§ 16-606 YARD REGULATIONS.**

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 30 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)

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

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this article shall not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.*

(1) Except as hereinafter provided in division (b)(2) below and in the additional height, area and use regulations of this article, there shall be a side yard having a width of not less than six feet on each side of the principal building.



(2) Wherever a lot of record as of the effective date of this article has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three feet.

(c) *Rear yard.* Except as hereinafter provided in the additional height, area and use regulations of this article, there shall be a rear yard having a depth of not less than 30 feet or 20% of the depth of the lot, whichever amount is smaller.

**§ 16-607 PARKING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

**§ 16-608 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.



## ARTICLE 7: “R” SINGLE-FAMILY DWELLING DISTRICT

### Section

- 16-701 Intent and purpose of district
- 16-702 District regulations
- 16-703 Use regulations
- 16-704 Intensity of use regulations
- 16-705 Height regulations
- 16-706 Yard regulations
- 16-707 Parking regulations
- 16-708 Sign regulations

### § 16-701 INTENT AND PURPOSE OF DISTRICT.

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

### § 16-702 DISTRICT REGULATIONS.

In District “R”, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-703 of this article.

### § 16-703 USE REGULATIONS.

- (a) Single-family dwellings;
- (b) Churches and similar places of worship and parish houses;
- (c) Golf courses, except miniature golf courses and driving tees operated for commercial purposes;
- (d) Public parks, playgrounds, recreational areas and community buildings owned and operated by a public agency;

(e) Public or parochial elementary, junior high and high schools and private schools with equivalent curriculum;

(f) Public libraries;

(g) Raising of crops, trees, shrubs and grasses not sold on the premises;

(h) Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens and fireplaces, but which does not include a use unrelated to the principal use or any activity commonly conducted for gain;

(i) The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals:

(1) Any public building erected or land used by any department of the city, county, state or federal government;

(2) Cemetery or crematory;

(3) Telephone exchange, electric substations and regulator stations, or other public utilities;  
and

(4) Nursing homes and homes for the aged on a tract of land three acres or larger.

(j) Home occupation.

(1) Prior to the establishment of any occupation, profession, craft or hobby, wherein a service or product is provided or produced for profit in a dwelling located in single-family dwelling districts, the owners shall file a consent agreement with the chief building officer of the city. Such agreement shall be signed by 75% of all of the owners of property located within 300 feet of the subject property. The chief building officer shall review such agreement and acknowledge the compliance with the provisions hereto.

(2) Such home occupation shall comply with the following:

(A) Must be carried on by a member of the family residing on the premises;

(B) Have not more than one employee;

(C) Have no outside advertising or display;

(D) No commodity or product to be sold on the premises;

(E) All equipment, materials and work in progress shall be confined to the principal dwelling structure or accessory building;

(F) Such use shall not project any obnoxious sound, odor, smoke, light or in any way create any nuisance or adverse conditions upon the adjoining properties or neighborhood;

(G) A home occupation use shall not be permitted to detract from or cause the subject property to be changed in such a manner to adversely affect the residential character of the neighborhood;

(H) A home occupation permit shall be issued to the applicant and the same shall not be transferrable or assignable nor shall it be continued on the subject property after the use shall have been discontinued or abandoned for a period of 12 months;

(I) An application for a home occupation permit shall be accompanied by a certificate of ownership furnished by the applicant certifying the ownership of all property located within 300 feet of the subject property; and

(J) The enforcement and administration of this article shall rest with the chief building officer. Upon his or her finding that any of the foregoing provisions have not been complied with, the chief building officer shall direct the home occupation permit to be invalid and shall order the use therein to be discontinued and vacated.

(Ord. 1265, passed 8-20-1984)

**§ 16-704 INTENSITY OF USE REGULATIONS.**

Every lot of land shall have an area of not less than 10,000 square feet and an average width of not less than 70 feet, except that if a single lot of record as of the effective date of this article, as defined in the definitions section of this article, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this article and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements in this district.

**§ 16-705 HEIGHT REGULATIONS.**

No building shall exceed 35 feet in height, except as otherwise provided in the additional height, area and use regulations in this article.

**§ 16-706 YARD REGULATIONS.**

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 30 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)

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

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this article shall not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.*

(1) Except as hereinafter provided in division (b)(2) below and in the additional height, area and use regulations of this article, there shall be a side yard having a width of not less than six feet on each side of the principal building.

(2) Wherever a lot of record as of the effective date of this article has width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three feet.

(c) *Rear yard.* Except as hereinafter provided in the additional height, area and use regulations of this article, there shall be a rear yard having a depth of not less than 30 feet or 20% of the depth of the lot, whichever amount is smaller.

**§ 16-707 PARKING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

**§ 16-708 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.

## **ARTICLE 8: “R-1” SINGLE-FAMILY DWELLING DISTRICT**

### Section

- 16-801 Intent and purpose of district
- 16-802 District regulations
- 16-803 Use regulations
- 16-804 Intensity of use regulations
- 16-805 Height regulations
- 16-806 Yard regulations
- 16-807 Parking regulations
- 16-808 Sign regulations

### **§ 16-801 INTENT AND PURPOSE OF DISTRICT.**

(a) The “R-1” Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district.

(b) Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

### **§ 16-802 DISTRICT REGULATIONS.**

In District “R-1”, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-803 of this article.

### **§ 16-803 USE REGULATIONS.**

All uses first allowed in District “R” and the following:

(a) Athletic field including stadium;

(b) The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals.

- (1) Any public building erected or land used by any department of the city, county, state or federal government;
  - (2) Cemetery or crematory;
  - (3) Telephone exchange, electric substations and regulator stations, or other public utilities;
- and
- (4) Nursing homes and homes for the aged on a tract of land three acres or larger.

#### **§ 16-804 INTENSITY OF USE REGULATIONS.**

Every lot of land shall have an area of not less than 8,000 square feet and an average width of not less than 60 feet, except that if a single lot of record as of the effective date of this article, as defined in § 16-302 of this chapter, has less area or width than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this article and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements in this district.

#### **§ 16-805 HEIGHT REGULATIONS.**

No building shall exceed 35 feet in height, except as otherwise provided in the additional height, area and use regulations in this article.

#### **§ 16-806 YARD REGULATIONS.**

(a) *Front yards.*

(1) There shall be a front yard having a depth of not less than 25 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)

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

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this article shall not be reduced to less than 35 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.* Except as hereinafter provided in division (b)(2) below and in the additional height, area and use regulations of this article, there shall be a side yard having a width of not less than six feet on each side of the principal building. Wherever a lot of record as of the effective date of this article has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three feet.



(c) *Rear yard.* Except as hereinafter provided in the additional height, area and use regulations of this article, there shall be a rear yard having a depth of not less than 25 feet or 20% of the depth of the lot, whichever amount is smaller.

**§ 16-807 PARKING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

**§ 16-808 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.



## **ARTICLE 9: “R-2” TWO-FAMILY DWELLING DISTRICT**

### Section

- 16-901 Intent and purpose of district
- 16-902 District regulations
- 16-903 Use regulations
- 16-904 Intensity of use regulations
- 16-905 Height regulations
- 16-906 Yard regulations
- 16-907 Parking regulations
- 16-908 Sign regulations

### **§ 16-901 INTENT AND PURPOSE OF DISTRICT.**

The “R-2” Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in Districts “R” and “R-1”, yet retaining the residential qualities. This district allows duplex uses, single-family homes, certain community facilities and certain special uses.

### **§ 16-902 DISTRICT REGULATIONS.**

In District “R-2”, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-903 of this article.

### **§ 16-903 USE REGULATIONS.**

All uses first allowed in Districts “R” and “R-1” and the following:

(a) Two-family dwellings;

(b) The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Zoning Adjustments:

(1) Any public building erected or land used by any department of the city, county, state or federal government;

(2) Cemetery or crematory;

(3) Telephone exchange, electric substations and regulator stations, or other public utilities;  
and

(4) Nursing homes and homes for the aged on a tract of land three acres or larger.

#### **§ 16-904 INTENSITY OF USE REGULATIONS.**

Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located upon lots containing the following areas:

(a) A lot on which there is erected a single-family dwelling shall contain an area of not less than 8,000 square feet per family;

(b) A lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per family; and

(c) Where a single lot of record as of the effective date of this article, as defined in the definitions section of this article, has less area than herein required and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this article and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other requirements of this district.

#### **§ 16-905 HEIGHT REGULATIONS.**

No building or structure shall exceed 35 feet in height, except as otherwise provided in the additional height, area and use regulations in this article.

#### **§ 16-906 YARD REGULATIONS.**

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 25 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)

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

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of this article shall not be reduced to less than 28 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.*

(1) Except as hereinafter provided in division (b)(2) below and in the additional height, area and use regulations of this article, there shall be a side yard having a width of not less than five feet on each side of the principal building.

(2) Wherever a lot of record as of the effective date of this article has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three feet.

(c) *Rear yard.* Except as hereinafter provided in the additional height, area and use regulations of this article, there shall be a rear yard having a depth of not less than 25 feet or 20% of the depth of the lot, whichever amount is smaller.

**§ 16-907 PARKING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

**§ 16-908 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.



## ARTICLE 10: “R-3” MULTIPLE-FAMILY DWELLING DISTRICT

### Section

16-1001	Intent and purpose of district
16-1002	District regulations
16-1003	Use regulations
16-1004	Intensity of use regulations
16-1005	Height regulations
16-1006	Yard regulations
16-1007	Parking regulations
16-1008	Sign regulations

### § 16-1001 INTENT AND PURPOSE OF DISTRICT.

The “R-3” Multiple-Family Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities and certain special uses, yet retaining the basic residential qualities.

### § 16-1002 DISTRICT REGULATIONS.

In District “R-3”, no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in § 16-1003 of this article.

### § 16-1003 USE REGULATIONS.

All uses first allowed in Districts “R”, “R-1”, and “R-2” and the following:

- (a) Multiple-family dwellings, including apartment houses and apartment hotels;
- (b) Boarding and lodging houses;
- (c) Day nurseries;
- (d) Home occupations, as outlined in § 16-703(j);

- (e) Institutions of higher learning, including dormitory accommodation;
- (f) Public open spaces including parks, playgrounds and recreation areas owned and operated by a public agency;
- (g) Hospitals (but not animal hospitals);
- (h) Non-profit institutions of an educational philanthropic or eleemosynary nature;
- (i) Nursing homes and homes for the aged; and
- (j) The following may be allowed by special permit when submitted, received and approved by the Board of Zoning Appeals:
  - (1) Any public building erected or land used by any department of the city, county, state or federal government;
  - (2) Cemetery or crematory;
  - (3) Telephone exchange, electric substations and regulator stations, or other public utilities; and
  - (4) Public and private parking on lots adjacent, contiguous or across the alley from a district classified as "R-3" and "C-1".

#### **§ 16-1004 INTENSITY OF USE REGULATIONS.**

Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed, shall be located upon lots containing the following areas.

- (a) A lot on which there is erected a single-family dwelling shall contain an area of not less than 8,000 square feet.
- (b) A lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per family.
- (c) A lot on which there is erected a multiple dwelling shall contain an area of not less than 8,000 square feet, or 2,000 square feet per family.
- (d) Dormitories, lodging houses, nursing homes and boarding houses shall provide 500 square feet of lot area for each occupant.
- (e) Where a single lot of record as of the effective date of this article, as defined in the definitions section of this article, has less area than 8,000 square feet and its boundary lines, along their entire



length, touched lands under other ownership on the effective date of this article and have not since been changed, such lot may be used only for a single-family dwelling purposes, or for any other non-dwelling use permitted in this district, providing the structure does not occupy more than 40% of the lot area and providing the structure conforms with other requirements of this district.

**§ 16-1005 HEIGHT REGULATIONS.**

No building or structure shall exceed 45 feet in height, except as otherwise provided in the additional height, area and use regulations in this article.

**§ 16-1006 YARD REGULATIONS.**

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 25 feet except as required for arterial and collector streets. (See additional height, area and use regulations.)

(2) Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a lot of record as of the effective date of this article shall not be reduced to less than 28 feet. No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.*

(1) Except as hereinafter provided in division (b)(2) below and in the additional height, area and use regulations of this article, there shall be a side yard having a width of not less than five feet on each side of a building 35 feet or less in height, and there shall be a side yard having a width of not less than eight feet on each side of a building in excess of 35 feet but less than 45 feet in height.

(2) Wherever a lot of record as of the effective date of this article has a width of 50 feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three feet.

(c) *Rear yard.* Except as otherwise provided in the additional height, area and use regulation, there shall be a rear yard for buildings in this district which shall have a depth of not less than 25 feet or 20% of the depth of the lot, whichever amount is smaller.

**§ 16-1007 PARKING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

**§ 16-1008 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.

## **ARTICLE 11: “R-P” COMMUNITY UNIT PLAN DISTRICT**

### Section

16-1101	Intent and purpose of district
16-1102	District regulations
16-1103	General requirements
16-1104	Use regulations
16-1105	Intensity of use regulations
16-1106	Height regulations
16-1107	Yard regulations
16-1108	Parking regulations
16-1109	Sign regulations

### **§ 16-1101 INTENT AND PURPOSE OF DISTRICT.**

The “R-P” Community Unit Plan District is intended for the purpose of permitting the grouping or clustering of residential and some customarily accessory nonresidential uses in courts or similar arrangements.

### **§ 16-1102 DISTRICT REGULATIONS.**

In District “R-P” no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-1104 of this article.

### **§ 16-1103 GENERAL REQUIREMENTS.**

(a) The tract for use as a Community Unit Plan District shall be not less than five acres in area and shall be under single or joint ownership.

(b) An applicant for a change in zoning to “R-P” Community Unit Plan District must satisfy the Planning Commission that he or she has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.

(c) Such applicant also shall prepare and submit a preliminary development plan for review and approval by the Planning Commission which shall include:

- (1) A topographic map showing contours at intervals of two feet;

(2) A plot plan showing:

- (A) Building locations on the tract;
- (B) Access for streets;
- (C) Parking arrangement and number of spaces;
- (D) Interior drives and service areas; and
- (E) Area set aside for public open space.

(3) Location map showing the development and zoning of the adjacent property within 200 feet, including the location and the type of buildings and structures thereon;

(4) The full legal description of the boundaries of the properties to be included in the area to be zoned "R-P" District;

(5) A map showing the general arrangement of streets within an area of 1,000 feet from the boundaries of the area to be zoned "R-P" District;

(6) A map showing location of proposed sewer, water and other utility lines; and

(7) A description of general character of proposed buildings.

(d) Upon approval of the preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. Alterations in the preliminary schedule of construction shall be submitted at this time. The final development plan and the Planning Commission's recommendation shall be forwarded to the governing body for their review and final action.

(e) (1) In the event that, within 18 months following approval by the governing body, the applicant does not proceed with construction in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property.

(2) A public hearing, as required by law, shall be advertised and held at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall make a recommendation to the governing body.

#### **§ 16-1104 USE REGULATIONS.**

(a) Dwelling units in detached, semi-detached, attached or multi-storied structures, or any combination thereof;

(b) Nonresidential uses of a religious, cultural, recreational and commercial character to the extent they are designed and intended to serve the Community Unit Plan District only; and

(c) No commercial use, nor any building devoted primarily to commercial use, shall be built or established prior to the construction and occupancy of 50% of the residential buildings in the “R-P” District zone.

**§ 16-1105 INTENSITY OF USE REGULATIONS.**

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

**§ 16-1106 HEIGHT REGULATIONS.**

No building or structure shall exceed 45 feet in height except as otherwise permitted in the additional height, area and use regulations of this article.

**§ 16-1107 YARD REGULATIONS.**

(a) Where buildings front or side on, or are across the street from, other residential zoned properties, the front or side yards shall be the same as those of the adjoining zones.

(b) Where buildings front or side on an arterial or collector street, they shall conform with the requirements in the additional height, area and use regulations of this article.

**§ 16-1108 PARKING REGULATIONS.**

See Article 21.

**§ 16-1109 SIGN REGULATIONS.**

See Article 20.



**ARTICLE 12: (RESERVED)**





## ARTICLE 13: “M-P” MOBILE HOME PARK DISTRICT

### Section

16-1301	Intent and purpose of district
16-1302	District regulations
16-1303	Definitions
16-1304	General requirements
16-1305	Water supply
16-1306	Service buildings
16-1307	Sewage and refuse disposal
16-1308	Garbage receptacles
16-1309	Trash burning prohibited
16-1310	Animals and pets
16-1311	Register of occupants
16-1312	Supervision
16-1313	Permit and permit fee
16-1314	Application requirements
16-1315	Inspection required
16-1316	Revocation or suspension
16-1317	Unused mobile home park
16-1318	Signs

### § 16-1301 INTENT AND PURPOSE OF DISTRICT.

It is the intent of the “M-P” Mobile Home Park District to permit low density mobile home uses in a parklike atmosphere.

### § 16-1302 DISTRICT REGULATIONS.

In District “M-P”, no building shall be used and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than independent mobile homes, or independent trailer house coaches, and customarily accessory service buildings.

### § 16-1303 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**INDEPENDENT MOBILE HOME.** A mobile home which has a flush toilet and a bath or shower.

**LICENSEE.** Any person licensed to operate and maintain a mobile home park under the provisions of this article.

**MOBILE HOME SPACE.** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**NATURAL OR ARTIFICIAL BARRIER.** Any river, pond, canal, railroad, levee, embankment, fence or hedge.

**PERMITTEE.** Any person to whom a permit is issued to maintain or operate a mobile home park under the provisions of this article.

**PERSON.** Any individual, firm, trust, partnership, association or corporation.

**STREET.** Any recognized thoroughfare in the city.

#### **§ 16-1304 GENERAL REQUIREMENTS.**

(a) The tract to be used for a mobile home park shall be not less than five acres.

(b) The applicant for the mobile home park must satisfy the Planning Commission that he or she is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year following the approval by the Planning Commission and shall be completed within a period of two years.

(c) The applicant for a mobile home park shall prepare or cause to be prepared a development plan and shall present three copies of the plan for review by the Planning Commission. The plot plan shall show topography and the location and size of:

- (1) Mobile home sites;
- (2) Service buildings;
- (3) Off-street parking areas;
- (4) Electrical outlets;
- (5) Sewer outlets;
- (6) Water outlets;
- (7) Water lines;

- (8) Sewer lines;
- (9) Recreational areas;
- (10) Landscaped areas and walls or fences;
- (11) Roadways; and
- (12) Sidewalks.

(d) The mobile home park shall conform with the following requirements.

(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 shall have a maximum density of eight trailers per gross acre and a minimum space of 2,800 square feet for each trailer.

(3) Each mobile home space shall be at least 35 feet wide and clearly defined.

(4) Mobile homes shall be so located on each space that there shall be at least 20 feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than 20 feet but shall not be less than 15 feet. No mobile home shall be located closer than 25 feet from any building within the park or from any property line bounding the park.

(5) All mobile home spaces shall front upon a private roadway of not less than 31 feet in width, which shall have unobstructed access to a public street, alley or highway.

(6) Walkways, not less than 30 inches wide, shall be provided from the mobile home spaces to service buildings.

(7) All roadways and walkways within the mobile home park shall be hard surfaced and adequately lighted at night with electric lamps.

(8) Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.

(9) At least one electrical outlet supplying at least 110 volts shall be provided for each mobile home space.

(10) Off roadway parking shall be provided at the rate of one space of each mobile home space.

(11) A recreational area shall be provided at a central location in the mobile home park at the rate of 200 square feet for each trailer space.

(12) A solid fence or wall and a ten-foot landscaped buffer area shall be provided between the Mobile Home Park District and any adjoining property zoned for residential purposes. The solid fence or wall shall not be less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.

#### **§ 16-1305 WATER SUPPLY.**

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

#### **§ 16-1306 SERVICE BUILDINGS.**

(a) Service buildings, housing sanitation and laundry facilities or any of such facilities, shall be permanent structures complying with all applicable codes, ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(b) All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any debris that will be a menace to the health of any occupant or the public or constitute a nuisance.

#### **§ 16-1307 SEWAGE AND REFUSE DISPOSAL.**

(a) Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home located in such space and having any or all of such facilities.

(b) The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.

#### **§ 16-1308 GARBAGE RECEPTACLES.**

Each mobile home unit shall be provided with at least one metal trash and garbage can with a tight-fitting cover to permit disposal of all garbage, trash and rubbish.

#### **§ 16-1309 TRASH BURNING PROHIBITED.**

The burning of trash and rubbish is prohibited in a "M-P" Mobile Home Park District.

#### **§ 16-1310 ANIMALS AND PETS.**

No owner or person in charge of any dog, cat or other pet or animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

**§ 16-1311 REGISTER OF OCCUPANTS.**

(a) It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (1) The name and address of each mobile home owner or tenant occupying a mobile home;
- (2) The name and address of the owner of each mobile home and motor vehicle;
- (3) The make, model, year and license number of each mobile home and motor vehicle;
- (4) The state, territory or country issuing such licenses; and
- (5) The date of arrival and of departure of each mobile home.

(b) The mobile home park owners, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

(c) The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

**§ 16-1312 SUPERVISION.**

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, and its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of the regulations in the Mobile Home Park District.

**§ 16-1313 PERMIT AND PERMIT FEE.**

(a) It shall be unlawful for any person to maintain or operate a mobile home park within the city limits unless such a person shall first obtain a permit.

(b) The annual permit fee for each mobile home park shall be \$50, which is not refundable.

(c) A mobile home park permit is not transferrable.

(d) Expiration date of the mobile home park permit shall be December 31 of each year.

**§ 16-1314 APPLICATION REQUIREMENTS.**

(a) A written application, in triplicate, shall be required for any person, firm or corporation operating a mobile home park in the city. The application shall include the following items:

- (1) The name and address of the applicant;
- (2) The location and legal description of the mobile home park site;
- (3) The name and address of the manager of the mobile home park;
- (4) The number of mobile homes the mobile home park will accommodate;

(5) A plan showing location of all mobile homes, buildings, roadways, recreational areas, off-street parking areas, electrical outlets, sewer outlets, water outlets, water mains, sewer mains and other improvements and facilities constructed or to be constructed in the mobile home park. The plan shall be drawn at a scale of one inch equals 100 feet or larger; and

(6) Such further information as may be required to determine if the proposed mobile home park will comply with this article and other city ordinances and requirements.

(b) (1) The application shall be filed by the owner or manager of the mobile home park and sworn to before a notary public.

(2) The person or persons filing the application and affidavit shall be the person or persons owning or managing the mobile home park and the person or persons responsible for the upkeep and maintenance and sanitary control. Any change in the management of the mobile home park shall be registered with the City Clerk by a sworn affidavit by the new manager.

(c) Upon receipt of the completed application, plans and filing fees, the City Clerk shall transmit a copy of the application and plans to an approved representative of the city who shall:

- (1) Check the application for compliance with this article and other city codes and ordinances; and
- (2) Determine the condition of sanitation of the mobile home park.

(d) If the application is found to be in compliance with this article and other city codes and ordinances and the site is found to be in conformance with sanitary regulations, a permit shall be issued for a mobile home park.

#### **§ 16-1315 INSPECTION REQUIRED.**

Upon the issuance of the permit for a mobile home park or court, the city shall have the authority to have the mobile home park or court inspected by the proper inspecting officer of the city, and if it shall be found that the holder of the permit has made any false or misleading statements in his or her application or has placed or caused to be placed more mobile homes in the mobile home park or court than provided for and set forth in the application for permit, or that the holder of the permit has violated or caused to be violated any provision of this article, the governing body shall have the power to revoke the permit.

**§ 16-1316 REVOCATION OR SUSPENSION.**

If the city shall determine, upon proper inspection by the inspecting officer of the city, that the sanitary condition of the mobile home park shall have become so unsanitary as to endanger health or welfare of occupants of the mobile home park or the surrounding community, or that the sanitary facilities have become inadequate to properly protect the occupants of the mobile home park, the governing body shall have the power to require the holder of the mobile home park permit, within ten days, to set the mobile home park in proper sanitary condition. If, upon notice from the city to the holder of the permit as aforesaid, the owner or manager of the mobile home park shall fail or refuse to place the park or court in sanitary condition, the governing body shall have the right to revoke the permit.

**§ 16-1317 UNUSED MOBILE HOME PARK.**

Whenever a property zoned “M-P” ceases to be used for such purposes for a period of two years, the Planning Commission shall initiate action and hold a public hearing to rezone the property back to its former zoning district.

**§ 16-1318 SIGNS.**

Only one sign will be permitted at a mobile home park. The sign shall display no more than the name of the mobile home park and shall be unilluminated. The sign shall not exceed 24 square feet in area.





**ARTICLE 14: (RESERVED)**



## ARTICLE 15: “C-1” NEIGHBORHOOD SHOPPING DISTRICT

### Section

16-1501	Intent and purpose of district
16-1502	District regulations
16-1503	Use regulations
16-1504	Intensity of use regulations
16-1505	Height regulations
16-1506	Yard regulations
16-1507	Sign regulations
16-1508	Parking and loading regulation
16-1509	Additional height, area and use regulations

### § 16-1501 INTENT AND PURPOSE OF DISTRICT.

It is the intent of the “C-1” Neighborhood Shopping District to permit retail sale of convenience goods and services. This district is established for the purpose of providing services to existing and future neighborhoods.

### § 16-1502 DISTRICT REGULATIONS.

In District “C-1”, no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-1503.

### § 16-1503 USE REGULATIONS.

The following uses are allowed:

- (a) Banks and other savings and lending institutions;
- (b) Barber shops;
- (c) Beauty shops;
- (d) Candy and ice cream stores (except drive-ins);
- (e) Cleaning and laundry pick-up stations;

- (f) Custom dressmaking, furrier, millinery, tailor shops (employing less than five persons);
- (g) Drug stores;
- (h) Electric and telephone substations;
- (i) Fix-it shops, (radio, television and small appliances);
- (j) Flower and gift shops;
- (k) Grocery stores (meat and delicatessen);
- (l) Hardware stores;
- (m) Laundry (self-service);
- (n) Key shops;
- (o) Medical, dental and health clinics (for people only);
- (p) Messenger and telegraph stations;
- (q) Newsstands;
- (r) Non-profit religious, educational and philanthropic institutions;
- (s) Offices - business, professional and public;
- (t) Parks, playgrounds and community buildings;
- (u) Parking lots (customer and private);
- (v) Photographers studio;
- (w) Restaurants and tea rooms (except for drive-ins);
- (x) Service stations;
- (y) Shoe repair and shoe shine shops;
- (z) Small animal hospital or clinic;
- (aa) Automobile sales and service;

(bb) Used car lots;

(cc) Garage and automobile repair shops, but not including automobile body and fender work and automobile painting; and

(dd) Taverns and private clubs, but no such use shall be made where any structure to be used as a tavern or private club is located within 200 feet of any structure used as a single family residence and zoned as “R”, “R-1” or “R-2”.

(Ord. 1227, passed 9-6-1983; Ord. 1786, passed 6-23-1999; Ord. 1851, passed 5-21-2001; Ord. 1934, passed 1-21-2004)

**§ 16-1504 INTENSITY OF USE REGULATIONS.**

Area occupied by buildings in this district shall not exceed 40% of the ground area on which the building is located.

**§ 16-1505 HEIGHT REGULATIONS.**

No building shall exceed 40 feet in height.

**§ 16-1506 YARD REGULATIONS.**

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 25 feet except as required in the additional height, area and use regulations of this article for arterial and collector streets.

(2) Where a lot or lots have double frontage, the required front yard shall be provided on both streets.

(3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot.

(4) No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.* There shall be a side yard on each side of a building and the yard shall not be less than ten feet.

(c) *Rear yard.* Except as otherwise provided in the additional height, area and use regulations of this article, there shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than 25 feet.

**§ 16-1507 SIGN REGULATIONS.**

See Article 20.

**§ 16-1508 PARKING AND LOADING REGULATION.**

See Article 21.

**§ 16-1509 ADDITIONAL HEIGHT, AREA AND USE REGULATIONS.**

See Article 22.

## **ARTICLE 16: “C-2” CENTRAL BUSINESS DISTRICT**

### Section

16-1601	Intent and purpose of district
16-1602	District regulations
16-1603	Use regulations
16-1604	Intensity of use regulations
16-1605	Height regulations
16-1606	Yard regulations
16-1607	Sign regulations
16-1608	Parking regulations
16-1609	Parking and loading regulations

### **§ 16-1601 INTENT AND PURPOSE OF DISTRICT.**

The “C-2” Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business activity. This district is intended for no other area than the Central Business District.

### **§ 16-1602 DISTRICT REGULATIONS.**

In District “C-2” no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in § 16-1603.

### **§ 16-1603 USE REGULATIONS.**

All uses allowed in the “C-1” District are as follows:

- (a) Small business machine repair, sales and service;
- (b) Amusement places;
- (c) Antique shops and stores, providing all merchandise is displayed and sold inside a building;
- (d) Apparel and accessory stores;

- (e) Apartments on floors other than the ground floor;
- (f) Appliance stores;
- (g) Art, art supply stores, arts and crafts shops;
- (h) Artist studios;
- (i) Auditoriums and similar places of public assembly;
- (j) Automobile accessory and supply stores;
- (k) Automobile parking lots and garages;
- (l) Bakery and pastry shops (retail only);
- (m) Banks and other saving and lending institutions;
- (n) Barber shops, beauty shops and chiropody, massage or similar personal services;
- (o) Bicycle and motorcycle shops;
- (p) Books and stationery stores;
- (q) Bowling alleys and recreational buildings;
- (r) Building material sales and storage;
- (s) Business and technical schools including schools for photography, dancing and music;
- (t) Cigar and tobacco stores;
- (u) Clothing stores;
- (v) Clothing and costume rental shops;
- (w) Commercial recreational uses;
- (x) Custom dressmaking, millinery, tailoring and similar trades;
- (y) Delicatessens and catering establishments;
- (z) Department stores;



- (aa) Drug stores and prescription shops;
- (bb) Dry goods and notion stores (including coin shops and fabric shops);
- (cc) Electric appliance sales and repair shops;
- (dd) Electric substations, telephone exchange and utility regulator stations;
- (ee) Fire stations, police stations, jails;
- (ff) Fix-it shops (radio, television and small household appliances);
- (gg) Florist shops and garden shops, retail only;
- (hh) Funeral homes and mortuaries;
  - (ii) Furniture and home furnishing stores;
  - (jj) Government buildings;
- (kk) Grocery, fruit and vegetable stores (retail only);
  - (ll) Hardware stores;
- (mm) Heating and air conditioning shops, providing all merchandise is located in a building;
- (nn) Hobby, stamp and coin shops;
- (oo) Hotels and motels;
- (pp) Household appliance stores;
- (qq) Interior decorator's shop;
- (rr) Jewelry and metal craft stores and shops;
- (ss) Laundries and dry cleaning establishments;
- (tt) Leather goods and luggage stores;
- (uu) Libraries and museums (public);
- (vv) Liquor stores;
- (ww) Lock and key shops;

- (xx) Mail order catalog stores;
- (yy) Medical, dental and health clinics;
- (zz) Medical and orthopedic appliance stores;
- (aaa) Meeting halls and auditoriums (including union halls, Elk's Lodge, American Legion Home, VFW, Masons and the like);
- (bbb) Music instrument sales and repair shops;
- (ccc) Music stores and studios;
- (ddd) Newspaper offices;
- (eee) Printing shops and printing supply stores;
- (fff) Offices and office buildings;
- (ggg) Office supply and office equipment sales and service stores;
- (hhh) Optician and optometrist shops;
- (iii) Paint and glass stores;
- (jjj) Parking lots and garages;
- (kkk) Parks and open spaces;
- (lll) Pawn shops;
- (mmm) Pet shops;
- (nnn) Photographic equipment sales and supply stores;
- (ooo) Photographic studios;
- (ppp) Picture framing shops;
- (qqq) Prescription shops;
- (rrr) Printing and publishing houses (including newspaper);
- (sss) Public buildings, including post office, city offices, county offices, state offices;

- (ttt) Radio and television studios;
- (uuu) Railway, taxi and bus passenger stations;
- (vvv) Restaurants and tea rooms;
- (www) Real estate and insurance offices;
- (xxx) Self-service laundries and self-service dry cleaning establishments;
- (yyy) Sewing machine shops and stores;
- (zzz) Shoe stores;
- (aaaa) Shoe repair and shoeshine shops;
- (bbbb) Sporting and athletic goods stores;
- (cccc) Tailor shops;
- (dddd) Taverns;
- (eeee) Television and radio sales and service establishments;
- (fff) Theaters;
- (gggg) Thrift shops;
- (hhhh) Toy stores;
- (iii) Travel bureaus;
- (jjj) Utility company offices;
- kkkk) Variety stores;
- (lll) Wallpaper and paint stores;
- (mmmm) Watch and watch repair shops; and
- (nnn) Accessory uses customarily incident to the above uses.  
(Ord. 1226, passed - -; Ord. 1851, passed 5-21-2001)

**§ 16-1604 INTENSITY OF USE REGULATIONS.**

No requirements except those to meet fire regulations.

**§ 16-1605 HEIGHT REGULATIONS.**

No building shall exceed 60 feet in height except as otherwise provided in the additional height, area and use regulations of this article.

**§ 16-1606 YARD REGULATIONS.**

(a) *Front yard.* No front yard is required for any building in the “C-2” Central Business District.

(b) *Side yard.* No side yard is required for any building in the “C-2” Central Business District.

(c) *Rear yard.* No rear yard is required for any building in the “C-2” Central Business District.

**§ 16-1607 SIGN REGULATIONS.**

See Article 20.

**§ 16-1608 PARKING REGULATIONS.**

No parking required.

**§ 16-1609 PARKING AND LOADING REGULATIONS.**

See Article 21.

**ARTICLE 17: (RESERVED)**



## **ARTICLE 18: “I-1” LIGHT INDUSTRIAL DISTRICT**

### Section

16-1801	Intent and purpose of district
16-1802	District regulations
16-1803	Use regulations
16-1804	Intensity of use regulations
16-1805	Height regulations
16-1806	Yard regulations
16-1807	Parking regulations
16-1808	Traffic regulations
16-1809	Sign regulations
16-1810	Loading and unloading regulations

### **§ 16-1801 INTENT AND PURPOSE OF DISTRICT.**

(a) 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; and
- (3) Create obnoxious sounds, glare, dust or odor.

(b) Height and land coverage are controlled to ensure compatibility with adjoining uses.

### **§ 16-1802 DISTRICT REGULATIONS.**

In District “I-1”, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in § 16-1803.

### **§ 16-1803 USE REGULATIONS.**

(a) Animal hospitals or clinics;

- (b) Bottling works;
- (c) Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke);
- (d) Carpenter, cabinet, plumbing or sheet metal shops;
- (e) Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six-foot solid fence or wall;
- (f) Dog kennels;
- (g) Dry cleaning and/or laundry plants;
- (h) Frozen food lockers;
- (i) Greenhouses and nurseries, retail and wholesale;
- (j) Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke;
- (k) Machinery sales and storage lots;
- (l) Monument sales;
- (m) Motor vehicle and farm implement sales and storage;
- (n) Public utility and public service uses as follows:
  - (1) Substations;
  - (2) Railroads;
  - (3) Telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants; and
  - (4) Public utility storage yards when the entire storage area is enclosed by at least a six-foot wall or fence.
- (o) Sign printing and manufacturing;
- (p) Truck and rail terminals;
- (q) Upholstery shops;



(r) Warehouses; and

(s) Wholesale merchandise sales and storage.

**§ 16-1804 INTENSITY OF USE REGULATIONS.**

(a) A building structure or use allowed in this district may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and as otherwise required in §§ 16-1806 and 16-1807.

(b) In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as otherwise required in § 16-1806.

**§ 16-1805 HEIGHT REGULATIONS.**

(a) When a building or structure is within 150 feet of a residential district zone, the building or structure shall not exceed 45 feet in height.

(b) When a building or structure is more than 150 feet from a residential district zone, the building structure shall not exceed 75 feet in height.

**§ 16-1806 YARD REGULATIONS.**

(a) *Front yard.* A front yard of 30 feet shall be required for uses permitted in this district except as provided in the additional height, area and use regulations of this article.

(b) *Side yard and rear yard.* No side yard or rear yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required 15 feet of side and/or rear yard on the side of the lot and/or on the rear of the lot which abuts the residential district; the 15 feet shall contain a fence or wall and a shrub border to screen residential zoned property from the proposed use. The wall and shrub border shall be adequately maintained by the property owner.

(c) *Rear yard.* No rear yard shall be required in this district except where such rear yard abuts a residential district zone, in which case there shall be required 15 feet of rear yard.

**§ 16-1807 PARKING REGULATIONS.**

(a) *Generally.* Uses allowed in this district shall provide one off-street parking space for each 1,000 square feet of gross floor area. The parking spaces shall be provided within 200 feet from the proposed structure.

(b) *Plans and approval required.* Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the building official, prior to issuing a zoning compliance

permit. Before approving the parking layout, the building official shall satisfy himself or herself that the spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dustfree surface and all parking spaces shall be clearly marked.

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

(d) *Exceptions.* Off-street parking requirements in this district may be waived by the governing body when it can be established that off-street parking, to satisfy the above requirements is provided or is available, either private or public, on adjoining property or within 150 feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.

#### **§ 16-1808 TRAFFIC REGULATIONS.**

(a) No loading or unloading operation shall be permitted in the right-of-way of any street or alley.

(b) Curb cuts for access to parking and loading and unloading areas shall be first approved by the city. In making application for such curb cuts, the applicant shall present his or her proposal in writing and provide the city with sufficient plans showing location, width and type surface proposed across the public right-of-way.

#### **§ 16-1809 SIGN REGULATIONS.**

As permitted in Article 20, Sign Regulations.

#### **§ 16-1810 LOADING AND UNLOADING REGULATIONS.**

As required in Article 21, Parking and Loading Regulations.

## **ARTICLE 19: “I-2” HEAVY INDUSTRIAL DISTRICT**

### Section

16-1901	Purpose and intent of district
16-1902	District regulations
16-1903	Use regulations
16-1904	Intensity of use regulations
16-1905	Height regulations
16-1906	Yard regulations
16-1907	Sign regulations
16-1908	Parking regulations

### **§ 16-1901 PURPOSE AND INTENT OF DISTRICT.**

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

### **§ 16-1902 DISTRICT REGULATIONS.**

In District “I-2”, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for other than one of the uses listed in § 16-1903.

### **§ 16-1903 USE REGULATIONS.**

- (a) Animal hospitals or clinics;
- (b) Auto sales and repair;
- (c) Bottling works;
- (d) Blacksmith and welding shops;
- (e) Building materials, storage and sales;
- (f) Carpenter, cabinet, plumbing and sheet metal shops;

- (g) Contractor's office and equipment storage yard;
- (h) Dog kennels;
- (i) Dry cleaning and laundry plants;
- (j) Feed and seed stores;
- (k) Frozen food lockers;
- (l) Grain elevators;
- (m) Greenhouses and nurseries, retail and wholesale;
- (n) Lumber yards;
- (o) Machinery sales and storage lots;
- (p) Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke;
- (q) Mobile home manufacture, sales, and storage;
- (r) Motor vehicle and farm implement sales and storage;
- (s) Poultry storage or slaughtering;
- (t) Public utility and public service uses;
- (u) Radiator, repair shops;
- (v) Restaurants;
- (w) Service stations;
- (x) Storage yards providing the storage yard is completely enclosed with a six foot fence or wall;
- (y) Truck repair, storage and service; trailer and construction implement storage, provided the area is completely enclosed with a six-foot-fence or -wall;
- (z) Upholstering shops;
- (aa) Warehouses or storage houses;
- (bb) Wholesale houses;

(cc) The following uses of land may be allowed in this district by special use permit when submitted, reviewed and approved by the Board of Zoning Appeals:

(1) Automobile wrecking yards, junk yards and scrap processing yards; when the yard is completely enclosed with six-foot solid fence and no junk or scrap is stored outside the fence or wall, subject, however, to the restrictions in the article on the Board of Zoning Appeals;

(2) Petroleum and natural gas refining and processing;

(3) Stockyards and slaughter houses;

(4) Ready-mix concrete and asphalt mix plants;

(5) Storage of bulk oil, gas and explosives; and

(6) Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

**§ 16-1904 INTENSITY OF USE REGULATIONS.**

(a) A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and/or arterial or collector streets in Article 22.

(b) In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as required for arterial and/or collector streets in Article 22.

**§ 16-1905 HEIGHT REGULATIONS.**

(a) When a building or structure is within 150 feet of a residential district zone, the building or structure shall not exceed 45 feet in height.

(b) When a building or structure is more than 150 feet from a residential district zone, the building or structure shall not exceed 150 feet in height if not in conflict with airport approach zones.

**§ 16-1906 YARD REGULATIONS.**

(a) *Front yard.* No front yard shall be required for uses permitted in this district, except as required for arterial or collector streets in Article 22.

(b) *Side yard.* No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required 15 feet of side yard on the side of the lot which abuts the residential district.

(c) *Rear yard.* No rear yard shall be required in the district except where such rear yard abuts a residential district zone, in which case there shall be required 15 feet of rear yard.

**§ 16-1907 SIGN REGULATIONS.**

See Article 20.

**§ 16-1908 PARKING REGULATIONS.**

See Article 21.

## ARTICLE 20: SIGN REGULATIONS

### Section

16-2001	Intent
16-2002	No off-premises advertising
16-2003	Public officer; notice to remove
16-2004	Control of signs within the city
16-2005	Penalties
16-2006	Right of entry
16-2007	Unlawful interference

### § 16-2001 INTENT.

(a) It is the intent of this article to regulate the erection and maintenance of signs in order to:

- (1) Promote traffic safety;
- (2) Preserve the aesthetic values of the community; and
- (3) Preserve property values.

(b) This article is designed to prohibit signs of a commercial nature from districts in which commercial acts are not permitted. It is also designed to limit signs in the commercial districts, except as otherwise permitted in this article, to those of an on-site variety and to control the number and area of such signs; and to control the number and area of signs in other areas.

(Ord. 1689, passed 8-19-1996)

### § 16-2002 NO OFF-PREMISES ADVERTISING.

It shall be unlawful for any owner, occupant, agent in charge of the property or other person to erect, build, or use any sign to advertise for any business or other entity which is not located within or on the land upon which the sign is located. Signs shall only be permitted to advertise for the business located within or on the premises upon which the sign is located; provided, this restriction shall not apply to signs which do not exceed 32 square feet in area and which are not located on the property more than 45 days during any 12 consecutive months. Signs advertising on-premises businesses shall be subject to the zoning laws of the city regarding land use. This article may be enforced in the Municipal Court of the city.

(Ord. 1689, passed 8-19-1996)

**§ 16-2003 PUBLIC OFFICER; NOTICE TO REMOVE.**

(a) The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify in writing the owner, occupant or agent in charge of any premises in the city upon which a sign exists in violation of this article, by mail or by personal service.

(b) Such notice shall include the following:

(1) The owner, occupant or agent in charge of the property is in violation of the city sign regulation;

(2) The owner, occupant or agent in charge of the property is ordered to remove the sign within ten days of the receipt of notice;

(3) The owner, occupant or agent in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice;

(4) If the owner, occupant or agent in charge of the property does not timely remove the sign, the city will cause the sign to be removed, at the expense of the owner, occupant or agent in charge;

(5) The owner, occupant or agent in charge of the property will be given an opportunity to pay the cost of sign removal, and, if it is not paid, it will be added to the property tax as a special assessment;

(6) Violation of this article may result in a fine being assessed; and

(7) The public officer should be contacted if there are any questions regarding the order.

(c) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for the fine on such property unless the new record owner of title to such property is provided notice as required by this section.

(Ord. 1689, passed 8-19-1996)

**§ 16-2004 CONTROL OF SIGNS WITHIN THE CITY.**

(a) Upon the expiration of 30 days after receipt of the notice required by § 16-2003, and in the event that the owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements of § 16-2002, the public officer or an authorized assistant shall cause to be removed all signs in violation of this article.

(b) The public officer or an authorized assistant shall give notice to the owner, occupant or agent in charge of the premises by certified mail of the costs of removal and disposition of the sign(s). The



notice shall state that payment of the fine and the cost of the removal and disposition is due and payable within 30 days following receipt of the notice.

(c) If the costs of removal and disposition remain unpaid after 30 days following receipt of notice, a record of the costs of removal and disposition of the sign(s) shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such sign(s) were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county.

(Ord. 1689, passed 8-19-1996)

**§ 16-2005 PENALTIES.**

In addition to other remedies provided by this article, violation of any provision of this article shall be punishable by a fine of not to exceed \$100 per day that such violation continues.

(Ord. 1689, passed 8-19-1996)

**§ 16-2006 RIGHT OF ENTRY.**

The public officer, and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of removing such sign(s) in a manner not inconsistent with this article.

(Ord. 1689, passed 8-19-1996)

**§ 16-2007 UNLAWFUL INTERFERENCE.**

It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with removal of such sign(s). Such interference shall constitute an ordinance violation.

(Ord. 1689, passed 8-19-1996)



**ARTICLE 21: PARKING AND LOADING REGULATIONS**

Section

- 16-2101 Parking regulations
- 16-2102 Plans and approval required
- 16-2103 Performance
- 16-2104 Traffic regulations
- 16-2105 Curb cuts
- 16-2106 Loading and unloading regulations

**§ 16-2101 PARKING REGULATIONS.**

Except as otherwise provided in this article, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50% or more, accessory off-street parking spaces shall be provided as required in this article; provided, that adjoining on-street parking spaces may be counted toward the total required for any use within Zone “C-2” where the adjoining street is not less than 80 feet in width.

	<i>Use</i>	<i>Off-Street Parking Spaces Required</i>
1.	Single-family dwellings	2 spaces for each dwelling unit
2.	Two-family dwellings	2 spaces for each dwelling unit in a two-family dwelling
3.	Multiple-family dwellings	2 spaces for each dwelling unit
4.	Home occupation	2 spaces in addition to those required for dwelling purposes
5.	Churches, auditoriums, school stadiums, gymnasiums and other places of public assembly	1 space for each 5 seats or bench spaces
6.	Mobile home	1 space for each mobile home in an approved mobile home park which conforms to the provisions of this article
7.	Schools:	
	Elementary schools	2 spaces for each classroom
	Junior high schools	4 spaces for each classroom
	High schools	8 spaces for each classroom

## Silver Lake - Zoning and Planning

	<i>Use</i>	<i>Off-Street Parking Spaces Required</i>
8.	Dormitory	1 space for each three sleeping accommodations provided
9.	Hotels, motels, private clubs, fraternities, sororities and lodges with sleeping accommodations	1 space for each sleeping or living unit
10.	Hospitals and nursing or convalescent home	1 space for each 5 beds
11.	Automobile sales and service garages	1 space for each 400 square feet of floor area
12.	Banks, post offices, businesses and professional offices	1 space for each 400 square feet of floor area
13.	Bowling alleys	5 spaces for each alley
14.	Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium	1 space for each 100 square feet used for assembly or dancing
15.	Funeral homes, mortuaries	1 space for each 50 square feet of floor area
16.	Furniture and appliance stores, household equipment or furniture repair shops	1 space for each 200 square feet of floor area
17.	Medical, dental and health clinics	1 space for each 50 square feet
18.	Personal service establishments, barber shops, beauty shops, shoeshine and shoe repair shops, cleaning and laundry establishments, self-service laundries, and customer dressmaking, furrier, millinery and tailor shops	1 space for each 50 square feet floor space
19.	Restaurants	1 space for each 2.5 seats
20.	Retail stores and shops	1 space for each 400 square feet of floor area
21.	Wholesale establishments	1 space for each 5 employees on maximum shift
22.	Industrial establishments	As required in Articles 18 and 19

(Ord. 1444, passed 11-6-1989; Ord. 1741, passed 4-6-1998)

### § 16-2102 PLANS AND APPROVAL REQUIRED.

(a) In Districts “C-1”, “C-2”, “I-1” and “I-2” plans showing layout and design of all required off-street parking areas shall be submitted to and approved by the building official prior to issuing a zoning compliance permit. Before approving the parking layout, the building official shall satisfy himself or herself that spaces provided are usable and meet standard design criteria.

(b) All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust free surface and all parking spaces shall be clearly marked.

**§ 16-2103 PERFORMANCE.**

In lieu of construction of any required parking lot in any zoning district, the governing body may accept a corporate surety bond, cashier’s check, escrow account or other like security in an amount to be fixed by the governing body and conditioned upon actual construction of such work or improvements within a specified time, and the governing body may enforce such bond by all equitable means.

**§ 16-2104 TRAFFIC REGULATIONS.**

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

**§ 16-2105 CURB CUTS.**

Curb cuts for access to any parking and loading and unloading areas in any zoning district shall be first approved by the city. In making application for such curb cuts, the applicant shall present his or her proposal in writing and shall provide the city with sufficient plans showing location, width and type surface proposed across the public right-of-way.

**§ 16-2106 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 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 as to avoid undue interference with public use of streets, alleys and walkways. Such space shall be scaled to delivery vehicles expected to be used and shall be accessible to such vehicles when required off-street parking spaces are filled. Number of spaces shall be provided as follows:

<i>Number of Spaces</i>	<i>Gross Floor Area in Square Feet</i>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000
One additional space shall be provided for each 50,000 square feet above 150,000 square feet	



## ARTICLE 22: ADDITIONAL HEIGHT, AREA AND USE REGULATIONS

### Section

16-2201	Qualifications and supplementations to district regulations
16-2202	Fences
16-2203	Building setback lines
16-2204	Lots of record
16-2205	Canopy and marquee

### § 16-2201 QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS.

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this article.

(a) In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, two feet of additional height will be permitted for each one foot of additional building set back provided.

(b) Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances may be erected to a height not to exceed 150 feet.

(c) Accessory buildings may be built in a required rear yard but such accessory buildings, including any and all projections therefrom, shall not be nearer than two feet to any side or rear lot line, nor nearer than five feet to any alley abutting the rear of the lot nor shall any such accessory building occupy more than 40% of the required rear yard, provided, however, that an accessory building which is built nearer than ten feet to the rear wall of a main building shall comply with the side yard requirements for the main building.

(d) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.

(e) The set back line shall be determined by measuring the horizontal distance from the property line to nearest architectural projection of the building (porches and stoops included).

(f) Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by

the building official for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.

(g) For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling shall be considered as one building occupying one lot.

(h) Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.

(i) No more than one principal building or use shall be located upon any platted lot or lot of record, provided, however, more than one principal building or use may be located upon a platted lot or lot of record after a plot plan in the same form as required for an exception under § 16-2511(c) of this chapter has been first submitted and approved by the governing body; provided, further, all front, side and rear yard requirements for the district in which the platted lot or lot of record is located shall be applied as the lot is platted.

(j) No side yards are required where dwelling units are erected above commercial and industrial structures.

(k) Whenever the number of employees is restricted in connection with any use, 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.

(l) Radio and television towers shall be permitted in Districts “C-1”, “C-2”, “I-1” and “I-2” providing the height of the radio or television tower does not conflict with any other city ordinance.

(m) Basements and cellars may not be occupied for residential purposes.

(n) No yard or lot existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this article shall meet at least the minimum requirements established by this article.

(o) No building or structure fabricated elsewhere than on a lot in the city shall be moved into any zoning district unless its intended use is to be in conformity with a use allowed in that district. Any building or structure shall first conform to the building, plumbing, electrical, health, and other codes and ordinances of the city before being permitted within any zoning district.

(Ord. 1193, passed 11-1-1982)

#### **§ 16-2202 FENCES.**

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



(a) No fence shall be constructed closer to the street than the front set back line established for the district in which such fence is to be erected, unless the fence shall be erected and maintained so that the fence shall have at least a minimum of 60% void and open space to ensure visibility through the fence from any angle.

(b) No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the building official has certified that the proposed fence will not constitute a traffic hazard.

(c) No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

(d) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.

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

(f) All fences shall conform to the construction standards of the building code of the city.  
(Ord. 1303, passed 9-6-1985)

**§ 16-2203 BUILDING SETBACK LINES.**

(a) Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan.

(b) The setback lines as established in this section shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development in the city and shall conform to the following requirements.

(1) *Arterial streets.* No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front or side yard (in feet) plus 50 feet.

(2) *Collector streets.* No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front or side yard (in feet) plus 40 feet.

**§ 16-2204 LOTS OF RECORD.**

A lot or group of lots which were platted and recorded in the office of the Register of Deeds prior to the effective date of this article may be used for any purpose permitted in the district in which it is

located; provided, however, that no residential zoning compliance permit shall be issued for construction of a residential structure on a lot or group of lots that do not provide for the minimum area requirements unless specifically authorized by the Board of Zoning Appeals.

**§ 16-2205 CANOPY AND MARQUEE.**

A canopy or marquee may be permitted to “overhang a public way” in District “C-2” providing:

- (a) The canopy or marquee is constructed and maintained in accordance with the city building code and other codes and ordinances;
- (b) No portion of the canopy or marquee shall be less than eight feet above the level of the sidewalk or other public way; and
- (c) The canopy or marquee shall not extend beyond a point two feet inside the curb line of a public street.

## ARTICLE 23: NONCONFORMING USES

### Section

16-2301	May be continued
16-2302	May not be continued

### § 16-2301 MAY BE CONTINUED.

(a) (1) The following lawful uses of land may be continued:

(A) A residential use of land which existed prior to the effective date of this article, if the use is to be continued in a commercial district;

(B) A residential use of land existing at the time of the annexation of such land to the city;  
or

(C) A use of land existing at the time an amendment is made to the zoning ordinance of the city which changes such land to a commercial district; although any such use does not conform to the provisions of this article.

(2) However, if such nonconforming use, or another nonconforming use to which the land may be changed, is discontinued for a period of two years or more, then any future use of the premises shall be only in accordance with the provisions of the zoning ordinance of the city.

(b) The lawful use of a building located upon any land, except as provided in § 16-2302, may be continued although such use does not conform with the provisions of the zoning ordinance of the city and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made nonconforming by any subsequent amendment or change of the zoning ordinance of the city.

### § 16-2302 MAY NOT BE CONTINUED.

Nonconforming uses which may not be continued:

(a) Whenever a nonconforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use;

(b) A building which has been damaged to the extent of more than 50% of its structural value by fire, explosion, natural cause or the public enemy shall not be restored, except in accordance with all zoning regulations of the city. In the event of a question as to the structural value of such a building, the same shall be determined by three appraisers; one of whom shall be selected by the Mayor, one of whom shall be selected by the owner of the building, and the third appraiser shall be selected by the two first so selected. If the first two appraisers so selected cannot agree on the selection of the third such appraiser, the judge of the appropriate court shall be requested to appoint such third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner;

(c) The nonconforming use of a building or premises for uses under Article 18 and 19 of this chapter, or for uses that normally would be considered to be industrial uses which is located in other than "I-1" Light Industrial District or the "I-2" District, shall be discontinued within three years from the effective date of this article, and the buildings or premise thereafter devoted to a use permitted in the district in which such buildings or premises are located; and

(d) Where land is used for business signs, bulletin boards or billboards, at the time of passage of the zoning regulations, and are not in conformance with the zoning regulations, the use of such land for the business signs, bulletin boards or billboards shall be discontinued and the sign removed within five years after the effective date of the zoning ordinance. Land, as used in this division (d), shall mean vacant land with signs on supports, as well as land occupied by buildings of structures with signs thereon.

## ARTICLE 24: ENFORCEMENT, VIOLATION AND PENALTY

### Section

16-2401	Administration and enforcement
16-2402	Violation and penalty

### § 16-2401 ADMINISTRATION AND ENFORCEMENT.

#### (a) *Generally.*

(1) An administrative official designated by the City Council shall administer and enforce this article. He or she may be provided with the assistance of such other persons as the City Council may direct.

(2) If the administrative official shall find that any of the provisions of this article are being violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.

(b) *Zoning compliance permits required.* No building, fence or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. No zoning compliance permit shall be issued except in conformity with the provisions of this article, except after written order from the Board of Zoning Appeals.

#### (c) *Application for zoning compliance permit.*

(1) All applications for zoning compliance permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

(2) The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this article.

(3) One copy of the plans shall be returned to the applicant by the administrative official, after he or she shall have marked such copy either as approved or disapproved and attempted to same by his or her signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administrative official.

(d) *Certificates of zoning compliance for new, altered, or nonconforming uses.*

(1) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this article.

(2) No nonconforming structure or use shall be maintained, renewed, changed or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this article, provided, that upon enactment of amendment of this article, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of zoning compliance.

(3) Failure to make such application within three months shall be presumptive evidence that the property was in a nonconforming use at the time of enactment or amendment of this article. Obtaining a certificate of zoning compliance shall not alter or extend any part of Article 24 for a nonconforming use.

(4) No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this article upon completion of the work.

(5) The administrative official shall maintain a record of all certificates of zoning compliance, and copies shall be furnished upon request to any person, upon payment of \$1.

(6) Failure to obtain a certificate of zoning compliance shall be a violation of this article and punishable under § 16-2402.

(e) *Expiration of zoning compliance permit; special zoning compliance permit.* If the work described in any zoning compliance permit has not begun within 90 days from the date of issuance, or as long as is deemed necessary to complete plans, the permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning compliance permit has been obtained. At the discretion of the administrative official, such special zoning compliance permits may be based on the original application or he or she may require submission of a new application. The special zoning compliance permit may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to ensure completion within the time limit set.

(Ord. 1304, passed 9-16-1985)

**§ 16-2402 VIOLATION AND PENALTY.**

(a) The owner or agent of a building or premises in or upon which a violation of any provision of this article has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500. Each and every day that such violation continues shall constitute a separate offense. Any such violation may be brought before the municipal court of the city.

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





## **ARTICLE 25: BOARD OF ZONING APPEALS**

### Section

16-2501	Board of Zoning Appeals established
16-2502	Election of officers
16-2503	Rules of procedure
16-2504	Meetings
16-2505	Records
16-2506	Filing fee
16-2507	Public hearing and notice
16-2508	Powers and jurisdiction
16-2509	Procedure
16-2510	Variances to this zoning ordinance
16-2511	Exceptions to this zoning ordinance
16-2512	Performance

### **§ 16-2501 BOARD OF ZONING APPEALS ESTABLISHED.**

A Board of Zoning Appeals is hereby created. Such Board shall consist of five members all of whom shall be taxpayers and residents of the city. They shall be appointed by the Mayor and with the consent of the City Council. One member of the Board shall be a member of the Planning Commission. One member of the Board shall be appointed to serve for a period of one year, two for a period of two years, and two for a period of three years. Thereafter, appointments shall be made for three years. Vacancies shall be filled by appointment, by the same authority, for the unexpired term only. Members of the Board shall serve without compensation.

### **§ 16-2502 ELECTION OF OFFICERS.**

The Board shall annually elect one of its members as Chairperson, and shall appoint a Secretary who may be an officer or an employee of the city.

### **§ 16-2503 RULES OF PROCEDURE.**

The Board shall adopt bylaws and rules of procedure for the conduct of business.

**§ 16-2504 MEETINGS.**

Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine.

**§ 16-2505 RECORDS.**

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

**§ 16-2506 FILING FEE.**

For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, shall pay to the City Clerk a fee in the amount of \$125. Promptly upon filing the appeal and required filing fee, the City Clerk shall refer the appeal to the Secretary of the Board of Zoning Appeals.  
(Ord. 1132, passed 1-5-1981)

**§ 16-2507 PUBLIC HEARING AND NOTICE.**

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

**§ 16-2508 POWERS AND JURISDICTION.**

(a) The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the zoning ordinance.

(b) The Board shall have the following specific powers:

(1) To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance;

(2) To interpret the provisions of this article in such a way as to carry out the intent and purposes of the adopted comprehensive city plan, and as shown upon the zoning district map fixing the several districts and accompanying and made a part of this article, where the street layout actually on the ground varies from the street layout as shown on the zoning district map;

(3) To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of

the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement of the lot and still clearly and unmistakably accomplish the intent of this article. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty; and

- (4) To hear and grant exceptions to district zoning regulations subject to § 16-2511.

**§ 16-2509 PROCEDURE.**

(a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the city or any governmental agency or body affected by any decision of the building official administering the provisions of this zoning ordinance.

(b) Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.

(c) Appeals and requests to the Board of variances and exceptions to this zoning ordinance shall be prepared and submitted on forms furnished by the city.

(d) After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in § 16-2507.

(e) Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the building official for action, if action is required.

(f) Any person, official or governing agency dissatisfied with any order or determination of the Board may bring an action in the District Court of the county to determine the reasonableness of any such order or determination.

**§ 16-2510 VARIANCES TO THIS ZONING ORDINANCE.**

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

(b) Variances shall include yard and height regulations only and are limited to the following.

(1) A yard regulation variance may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings.

(2) Ten feet in height may be allowed for each one foot of building setback in addition to the setback required by the district regulation in which the property is located.

(c) In granting a variance, the Board of Zoning Appeals must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The Board shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of this zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.

(d) In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from the building official. The Board may make such order, requirement, decision or determination as ought to be made, and to that end shall have the same powers as the building official from whom the appeal is taken. If the Board approves the variance, they shall notify the building official of their decision and shall instruct him or her to issue a permit. A time limit may be specified as a condition for granting the appeal.

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

#### **§ 16-2511 EXCEPTIONS TO THIS ZONING ORDINANCE.**

(a) Exceptions to this zoning ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.

(b) Prior to review of the request of an exception, by the Board of Zoning Appeals, the applicant shall:

(1) File an application on forms provided by the city;

(2) File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he or she has the lawful right to receive a conveyance thereof if the application is granted; and

(3) File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. The restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

(c) A plot plan shall be filed with the application showing:

(1) Legal dimension of the tract to be used;

(2) Location of all proposed improvements including curb-cub access, off-street parking and other such facilities as the applicant proposes to install;

(3) Grade elevations;

(4) Building setback from all property lines;

(5) Front, side and rear elevations of all improvements to be erected;

(6) Such perspective drawings of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed;

(7) Location and type of planting, screening or walls; and

(8) Such other items as the Board shall deem reasonably necessary to properly process the application.

(d) In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan of the city, and the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

(1) The stability and integrity of the various zoning districts;

(2) Conservation of property values;

(3) Protection against fire and casualties;

(4) Observation of general police regulations;

(5) Prevention of traffic congestion;

(6) Promotion of traffic safety and the orderly parking of motor vehicles;

(7) Promotion of the safety of individuals and property;

(8) Provision for adequate light and air;

(9) Prevention of overcrowding and excessive intensity of land uses;

(10) Provision for public utilities and schools;

(11) Invasion by inappropriate uses;

(12) Value, type and character of existing or authorized improvements and land uses;

- (13) Encouragement of improvements and land uses in keeping with overall planning; and
- (14) Provision for orderly and proper urban renewal, development and growth.

(e) Exceptions which may be authorized by the Board of Zoning Appeals are as follows:

(1) *In Districts "R", "R-1", "R-2" and "R-3".*

(A) Any public building erected on land used by any department of the city, county, state or federal government;

(B) Cemetery and crematory;

(C) Telephone exchange, electric substations and regulator stations or other public utilities;  
and

(D) Nursing homes and care homes for the aged or a tract of land three acres or larger.

(2) *In District "R-3".* Public and private parking lots on land adjoining a residential, university or commercial zone or a public or semi-public use, providing all of such land lies within 300 feet of the boundary of the zone, and further providing:

(A) The parking area is paved with concrete, asphalt or similar dust-free surface;

(B) The parking area is enclosed with a fence, wall or landscaped buffer area, as determined by the Board of Zoning Appeals, having a height of not less than four feet nor more than five feet. Such fence, wall or other enclosure shall be maintained in good condition by the owners and shall observe the front and side yard regulations of the district in which it is located;

(C) Any lights used to illuminate the parking area shall be so arranged as to reflect light away from adjoining residential district or districts; and

(D) A bond as specified in § 16-2512 shall be filed with the city to guarantee to the city that all improvements will be installed. The bond shall be enforceable by or payable to the city in a sum equal to the cost of constructing the off-street parking area, as estimated by the city.

(3) *In District "I-1".*

(A) Automobile wrecking yards, junkyards and scrap processing yards subject to the following:

(i) Located on a tract of land at least 300 feet from a residential district zone;

(ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge

shall be of uniform height (at least six feet high) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard;

(iii) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge, fence or within the public right-of-way; and

(iv) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done during daylight hours only.

(B) Stockyards and slaughter houses;

(C) Meat packing plants;

(D) Ready-mix concrete and asphalt mix plants;

(E) Storage of bulk oil and gasoline provided that such establishments meet the requirements of Fire Department regulations or any other safeguards required by the Fire Department; and

(F) Other uses which are not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

(f) In no instance may an exception or special use be allowed that grants a continuance of a nonconforming use.

**§ 16-2512 PERFORMANCE.**

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

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





## ARTICLE 26: AMENDMENTS

### Section

16-2601	Amendments
16-2602	Applications
16-2603	Filing fee
16-2604	Public hearing and notice
16-2605	Protest

### **§ 16-2601 AMENDMENTS.**

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

### **§ 16-2602 APPLICATIONS.**

Any party desiring any change in zoning district boundaries or regulations contained in this zoning ordinance, as to any lot, tract or area of land, shall file with the City Clerk an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing the application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all owners of any land located within 200 feet of the outer limits of the area to which the applicant desires change of zoning, or if the proposed amendments adjoins city limits, the names and addresses of all owners of land located within 1,000 feet in the unincorporated area.

### **§ 16-2603 FILING FEE.**

At the time of filing of an application for an amendment or a change in zoning, the applicant shall pay to the City Clerk a filing fee in the amount of \$200.  
(Ord. 1130, passed 12-22-1980)

**§ 16-2604 PUBLIC HEARING AND NOTICE.**

Before the Planning Commission shall, by proper action, formulate its recommendation to the governing body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the governing body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The Secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official city newspaper and at least 20 days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district and, if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice written notice of such proposed change shall be mailed to all the owners of land located within 200 feet of the area proposed to be altered or within 1,000 feet in an unincorporated area if the property adjoins city limits and an opportunity granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken.

**§ 16-2605 PROTEST.**

If a protest against such amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, the protest being duly signed and acknowledged by the owners of 20% or more of any real property proposed to be rezoned or by the owners of 20% of the area, excepting public streets and ways, located within the area required to be notified, such amendment shall not be passed except by at least three-fourths vote of the members of the City Council.

## **ARTICLE 27: VALIDITY**

Section

16-2701      Validity

### **§ 16-2701 VALIDITY.**

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



## **ARTICLE 28: SUBDIVISION REGULATIONS**

### Section

16-2801	Scope
16-2802	Same; exemptions
16-2803	Additional requirements

### **§ 16-2801 SCOPE.**

All plans, plats or re-plats or land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the city, shall be prepared, presented and recorded as prescribed in Articles 28 through 41 of this chapter and such articles shall be known as the “Subdivision Regulations for the City of Silver Lake”, as adopted by the governing body on October 11, 1978.  
(Ord. 2034, passed 1-16-2007)

### **§ 16-2802 SAME; EXEMPTIONS.**

The regulations contained herein shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts or other divisions of land for the purpose of sale or of building development, whether immediate or future, including the resubdivision or replatting of land or lots. Division of land for agricultural purposes in parcels or tracts of land of five acres or more, and not involving right-of-way for streets or easements shall be exempt from the requirements of these regulations.

### **§ 16-2803 ADDITIONAL REQUIREMENTS.**

The Planning Commission of the city shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require certain minimum regulations be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and value of the development within the subdivisions and the value of surrounding property.



**ARTICLE 29: APPROVALS NECESSARY FOR ACCEPTANCE OF  
SUBDIVISION PLATS**

Section

- 16-2901 Planning Commission, governing body consideration
- 16-2902 Recording plats

**§ 16-2901 PLANNING COMMISSION, GOVERNING BODY CONSIDERATION.**

All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the city's Planning Commission for its consideration. If the subdivision is approved by the Planning Commission shall submit the final plat to the governing body for its official consideration and action.

**§ 16-2902 RECORDING PLATS.**

The Register of Deeds shall not record any plat until such plat is approved by the Planning Commission and governing body and is signed by the Chairperson and Secretary of the Planning Commission and by the Mayor and City Clerk.





## ARTICLE 30: DEFINITIONS

Section

16-3001 Definitions

### § 16-3001 DEFINITIONS.

For the purpose of the subdivision regulations, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is 20 feet or less in width.

**APPROVED PUBLIC SANITARY SEWER SYSTEM.** A sewage disposal plant, main sanitary sewer lines and other lines approved by the city and/or the Board of County Commissioners of Shawnee County, Kansas, and by the Kansas State Department of Health.

**APPROVED PUBLIC WATER SYSTEM.** Water treatment plant and service lines approved by the city and by the Kansas State Department of Health.

**BLOCK.** A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks and the like, or a combination thereof.

**COMPREHENSIVE PLAN.** The duly adopted comprehensive plan for the development of the community which includes maps, charts, illustrations and texts for the following:

- (1) Land use studies;
- (2) Goals and objectives;
- (3) Population study and forecasts;
- (4) Economic base study;
- (5) Housing survey;

- (6) Major thoroughfare plan;
- (7) Central business district plan;
- (8) Community facilities and public utilities plan; and
- (9) General development plan.

**CUL-DE-SAC.** A street having one end open to traffic and permanently terminated by a vehicle turnaround.

**DESIGN.** The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way or easements for drainage and sanitary sewers, and the minimum lot area, width and length.

**EASEMENT.** A grant by the subdivider and/or property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

**FINAL PLAT.** A plan or map prepared in accordance with the provisions of these subdivision regulations and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of Shawnee County, Kansas.

**GOVERNING BODY.** The City Council of the City of Silver Lake, Kansas.

**IMPROVEMENT.** Streets and utilities that are to be constructed or are agreed to be constructed, by the subdivider on the land to be used for public or private use by the lot owners in the subdivision.

**LOT.** A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection.

**LOT, DOUBLE FRONTAGE.** A lot having a frontage on two nonintersecting streets.

**LOT, INTERIOR.** A lot other than a corner lot which has frontage on one street only.

**MAJOR THOROUGHFARE.** A street, highway or roadway designated as a major street in the approved comprehensive plan.

**MARGINAL ACCESS STREETS** or **FRONTAGE ROADS.** A minor street which is parallel and adjacent to a major street, highway or railroad right-of-way and provides access to abutting properties.

**PEDESTRIAN WAY.** A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

***PLANNING AREA.*** The City of Silver Lake, Kansas, and all land in Shawnee County lying outside the city, but within three miles of the city limits.

***PLANNING COMMISSION.*** The City Planning Commission of Silver Lake, Kansas.

***PRELIMINARY PLAT.*** A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. This map need not be based on accurate or detailed final survey of the property or lots in the subdivision.

***SECRETARY.*** Secretary of the Planning Commission.

***SETBACK LINE*** or ***BUILDING LINE.*** A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.

***STREET.*** A right-of-way, other than an alley, dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular and pedestrian access to adjacent properties.

***SUBDIVIDER.*** A person, firm, corporation, partnership or association who causes land to be subdivided for himself, herself or for others.

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



## ARTICLE 31: CLASSIFICATION OF SUBDIVISIONS

### Section

16-3101	Class "A"
16-3102	Class "B"
16-3103	Class "C"

### § 16-3101 CLASS "A".

All subdivisions located within the corporate limits of the city.

### § 16-3102 CLASS "B".

(a) All subdivisions adjoining or touching the corporate limits of the city.

(b) Any subdivision adjoining or touching the boundaries of a tract or area for which annexation proceedings have been commenced by the city.

(c) Any subdivision touching or adjoining an approved subdivision which touches or adjoins the corporate boundaries of the city.

### § 16-3103 CLASS "C".

A subdivision lying within the planning area that does not adjoin the city limit and that does not adjoin another subdivision that adjoins or touches the city limits.



## ARTICLE 32: REQUIREMENTS FOR EACH CLASS OF SUBDIVISION

### Section

- 16-3201 Utility requirements
- 16-3202 Other requirements

### § 16-3201 UTILITY REQUIREMENTS.

(a) In all classes of subdivisions, the area of the lots will be determined by the availability of an approved public sanitary sewer system and an approved public water system.

(b) The determination of whether or not an approved public sanitary sewer system and an approved water system are available in sufficient size and capacity to serve the subdivision shall be made in the following manner:

(1) A copy of the preliminary plat shall be sent to the City Water Department for a written report on the availability of an approved public water system; and

(2) A copy of the preliminary plat shall be sent to the City Engineer for a written report on the availability of an approved public sanitary sewer system.

### § 16-3202 OTHER REQUIREMENTS.

The following particular requirements are hereby made of each of the classes of subdivisions.

(a) *Class "A" and "B" subdivisions.*

(1) All Class "A" and "B" subdivisions served by an approved public sanitary sewer system and an approved water system shall be subject to Article 33 - Minimum Design Standards.

(2) The subdivider, landowner or developer having title to the land being subdivided as a Class "B" subdivision shall submit a petition for annexation to the city with his or her final plat.

(b) *Class "C" subdivisions.*

(1) If the proposed subdivision will be served with an approved public water system and an approved public sanitary sewer system, approval of the plat shall be subject to Article 33 - Minimum Design Standards.

(2) If the proposed subdivision will be served with an approved public water system, but not with an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks for each lot, the size of the lots shall be determined by soil percolation tests. The percolation tests shall be made by a registered professional engineer. In no case shall lots be less than one-half acre in size. The lots shall be so proportioned as to permit future replatting consistent with a good subdivision design. The optimum proportion of a one-half acre lot shall be 150 feet of frontage by 150 feet of depth.

(3) If the proposed subdivision will be served with an approved public sanitary sewer system, but not with an approved public water system, the preliminary plat shall be submitted on the basis of one-half acre lots and the lots shall be so proportioned that future platting will be consistent with good subdivision design. The optimum proportion shall be 150 feet of frontage by 150 feet of depth.

(4) If the proposed subdivision will not be served with an approved public water system or an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks and wells or other private water supply for the lots in the subdivision, the size of each lot shall be determined by soil percolation tests. The percolation tests shall be made by a registered professional engineer. In no case shall lots be less than two and one-half acres in size. The lots shall be so proportioned as to permit future replatting consistent with good subdivision design. The optimum proportion shall be 300 feet of frontage by 360 feet of depth.



## ARTICLE 33: MINIMUM DESIGN STANDARDS

### Section

16-3301	Blocks
16-3302	Streets, alleys and public ways
16-3303	Lots
16-3304	Easements

### § 16-3301 BLOCKS.

(a) *Length.* Intersecting streets, which determine block length, shall be provided at such intervals as to serve cross traffic and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that in outlying subdivisions a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 1,000 feet, pedestrian ways and/or easements through the block may be required by the Planning Commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet. Blocks for business uses should normally not exceed 600 feet in length.

(b) *Width.* In residential subdivisions, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

### § 16-3302 STREETS, ALLEYS AND PUBLIC WAYS.

(a) *Relations to adjoining street system.* The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining additions (or their projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Alleys, when required, and streets shall be arranged to permit owners of adjoining unsubdivided property to extend streets into the unsubdivided property. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated.

(b) *Street names.* Streets that are obviously in alignment with existing streets shall bear the names of the existing streets.

(c) *Major streets.* Major streets through subdivisions shall conform with the major street plan shown in the adopted comprehensive plan.

(d) *Minor streets.* Minor streets shall be so designed as to discourage through or non-local traffic.

(e) *Culs-de-sac.* Culs-de-sac shall be permitted when topography or ownership prevents normal subdivision of a tract or plat of ground. The cul-de-sac shall normally be no longer than 500 feet, including an adequate turnaround which shall be provided at the closed ends.

(f) *Right angle intersections.* Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, it may be permitted by the Planning Commission. The minimum allowable angle shall be 60 degrees.

(g) *Streets adjacent to a railroad right-of-way, limited access freeway or principal highway.* Where lots front or side, but do not back, on railroad rights-of-way, major streets or highways, a marginal access street or frontage road shall be provided, parallel and adjacent to the boundary of such right-of-way. The distance of the street from the right-of-way shall be determined with due consideration given to minimum distance required for approach connections to future grade separations or intersections.

(h) *Half-streets.* Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the approved major street plan and other requirements of these regulations.

(i) *Alleys.* Alleys shall be provided in commercial and industrial districts, except where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead end alleys shall be avoided. Alleys may be required in certain residential areas.

(j) *Minimum requirements.* All streets, alleys and public ways, included in any subdivision, hereafter dedicated and accepted, shall not be less than the minimum dimensions for each classification as follows:

<i>Classification</i>	<i>Width</i>
Major streets	
Arterials	80 feet
Collectors	70 feet
Local streets	60 feet
Culs-de-sac	60 feet and the turn-around shall have a radius of 60 feet

<i>Classification</i>	<i>Width</i>
Marginal access streets or frontage roads	
One-way	50 feet
Two-way	60 feet
Alleys	20 feet
Pedestrian ways	10 feet

(k) *Additional requirements.* When existing or anticipated traffic on arterial and/or collector streets warrants greater right-of-way width, the additional right-of-way shall be provided.

(l) *Drainage easements.* Drainage easements shall be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on the drainage areas. The width of such drainage easement shall be determined by the City Engineer.

(m) *Street grades.* The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.

(n) *Street alignment.* Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

(1) *Horizontal alignment.*

(A) Radii at the centerline.

Major streets	300 feet
Local streets	100 feet

(B) A tangent shall be provided between all reversed curves to provide for a smooth flow of traffic.

(2) *Vertical alignment.* All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance.

**§ 16-3303 LOTS.**

(a) The minimum lot width for interior lots shall be 70 feet. Corner lots shall have a minimum width of 90 feet in order to maintain a front yard on both streets. The lot width shall be measured at the building setback line.

(b) The minimum lot depth shall be 120 feet. The measurements shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.

(c) Minimum lot area shall be subject to be the zoning district regulations in which the subdivision is located.

(d) In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations in Article 32 - Requirements for Each Class of Subdivision.

(e) In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations in Article 32 - Requirements for Each Class of Subdivision.

(f) All side lot lines shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.

(g) Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.

(h) Every lot shall abut on a street other than an alley.

(i) Building or setback lines shall be shown on the preliminary plat and the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning ordinance.

(j) The subdivision or resubdivision of a tract or lot shall not be permitted where the subdivision or resubdivision places an existing permanent structure in violation of these subdivision regulations and/or the requirements of the zoning ordinance.

(k) No more than one principal building or use shall be located upon any platted lot or lot of record. Provided, however, that buildings or uses which are merely accessory may be located on the platted lot or lot of record together with the principal building or use.

#### **§ 16-3304 EASEMENTS.**

(a) Where alleys are not provided, permanent easements of not less than seven and one-half feet in width shall be provided on all rear lot lines, and on side lot lines where necessary, for utility poles, wires and conduits; sanitary sewers; gas, water and heat mains; and other public utilities. These easements shall provide for a continuous right-of-way at least 15 feet in width.

(b) A 12-foot temporary construction easement shall be provided on each side of the permanent easement required in division (a) above for initial construction of water, sewer and other utility lines.

(c) Where a lot or group of lots side or back on an existing high pressure oil line or existing high pressure gas line, a 75-foot easement shall be provided on each side of the oil line or gas line. The 75-foot easement shall be provided on that part of the lot which abuts the oil line or gas line and no building or structure shall be located or constructed within the 75-foot easement.



**ARTICLE 34: DEDICATION OR RESERVATION OF PUBLIC SITES  
AND OPEN SPACES**

Section

16-3401      Dedication or reservation of sites

**§ 16-3401 DEDICATION OR RESERVATION OF SITES.**

In subdividing land, due consideration shall be given by the subdivider to the dedication or reservation of sites for schools, parks, playgrounds and other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendation in the approved comprehensive plan and to the recommendations of the board of education. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education shall be submitted by the subdivider indicating whether or not a school site in the proposed subdivision is desired.





## **ARTICLE 35: PRE-APPLICATION**

### Section

16-3501 Pre-application procedure

### **§ 16-3501 PRE-APPLICATION PROCEDURE.**

Prior to the filing of the preliminary plat, the subdivider shall contact the city to determine:

- (a) Subdivision requirements;
- (b) Procedure for filing his or her plat;
- (c) Availability of an approved public sewer system and public water system;
- (d) Comprehensive city plan requirements for the major streets, land use, parks, easements, schools and public open spaces; and
- (e) Zoning requirements for the property being subdivided and adjacent properties.



## ARTICLE 36: PRELIMINARY PLATS

### Section

- 16-3601 Submission of preliminary plat
- 16-3602 Same; data to be shown
- 16-3603 Approval or disapproval of the preliminary plat

### § 16-3601 SUBMISSION OF PRELIMINARY PLAT.

After reaching the preliminary conclusions regarding the requirements of the proposed subdivision, the subdivider shall submit a preliminary plat together with supplementary information to the Secretary of the Planning Commission.

(a) *Filing fee.* A filing fee of \$150, together with \$1 for each lot within the proposed subdivision, shall accompany the filing of each preliminary plat. Such fee shall not be refundable without action of both the Planning Commission and the governing body.

(b) *Number of copies.* The subdivider shall submit ten copies of the preliminary plat, and ten copies of a vicinity map if the vicinity map is not on the preliminary plat, showing the location of the proposed subdivision. These plans shall be filed with the Secretary at least 20 days prior to the regular Planning Commission meeting at which the preliminary plat is to be considered.

### § 16-3602 SAME; DATA TO BE SHOWN.

(a) The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivision;

(b) The location of the boundary lines of the subdivision and reference to the section or quarter section lines and corners;

(c) The name and address of the developer, and the name of the surveyor, landscape architect or architect who prepared the plat;

(d) Scale of the plat, one inch equals 100 feet or larger;

(e) Date of preparation and north point;

(f) Existing conditions.

(1) Location, width and name of platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat;

(2) All existing sewers, water mains, gas mains, culverts or other underground installations, within the proposed subdivision, or adjacent thereto, with pipe sizes, manholes, grades and locations, shall be shown;

(3) Names of adjacent subdivisions, together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown; and

(4) Topograph with contour intervals of not more than five feet, referred to city or U.S.G.S. datum, shall be shown; also, location of watercourses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision shall be shown.

(g) The general arrangement of lots and their approximate size;

(h) Location and width of proposed streets, alleys, pedestrian ways and easements;

(i) The general plan of sewage disposal and water supply, in areas where approved public sewer and/or water systems are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and/or water system proposed;

(j) Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use; and

(k) General layout of adjacent unsubdivided property to show how streets and other public facilities, in the proposed subdivision, relate to the unsubdivided property.

### **§ 16-3603 APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT.**

Action by the Planning Commission shall be conveyed to the subdivider in writing within ten days after the official Planning Commission meeting at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of one year, unless an extension is granted by the Planning Commission. If the final plat has not been submitted for approval, within this specified period, a preliminary plat must be submitted again to the Planning Commission for approval.

**ARTICLE 37: FINAL PLAT**

Section

16-3701	Submission requirements
16-3702	Filing fee
16-3703	Information

**§ 16-3701 SUBMISSION REQUIREMENTS.**

(a) After approval of the preliminary plat, the subdivider shall submit a final plat for recording purposes, to the Secretary of the Planning Commission.

(b) The original (on Mylar, tracing cloth or similar material) and ten prints thereof shall be submitted to the Secretary of the Planning Commission at least 20 days prior to the Planning Commission public hearing.

(c) The names and signatures of owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.

(d) The final plat, prepared for recording purposes, shall be drawn at a scale of at least one inch equals 100 feet or larger. The size of the sheet on which such final plat is prepared shall be 22 inches by 36 inches.

**§ 16-3702 FILING FEE.**

A filing fee of \$50 shall accompany the final plat.

**§ 16-3703 INFORMATION.**

The final plat shall show and contain the following information:

(a) Name of subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision. The subdivision name shall be as approved by the Planning Commission and/or governing body on the preliminary plat;

- (b) Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must mathematically close. The allowable error of closing on any portion of the plat shall be one foot in 5,000 feet;
- (c) The location of monuments shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments;
- (d) The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet and with the length of radii on all curves and other information necessary to reproduce the plat on the ground. Dimensions from all curves shall be shown to lot lines;
- (e) Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. All lots, however designated, shall be numbered in progressive numbers or by blocks in which they are situated, and their precise length and width shall be stated on the map or plat;
- (f) The exact locations, widths and names of all streets to be dedicated;
- (g) Location and width of all easements and alleys to be dedicated;
- (h) Boundary lines and description of the boundary lines of any area, other than streets and alleys, which is to be dedicated or reserved for public use;
- (i) Building setback lines on the front and side streets with dimensions;
- (j) Name and address of the developer and the registered professional engineer who prepared the plat;
- (k) Scale of plat (scale to be shown graphically and in feet per inch), date of preparation and north point;
- (l) Statement dedicating all easements; and
- (m) Statement dedicating all streets, alleys and all other public areas not previously dedicated.

**ARTICLE 38: EXTENT AND MANNER OF CONSTRUCTING  
OR INSTALLING PHYSICAL IMPROVEMENTS**

Section

16-3801 Required improvements

**§ 16-3801 REQUIRED IMPROVEMENTS.**

As a condition to the approval of a final plat, the subdivider shall agree to install the following improvements.

(a) *Streets*. Streets shall be surfaced with concrete, asphaltic concrete or materials approved by the city and shall include the curb and storm sewer inlets.

(b) *Water*. Where an approved public water system is proposed to serve the subdivision, the water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the city.

(c) *Sewers*. Where an approved public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. The system of mains and laterals shall collect the sewage within the subdivision and discharge it into a community disposal system approved by the city and State Department of Health.

(d) *Street signs*. Street signs will be supplied and erected by the city.

(e) *Electricity*. Poles, power lines, transformers and street lights shall be installed and paid for in accordance with policies established by the city.

(f) *Sidewalks*. Sidewalks shall be installed on both sides of all streets and shall have a minimum width of five feet.

(g) *Other improvements*. If other improvements are required, such as tree planting, retaining walls, drainage structures and the like, such improvements shall be made in accordance with the recommendations of the Planning Commission and specifications of the city.

(h) *Construction financing.* In lieu of construction of the above required public improvements the governing body may, prior to the approval of the final plat, accept one of the following alternate methods of financing:

(1) A corporate surety bond, cashier's check, escrow account or other like security, in an amount to be fixed by the governing body and conditioned upon the actual completion of such work or improvements within a specified' period. The governing body may enforce such bond by all equitable remedies; or

(2) A petition properly executed by the property owners, may be presented to the governing body for approval. If the governing body approves the petition, the improvements will be installed by the governing body and the cost will be assessed against the subdivided property.



## **ARTICLE 39: VARIANCES AND EXCEPTIONS**

### Section

16-3901      Variances and exceptions

#### **§ 16-3901 VARIANCES AND EXCEPTIONS.**

(a) Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape, or is subject to or is affected by such topographical location or conditions, or is to be devoted to such usage, that full conformity to the provisions of these regulations is impossible or is impractical, the Planning Commission may recommend to the governing body, by letter, that the governing body authorize a variance or exception in the final plat so that substantial justice may be done and the public interest secured.

(b) In recommending such variance or exception, the Planning Commission shall find the following:

- (1) There are special circumstances or conditions affecting the property;
- (2) The variance or exception is necessary for the reasonable and acceptable development of the property in question; and
- (3) The granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.



## **ARTICLE 40: MISCELLANEOUS PROVISIONS**

### Section

16-4001	Zoning permits
16-4002	Recording
16-4003	Certifications required on the final plat
16-4004	Issuance of zoning compliance permits and occupancy permit

### **§ 16-4001 ZONING PERMITS.**

After the date of the adoption of these subdivision regulations by the Planning Commission and governing body, no zoning compliance permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided, unless approved in the manner as provided for in these subdivision regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this subdivision regulation.

### **§ 16-4002 RECORDING.**

No plat or replat or dedication or deed of a street or public way shall be filed with the Register of Deeds, as provided by law, until such plat or replat or dedication or deed shall have endorsed on it the fact that it has been submitted and approved by the Planning Commission and by the governing body.

### **§ 16-4003 CERTIFICATIONS REQUIRED ON THE FINAL PLAT.**

(a) When the final plat is approved certifications shall be made on the final plat, signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted. The original and ten copies of the plat submitted shall carry the signatures of the owner or owners or corporation and shall be duly notarized by a notary public.

(b) A registered professional engineer shall sign and place his or her seal on the final plat certifying that the physical and mathematical details on the plat are correct.

(c) Certificate of official approval of the final plat shall provide for date and signature of the following:

- (1) Chairperson and Secretary of the Planning Commission;

- (2) City governing body to be signed by the Mayor and attested by the City Clerk;
- (3) Board of County Commissioners (when required by state law) - to be signed by two members and the Chairperson;
- (4) Entry for the date and transfer of record with space for the signature of the County Clerk;  
and
- (5) Space for the recording of the instrument and the name of register of deeds.

**§ 16-4004 ISSUANCE OF ZONING COMPLIANCE PERMITS AND OCCUPANCY PERMIT.**

(a) *Zoning compliance permits.* No zoning compliance permit shall be issued for improvements in any area for which a final plat has been filed if such improvements do not comply with the requirements of the final plat.

(b) *Occupancy.* No building constructed in any area for which a final plat has been filed shall be occupied in any manner until the building inspector is satisfied that the building or buildings comply with all applicable requirements of the building code and all other requirements of law applicable thereto, and until the building inspector has made a determination that the building construction and all improvements required by the governing body for approval of the final plat have been completed in the entire platted area in conformity with the final plat, or, in lieu thereof, a corporate surety bond, cashier's check, escrow account or other security in an amount to be fixed by the governing body is given; provided, that if all required improvements have been completed which serve that lot for which the occupancy permit is sought, the occupancy permit shall be issued.

**ARTICLE 41: SUPPLEMENTARY DOCUMENTS AND INFORMATION TO  
ACCOMPANY THE FINAL PLAT**

Section

16-4101 Required supplementary documents and information

**§ 16-4101 REQUIRED SUPPLEMENTARY DOCUMENTS AND INFORMATION.**

(a) Two prints of three line profiles of streets to be dedicated, indicating the grades thereon, shall be required by the Planning Commission for plats submitted where street grades are more than 5%.

(b) Certificate stating that all taxes and encumbrances have been paid shall be submitted with the final plat.

(c) If private restrictions are to be filed affecting the subdivision or any part thereof, two copies shall be submitted to the Planning Commission with the final plat.



## **ARTICLE 42: FLOODPLAIN ZONING**

### Section

16-4201 Floodplain zoning regulations incorporated

### **§ 16-4201 FLOODPLAIN ZONING REGULATIONS INCORPORATED.**

(a) Pursuant to the provisions of K.S.A. 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the City of Silver Lake, Kansas, all of the zoning regulations contained in that document thereafter known and referred to as the “Floodplain Management Ordinance for the City of Silver Lake, Kansas”, which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

(b) No fewer than three copies of the Floodplain Management Ordinance for the City of Silver Lake, Kansas, shall be marked or stamped “Official Copy as incorporated by Ord. 2174 of the City of Silver Lake, Kansas”, and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours, provided that such official copies may not be removed from City Hall. All City of Silver Lake officials requiring the use of the Floodplain Management Ordinance for the City of Silver Lake, Kansas, shall be supplied, at the expense of the City of Silver Lake, such number of official copies of such ordinance as may be deemed expedient by the governing body.

(Ord. 2174, passed 6-20-2011)

