

## ARTICLE 3. GENERAL PROVISIONS

### 100 Activities Governed by these Regulations.

- A. New Structures. All structures built hereafter shall comply with all of the provisions of these regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage, by any means, shall be considered to be a structure built hereafter, unless Article 8 of these regulations permits such structures to be rebuilt or restored.
- B. New Uses of Old Structures. If a use of any structure is hereafter changed to another, then the new use must comply with the use regulations of these regulations, unless permitted by provisions in Article 8. The mere establishment of the new use does not require an existing structure to conform to the lot size requirements or the bulk regulations.
- C. Structural Alterations. If any structure is hereafter structurally altered as defined in Section 2-102:
  - 1. The entire structure as altered shall comply with the use regulations of these regulations.
  - 2. Any alterations, enlargements or additions to the structure shall comply with the bulk regulations of these regulations, except as permitted by Section 8-102B for nonconforming structures.
  - 3. The off-street parking facilities shall not be reduced below or if already less than, shall not be further reduced below the requirements applicable to a similar new structure or use.
- D. Uses of Open Land. If any use of open land is hereafter established or if any use of open land is hereafter changed to another use, such new use shall comply with all the provisions of these regulations, unless permitted by Sections 8-103 and 106.
- E. Exemptions. The following structures and uses shall be exempt from the provisions of these regulations:
  - 1. Poles, wires, cables, conduits, vaults, lift stations, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including major utility substations located on or above the surface of the ground. (See Section 3-103G for lot size and bulk regulations for utility facilities.)
  - 2. Railroad tracks, signals, bridges and similar facilities and equipment located on railroad rights-of-way, and maintenance and repair work on such facilities and equipment.
  - 3. Buildings, structures or land used, but not just leased, by the federal government.

4. Use of land for agricultural purposes as defined in Section 2-102 both inside and outside the City, including buildings and structures thereon which are not in a designated floodplain. When any structure or land ceases to be used only for agriculture, then it shall be subject to the applicable provisions of these regulations.
5. Drilling and operation of oil and gas wells outside the City.

101 Districts, Zoning Maps and Boundaries.

- A. Establishment of Districts. The zoning jurisdiction is hereby divided into the districts as described in Article 4. Reference to "agricultural district" shall mean that district in which the primary use, although exempted, is for agricultural purposes. References to "residential districts" shall mean those districts in which residential uses are the main permitted use. References to "business districts" shall mean those districts in which commercial uses are the main permitted uses. References to "industrial districts" shall mean those districts in which industrial uses are the main permitted use. The "planned unit development district" and the "floodplain regulated areas" are considered as overlay zones to be used in conjunction with the other districts.
- B. Zoning Maps.
  1. The boundaries of the districts described in Article 4 are as indicated on the Official Zoning Map(s) which is on file with the Zoning Administrator and identified on its face as part of these regulations. The zoning map(s) with all notations, references and other matters shown thereon is as much a part of these regulations as if specifically set forth herein. (See Section 9-100A9 for zoning map(s) certificate and revisions.)
  2. It is the intent of these regulations that the entire area of the zoning jurisdiction, including all the land and water areas, rivers, streets, alleys and railroads and other rights-of-way, be included in the districts established in these regulations. Any area not shown on the zoning map(s) as being included in any district shall be deemed to be in the most restrictive district.
- C. Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the Official Zoning Map(s), the following rules shall apply:
  1. Where boundary lines are indicated as approximately following roads, streets, alleys, easements, railroads, rivers, streams or lakes, such boundaries shall be construed as following the centerlines thereof, unless otherwise indicated.
  2. Where boundary lines are indicated as approximately following lot lines; or section, half-section or quarter-section lines; such lines shall be construed to be said boundaries.
  3. Where the district boundaries do not coincide with the location of

boundaries as stated in Sections 3-101C1 or 2 above, the district boundaries shall be determined by the use of the scale shown on the zoning map, unless an exact distance is shown.

- D. Zoning of Rights-of-Way. All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

## 102 General Requirements for All Zoning Districts.

- A. Permitted Uses. No structure shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located or provided for otherwise in these regulations.
- B. Special Uses. No use of a structure or land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use in such district, unless a special use is approved in the same manner as for an amendment to a zoning district. The latter procedure is set forth in Section 11-101 with the additional requirement that all conditions further imposed upon the special use be made a part of the effectuating ordinance.
- C. Conditional Uses. No use of a structure or land that is designated as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district, unless a conditional use as an exception is approved by the Board of Zoning Appeals as provided for in Section 10-108.
- D. Lot Sizes.
  - 1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied, arranged or designed for use of occupancy on a zoning lot, unless otherwise provided for in these regulations, which in its district is:
    - a. Smaller area than the minimum area or minimum lot area per dwelling unit required;
    - b. Narrower than the minimum lot width required; or
    - c. Shallower than the minimum lot depth required.
  - 2. Where independent dwelling units are to be sold as condominiums, minimum lot size requirements shall not apply to each individual ownership, but shall be applied collectively to the common open space surrounding the structure(s) such that the total open space is an aggregate of the

minimum lot area required for each dwelling unit; however, the minimum lot width and depth for the district shall be applied to the entire zoning lot.

- E. Bulk Regulations. In these regulations, bulk requirements are expressed in terms of maximum structure height, maximum lot coverage, minimum setbacks and minimum front, side and rear yards.
1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy:
    - a. That would exceed the maximum lot coverage percentage or the maximum structure height specified for the zoning district in which the structure is located, unless exempted by the definition of maximum height, or
    - b. That would provide any minimum setback of a front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained, except as front yard setbacks may be applied in Sections 3-103B and C and front and side yard setbacks for nonconforming structures and uses in Article 8.
  2. Where independent dwelling units are to be sold as condominiums, bulk regulations shall not apply to each individual ownership, but shall be applied to the entire zoning lot.
- F. Use Limitations. No permitted, special or conditional use hereafter established, altered, extended, enlarged or moved shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is or will be located. No permitted, special or conditional use already established on the effective date of these regulations shall be altered, extended or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located. (See Sections 8-102, 103 and 106.)
- G. Off-Street Parking and Loading. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off-street loading space required by Article 5 are provided. No structure or use already established on the effective date of these regulations shall be enlarged, unless the minimum off-street parking and loading space which would be required by Article 5 are provided.
- H. Accessory Structures or Uses. No accessory structures or use, as defined in Article 6, shall hereafter be built, altered, extended, enlarged or moved, unless such accessory structure or use is permitted by Article 6.

- I. Temporary Structures or Uses. No temporary structure or use shall hereafter be built, altered, extended, enlarged or moved, unless such temporary structure or use is permitted by Article 6 of these regulations.
- J. Home Occupations. No home occupation, as defined by Article 6, shall hereafter be established, altered, extended, enlarged or moved in any residential district, unless such home occupation complies with the permitted uses, conditions and use limitations as provided for in Article 6.
- K. Signs. No signs shall hereafter be built, and no existing signs shall be altered, enlarged or moved, unless such sign complies, or will thereafter comply, with the restrictions imposed by Article 7.

### 103 Miscellaneous Requirements.

- A. Number of Structures and Uses on a Zoning Lot.
  - 1. Whenever a zoning lot is used for a single-family detached or attached dwelling, two-family dwelling or any type of manufactured or mobile home, only one principal structure and use may be located on the lot, but only when the structure and use conform to all requirements of the district in which the lot is located.
  - 2. Whenever a zoning lot is used for other than a residential unit as described in Section 3-103A1 above, more than one principal structure and use may be located on the lot in common ownership, but only when the structures and uses conform to all requirements of the district in which the lot is located.
  - 3. Whenever any structures are developed as condominiums, more than one principal structure may be located on the lot; provided, the definition of a condominium in Section 2-102 is met as well as the requirements of Sections 3-102D2 and E2.
- B. Platted Building Setback Lines. If a recorded subdivision plat imposes a building setback line or a front yard for a lot which is different from the minimum setback or yard required by the applicable section of these regulations, then, notwithstanding any other provision of these regulations, the minimum building setback or front yard shall be the same as that shown on such subdivision plat; provided, that it has been recorded and not otherwise been officially vacated.
- C. Average Setback in Existing Residential Districts.
  - 1. On streets where a front yard more than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of

the existing structures; provided, that these regulations shall not be interpreted to require a front yard setback of more than 50 feet.

2. On streets where a front yard less than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, the front yard setback need not be greater than the average setback of the existing structures; provided, that these regulations shall not be interpreted to permit a front yard setback of less than 15 feet, however, in the case of the entrance side of a garage, the setback shall not be less than 18 feet.
- D. Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side and rear yards that would otherwise be required for the zoning lot shall be provided and maintained, unless some other provision of these regulations requires or permits a different minimum front, side or rear yard. Such yards shall not be required on zoning lots used for open public recreation areas.
- E. Restrictions on Allocation and Disposition of Required Yards or Open Space.
1. No part of the lot area, or of a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or of a yard, or open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.
  2. All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with these regulations shall be located on the same zoning lot as such structure or use.
  3. No part of the lot area, or of the yard, other open space, or off-street parking or loading space provided in connection with any structure or use, including but not limited to any structure or use existing on the effective date of these regulations or of any amendment thereof, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for the equivalent new construction.
- F. Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in a required yard:
1. In all yards: Open terraces or patios not over four feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or patio; awnings; canopies including underlying islands for petroleum pumps; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley including access to conform to the standards of the federal Americans with Disabilities Act of 1990 as

incorporated into state statutes; one story bay windows and overhanging eaves and gutters projecting 36 inches or less into the yard; chimneys, window wells, wing walls, and daylight windows projecting 36 inches or less into the yard; arbors and trellises; flagpoles\* and basketball goals; ornamental light or gas fixtures; parking, when permitted by Article 5; accessory and temporary uses, when permitted by Article 6; signs, when permitted by Article 7; and when otherwise specifically permitted by the district regulations. Private garages, carports, patio covers, porches, and decks are not permitted obstructions.

2. In any yard except a front yard: Accessory uses; children's recreational and laundry drying equipment; and open and closed fences not exceeding six feet in height.
3. Fences in a front yard: In any agricultural district, no limitation or permit required. In all residential districts, application may be made for a conditional use to the Board of Zoning Appeals for all types of fences consistent with proper safety and aesthetic concerns. In any business district, application may be made for a conditional use to the Board of Zoning Appeals for all types of fences. In any industrial district, open and closed fences are permitted which do not exceed eight feet in height. Additional security design measures may be placed above the allowed eight feet.
4. Construction standard for all fences: No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.
5. Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences in all yards and in any district if the Board finds that the public welfare is preserved.

G. Lot Size Requirements and Bulk Regulations for Utility Facilities.

Notwithstanding any other provision of these regulations, none of the following utility or communications facilities shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located, except as may be determined by the Board of Zoning Appeals where a conditional use is required in certain districts and by subsection three of the definition for height, maximum in Section 2-102:

1. Communications structures
2. Electric and telephone substations.
3. Gas regulator stations.
4. Pumping stations.
5. Water towers or standpipes.

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Flags, when flown, shall be subject to the requirements of Public Law 94-344, 94<sup>th</sup> Congress. S.J. Res. 49. Flagpoles are subject to the applicable zoning district height restrictions and may not be located within vision triangles. Flag size shall be such that no obstruction to sight lines is created for any vehicle entering, exiting, or driving upon any public thoroughfare.

- H. Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.
- I. Annexed Land. All land which may hereafter be annexed to the City shall remain in its current county zoning classification until such time as the property owner, Planning Commission or Governing Body may file an application for rezoning to a City zoning classification. The Planning Commission may initiate an application(s) to determine the proper zoning. Rezoning may also be considered during the process of annexation. While the Planning Commission may hold their required public hearing on a rezoning amendment or a special use prior to annexation, the zoning ordinance approving the amendment or special use cannot be effectuated until the land is first officially annexed by a separate annexation ordinance. While both ordinances may be published on the same day, the annexation ordinance must be published first if they are published on separate days. (See Appendix for Table of Comparability of Zoning Districts.)
- J. Sewer and Water Facilities. All principal structures built hereafter within the City limits and on adjacent zoning lots shall be served by and connected to the City's sewer and water system, if such facilities can be feasibly provided as may be determined by the Governing Body.
- K. Dedication of Rights-of-Way and Easements. As a condition related to a rezoning amendment or a special use, the dedication of additional street rights-of-way; easements for utilities, drainage, access control, fire lanes, building setback lines and other purposes; and the construction, removal or replacement of public improvements necessary to the proper development of the property, may be required either by platting or replatting the land according to the City Subdivision Regulations or, in lieu of platting, by a legal document effectuating such dedications and improvements. Such condition may be required whether the property is being divided or held in single ownership. A stated time limit not exceeding one year may be established to ensure compliance with the above conditions during which time the effectuation of the zoning amendment or special use having been approved with such conditions by the Governing Body shall be withheld from publication by the Clerk. Failure to comply with the conditions during the stated period shall result in making the zoning amendment or special use null and void. No extension of the time period may be granted without reapplication.
- L. Floodplain Requirements. Within any floodplain area as delineated by the Federal Emergency Management Agency, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved under these regulations, unless it also complies with the Floodplain Regulations. (See pages A-25 to A-45 for Floodplain Regulations.)
- M. Moving Structures. No structure shall be moved into the Zoning Jurisdiction, nor from one location to another location within the Jurisdiction, unless such structure shall, when relocated, be made to conform fully with these regulations and other applicable codes of the City including any building



codes. No zoning permit shall be issued, unless in the opinion of the Zoning Administrator the height, age, architectural style and texture of the materials pertaining to the outward appearance of such structure reasonably conform to other buildings in the block or surrounding area to which it is to be moved and in the block or area opposite, to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties. (See City Code on moving structures.)

- N. Replacement or Location of Manufactured/Mobile Homes. Notwithstanding other provisions of these regulations, the Zoning Administrator is authorized to issue a zoning permit for a manufactured/mobile home under the following provisions; except, that all such homes must meet the floodplain regulation requirements and none may be replaced in a floodway overlay boundary:
1. Wherever a manufactured/mobile home is moved from a zoning lot within a district in which it is a permitted use, another manufactured/mobile home meeting the requirements of the district may be moved onto the lot at any time; provided, such home is skirted or placed on a permanent-type, enclosed perimeter foundation.
  2. In the case of a lawful, nonconforming manufactured/mobile home use, such a move must take place within 180 days from the date that the previous manufactured/mobile home was moved off the lot, otherwise such use shall not thereafter be reestablished and, when so moved in, shall be skirted or placed on a permanent-type, enclosed perimeter foundation. In reestablishing such a home use, any existing nonconforming lot size requirements or bulk regulations shall not be increased in nonconformity and no newly acquired land can be used for placement of such a home.
  3. No manufactured/mobile home, or portion thereof, shall be moved onto any lot or parcel for storage purposes in any district and no such home shall be temporarily located in any district not otherwise permitting such homes. These provisions do not preclude the use of prefabricated mobile structures for offices in business or industrial districts, but not manufactured/mobile homes unless specifically permitted.
  4. In the event of disasters, such as fires, tornados or floods, whereby expediency is an important factor, a manufactured/mobile home may be located temporarily in an agricultural district only at the discretion of the Zoning Administrator with appropriate conditions attached and for a stated period of time.
  5. Where an unusual hardship is shown, the Board of Zoning Appeals may approve a conditional use in the agricultural district only for a manufactured/mobile home as an accessory use to be located on a lot or tract with an existing dwelling for a stated period of time. A time period may be extended upon request to the Board of Zoning Appeals without further notice or fee.
  6. As an accessory use to a principal residential building under construction or reconstruction for not more than 18 months in any agricultural district only. Such manufactured/mobile home must be removed from the premises at the end of the permitted period or at the

end of the construction period, whichever occurs first, unless a renewal of the permit is approved.

7. As an accessory use to a principal farm dwelling on agricultural land as defined herein for outside the City, application may be made to the Board of Zoning Appeals for a conditional use for locating a manufactured/mobile home with such an existing dwelling for additional assistance on the farm or ranch. No zoning permit is required; however, a certificate of compliance is necessary to determine the status of the land for the agricultural exemption. (See Section 2-102 for definition of AGRICULTURE (Outside the City).)

0. Vision Triangle. On all corner lots in all districts, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved after the effective date of these regulations unless it also conforms to the requirements of the vision triangle as defined by Section 2-102.

104 Screening and Landscaping. Screening and/or landscaping shall be provided when a zoning permit is issued on all properties developed for multiple-family, manufactured home park and all nonresidential uses when such uses are established on property within or adjacent to any residential districts in accordance with standards and procedures as listed below. In anticipation of a need for screening, such matters are proper subjects to be discussed and, if deemed desirable, decided at any hearing for a zoning district amendment or a special use. In addition to the requirement for screening as stated above, screening may further be required at such a hearing to preserve the value of an existing use or the potential for future development of any adjacent land or land across a right-of-way.

- A. Screening shall be provided along all side or rear lot lines adjacent to such residential districts.
- B. Landscaping shall be provided along a front lot line to the depth of at least 10 feet whenever such front lot line is adjacent to or across from such residential districts. No other uses except driveways and signs as permitted by Article 7 shall be allowed in such a landscaped area.
- C. Screening shall be provided on all required development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor display, outdoor working areas, parking spaces and similar uses from such residential districts.
- D. Screening on the side or rear lot line may be reduced in height and intensity in the front yard area extending to the front lot line, i.e., the street right-of-way; however, screening shall not be required along such lot lines in that portion of the front yard which may be landscaped.
- E. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.

- F. Screening may consist of fencing and/or landscaping provided that such screening will serve to adequately reduce:
  - 1. The visual effects on the environment caused by adjacent nonresidential or higher density residential uses;
  - 2. Noise;
  - 3. Lighting;
  - 4. Glare; and
  - 5. Blowing trash.
- G. All screening and landscaping shall meet the requirements of the vision triangle in Section 3-103 0.
- H. Landscaping along the front lot line shall involve bringing the soil surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.
- I. The location of plantings shall reasonably avoid future conflicts at mature growth with public utilities, signage and lighting.
- J. Irrigation shall be provided to aid in establishment and maintenance of plantings in plant beds. When using timed or automatic irrigation systems, it is recommended to include a rain sensor device. (NOTE: This paragraph excluded by Ordinance 3016, included in the appendix.)
- K. The selection of landscape materials shall consider the "mature" growth and habit of such plants so that vegetation will not overhang or obstruct the public street or a sidewalk area in such a manner as to conflict with pedestrian and vehicular access.
- L. The type of fencing should be compatible with the kind and intensity of the land use and the architectural style of the development and adjacent properties.
- M. Whenever such screening is required, a screening plan for the area shall accompany the application for a zoning permit. Such plan shall be transmitted to the Planning Commission for their review and approval prior to the issuance of the zoning permit.
- N. The screening plan shall be in such detail as to provide enough information to determine if the plan meets the above criteria. Such plan shall contain the location, type and height of any fence and the location, mature size and the type of any plant materials along with their common and botanical names. The sizing, grading and condition of the plant materials shall be specified according to the American Association of Nurserymen Standards.
- O. The Planning Commission may, in its discretion, temporarily or permanently waive the requirements for screening and/or landscaping if:
  - 1. The adjacent land use in the residential district may not necessitate nor benefit from such a requirement; or
  - 2. The adjacent land use may already have provided adequate screening for which additional screening may be a duplication; or

3. The future land use for the adjacent area can not readily be determined at this time and that upon mutual agreement of the Planning Commission and the applicant, that the requirements may be waived and the matter reviewed at a specified date in the future. In the meanwhile, the Planning Commission shall require that either a letter of assurance or a covenant be submitted to run with the land; or a guarantee in the form of a corporate security bond, cashier's check, escrow account or other security be submitted to ensure that such requirements will be met when a determination is made. The Planning Commission may determine the sufficiency of the assurance based on the length of time anticipated before a decision, the size and cost of the potential work involved, and the need to ensure that the requirement is met regardless of any change in ownership.
  4. Section 3-104M3 above shall not prevent the Planning Commission from requiring temporary screening on all or a portion of a side or rear yard wherein a nonresidential use is proposed for development adjacent to an existing single-family dwelling and thereby a potential nuisance or hazard may be created for the homeowner.
- P. All plant materials shall be healthy and/or fencing in place prior to issuance of an occupancy certificate. A temporary certificate may be issued as provided for in Section 9-101B2 without the landscaping installation; provided, written assurances are given which are satisfactory to the Zoning Administrator that the planting will take place when the proper season arrives.
- Q. Maintenance.
1. It shall be the responsibility of the property owner to maintain in good condition all of the required screening and landscaping improvements on his property. When it is determined by the Zoning Administrator that improvements required by Section 3-104 are not being maintained, it is his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with any of the requirements of the notice, may file an appeal under Section 10-106 within the 30-day filing period with the Board of Zoning Appeals.
  2. If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board, then the Zoning Administrator shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Administrator to the Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.
- R. To assist in reviewing screening and landscape plans, the Planning Commission may, from time to time, adopt design criteria in the form of policy statements which may include illustrations.

105 Site Plan Approval. The purpose and intent of requiring site plan approval before the start of construction is to encourage the compatible arrangement of buildings, off-street parking and loading, outdoor display and/or storage, trash disposal, lighting, signage, landscaping, screening, vehicular and pedestrian access and drainage on and from the site, any or all of these in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.

- A. Applicability. All principle land uses shall submit site plans for approval by the Planning Commission except single-family dwellings and duplexes, unless the latter are arranged in courtyard or grouped settings. Such plans are applicable to all new developments, as well as major alterations to an existing site which intensify factors that affect the overall design relationships as may be determined by the Planning Commission. Minor revisions to the plans due to unforeseeable circumstances discovered by the applicant during the implementation of a plan may be approved by the Zoning Administrator after the initial plan approval by the Planning Commission. Site plans may be considered concurrently with applications for rezoning amendments and special uses.
- B. Enforcement and Appeal. No zoning permit shall be issued by the Zoning Administrator until the related site plan is approved by the Planning Commission. Anyone aggrieved by a decision of the Planning Commission may appeal to the Board of Zoning Appeals within 30 days after the issuance of the zoning permit for a determination based on the reasonableness of the conditions attached to the permit. Notification shall be given in the same manner as required for an appeal case to the Board of Zoning Appeals. (See Section 10-103.)
- C. Fee. Processing fee is included in the fee schedule.
- D. Submittal Time and Review Comments. Site plans shall be submitted to the Zoning Administrator 15 days before a regular Planning Commission meeting so that they can be distributed to interested parties for review and the resulting comments summarized by the Zoning Administrator for a report to the Planning Commission.
- E. Number of Plan Copies. A minimum of 15 copies are needed for proper review.
- F. Site Plan Requirements: Depict the following information where relevant to the particular site plan and label accordingly:
  - 1. Oriented to north with north arrow and scale plus dimensions and boundary lines for the zoning lot.
  - 2. A drainage study pursuant to the adopted "Stormwater Management Policies and Design Criteria for the City of McPherson, Kansas" shall be submitted along with, and as part of, this site plan.

3. Show the location and dimensions of all rights-of-way, access control, easements and setback lines either required by these regulations or by platting or separate instruments.
4. Locate existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.
5. Show existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways, including type of surfacing and number of parking spaces.
6. Indicate location, height and materials for screening walls or fences and landscaped areas, including grass, trees and shrubs, according to the standards described for screening and landscaping in Section 3-104.
7. Show location, direction and intensity of proposed lighting.
8. Locate all major signs by type, height and approximate size.
9. All outdoor trash disposal areas are screened and outdoor storage areas screened where necessary. Display areas are arranged in a neat and orderly manner and located appropriately.
10. Certificates as may be designated by the Planning Commission.
11. Landscaping Plan Contents: (see also currently adopted guidelines)
  - a) A Plant List with common and botanical plant names, quantities and sizes;
  - b) A note stating the minimum amount of landscape area recommended by the guidelines and the amount provided in the plan. Show calculations.
  - c) A Certificate for signatures of approval by the Zoning Administrator, City Forester, and Applicant or Applicant's Agent.

Design minimums

- a) Plant selections are to be from the current City approved list of trees, shrubs, ornamental grasses and turf grasses. Variations from the list shall be approved by the City Forester.
- b) Minimum clearances to center of trees:
  - a. Hydrants, Water Meters, Manholes, and Overhead Power Lines ...10'
  - b. Other utility appurtenances
    - Back of Street or Parking Lot Curb face
    - (Except w/ interior parking lot planting islands .....6'
  - c. Sidewalks - Ornamental Trees .....4'
  - Shade Trees .....6'
  - d. Driveways .....10'
  - e. Street Trees - Ornamental Trees (separation) .....20'
  - Shade Trees (separation).....40'

G. Conditions of Approval.

1. Proposed uses are permitted in the district in which the property is located.

2. Proposed arrangement of buildings, off-street parking, loading, access, lighting, signage, landscaping and screening, and drainage is compatible with adjacent land uses.
  3. Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.
  4. Site plan provides for the safe movement of pedestrians within the site.
  5. There is a sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right-of-way) of site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, loading or access ways shall be landscaped with a mixture of grass, trees and shrubs.
  6. All outdoor trash disposal areas are screened and outdoor storage areas screened where necessary.
- H. Assurances. Site plan performance assured by issuance of zoning permit and occupancy certificate. Landscaping must be maintained in a healthy, disease-free and debris-free condition or it will be considered a violation of these regulations similar to the provisions of Section 3-104 0.
- I. Design Criteria. From time to time, the Planning Commission may adopt design criteria in the form of policy statements to assist in reviewing site plans.
- J. Optional Review Procedure. As an optional arrangement, the Planning Commission may, from time to time, designate the Development Committee to review and make recommendations on site plans to the Commission or to review and approve such plans. Any applicant aggrieved by a decision of the Committee under the latter arrangement may appeal to the Planning Commission within 10 days for reconsideration of approval.

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