

ARTICLE 4. ZONING DISTRICTS

100 Permitted Uses in All Districts.

- A. Off-street parking and loading as required by Article 5.
- B. Accessory and temporary uses and home occupations as permitted by Article 6.
- C. Signs as permitted by Article 7.

101 A-1 Agricultural Transition District.

This district is designed to retain many of its rural characteristics, but to also serve as a transition area to accommodate selected nonagricultural uses and an increasing number of low-density dwellings. Minimum public services would be anticipated.

A. Permitted Uses.

1. Single-family detached dwellings, earth-sheltered dwellings, modulars, residential-design manufactured homes and multiple-wide manufactured homes meeting the standards of the National Manufactured Home Construction and Safety Standards, i.e., the HUD Code.
2. Golf courses, including accessory club houses, but not commercial driving ranges or miniature golf courses.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Airports, heliports, ultralite landing areas and aircraft landing fields, publicly and privately owned. (See Airport Zoning Regulations in Appendix.)
3. Animal clinics or hospitals with outside runs and incinerators when permitted.
4. Bed and Breakfast Home.
5. Campgrounds, subject to the City Regulations on Mobile Home Parks and Trailer Camps plus the following regulations which must be accompanied by a plot plan:
 - a. Campgrounds shall be utilized only for the accommodations of camping trailers, tents and other similar camping vehicles, and under no circumstances shall a campground be utilized for the occupancy of manufactured/mobile homes.

- b. The tract to be used for a campground shall not be less than two acres in area and be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - c. Campgrounds shall have a minimum area of 1,500 square feet for each space, and maintain a setback of no less than 20 feet from any public street or highway right-of-way or property line.
 - d. If deemed desirable to screen adjoining property and provide privacy to the campground, a solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, may be required. In lieu of a fence or wall, a landscape buffer may be provided not less than 20 feet in width and planted with coniferous and other plant materials. The fence, wall or landscape buffer shall be properly maintained by the operator.
 - e. The campgrounds shall have an accessible, adequate, safe and potable water supply and, if a public water supply is reasonably available to the campgrounds, it shall be used. Also, it must have an adequate method for on-site sewage disposal; however, if a public sewer system is reasonably available, it shall be used. (See Section 3-103J for Sewer and Water Facilities.)
 - f. The campground and any service buildings and refuse disposal systems must be maintained in a clean, sanitary condition and kept free of any condition that will harm the health of the occupants or the public or constitute a nuisance.
- 6. Cemeteries including crematories and mausoleums.
 - 7. Churches, chapels, temples and synagogues.
 - 8. Commercial development of natural resources and extraction of raw materials such as rock, gravel or sand; provided, that fencing may be required where deemed necessary and that it is the intent of these regulations to require an orderly continuing use of all land permitted to be excavated for its resources. At the time an application is made for a special use, the applicant shall submit a general plan for restoration of the area to be excavated or to be used in any way as part of the operations. A special use shall be required for all new or expanded operations or reopening of previously abandoned operations. Information to be submitted with the application includes the following:
 - a. A plan showing the boundary of the entire tract, vehicular access routes and surfacing, prevailing wind directions, existing and proposed street rights-of-way, easements, water bodies, mining area and proposed fencing.
 - b. A general plan of operation, including blasting hours, removal plan and hours of operation.
 - c. A plan showing the finished topography of the restored areas including grades and slopes.

- d. A general timing for restoring the various excavation pits and overburden for a continuing use.
 - e. Amount and type of planting to be done on the restored area or other approved restoration uses or methods.
 - f. A general description of the future land use(s) proposed to provide for a continuing use.
9. Communication structures, antennas and aerals. (See Section 2-102 for HEIGHT, MAXIMUM and Section 6-100B7 for such structures as accessory uses.)
10. Commercial auction barns and yards.
11. Commercial storage and/or sale of anhydrous ammonia, propane or butane in bulk and the wholesale storage of gasoline and other manufactured petroleum products above ground level.
12. Kennels for breeding and boarding dogs, provided that:
- a. No kennel buildings or runs or open areas shall be located closer than 300 feet to any property line.
 - b. All kennel runs or open areas shall be screened around such areas or at the property lines. Such screening may be densely planted evergreen foliage or a solid wall or fence of masonry, wood or metal designed so as to reduce noise and prevent the distraction or excitement of the dogs.
13. Mini-storage facilities with outside storage when permitted.
14. Natural wildlife habitats and reserves, publicly owned.
15. Privately owned seasonal or temporary or permanent parks and recreational areas such as youth camps, adult and family retreat areas, gun clubs, archery ranges, rodeos, musical festivals or hunting preserves.
16. Recycling processing centers and large recycling collection centers. (See Section 2-102 for definitions.)
17. Riding stables and academies. No structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.
18. Roadside stands for the sale of agricultural products by an operator other than the producer of the product. (See Section 2-102 for definition of AGRICULTURE and Section 6-101D for seasonal sale of farm products.)
19. Sanitary landfills, incineration plants and refuse transfer stations, publicly and privately owned.

20. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-101 and compatible with the uses permitted in Section 4-101A.

C. Conditional Uses.

1. None.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Residential uses: 130,000 square feet.
 - b. Other uses: 40,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yards:
 - (1) Residential: 25 feet.
 - (2) Other uses: 25 feet.
 - c. Minimum rear yards: 25 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of a zoning lot not otherwise required for off-street parking, loading or yard requirements.

F. Use Limitations.

1. Outdoor storage shall be permitted as defined by Section 2-102 for goods and materials as accessory uses related to the operation of the principal use as well as the display of new and used goods when the latter is approved as part of a special or conditional use.

102 R-1 Single-Family Residential District.

This district is designed for medium density single-family dwelling units and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

A. Permitted Uses.

1. Single-family detached dwellings, residential design manufactured homes and group homes as defined in Section 2-102.
2. Public schools: educational buildings for primary, intermediate and secondary schools including administrative centers, but not transportation centers, recreation areas, spectator sports facilities and the like. All such uses must be located on land which is properly platted.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county or state government.
2. Accessory Apartment.
3. Art galleries and museums.
4. Bed and breakfast homes.
5. Cemeteries, private and public.
6. Churches, chapels, temples and synagogues.
7. Golf courses both private and public, for daytime use only, including clubhouses and private clubs, but not including golf driving ranges, pitch and putt or miniature golf courses.
8. Parks and playgrounds and community or recreational buildings which are non-profit, privately or publicly owned and operated.
9. Private and public colleges and universities and related uses.
10. Private schools: educational buildings for primary, intermediate and secondary schools including administrative centers. All such uses must be located on land which is properly platted.
11. Transportation centers, recreation areas, spectator sports facilities and the like for public and private primary, intermediate and secondary schools.

12. Utility uses as follows: electric and telephone substations and distribution centers, gas regulator stations, pumping stations and water towers and standpipes.

C. Conditional Uses.

1. Child care centers and preschools.
2. Earth-sheltered dwellings, provided that the design is compatible with adjacent properties including such items as drainage, parking and accessory structures.
3. Metal building specifically designed for use as single-family detached dwellings: provided that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures. (See Section 6-100B4 for metal building used as accessory)
4. Swimming, tennis, racquet ball and similar recreational club activities and related clubhouses.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Single-family detached dwellings: 8,400 square feet
 - b. Other: 10,000 square feet.
2. Minimum lot width:
 - a. Single-family dwellings: 70 feet.
 - b. Other uses: 90 feet.
3. Minimum lot depth: 100 feet.

E. Bulk Regulations.

1. Maximum structure height for single-family dwellings: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 25 feet on all sides abutting a street, except that on corner lots one of such yards may be reduced to 20 feet.
 - b. Minimum side yard:
 - (1) Single-family dwellings: 7 feet.
 - (2) Other uses: For buildings less than 35 feet in height; front, side and rear yards shall be as required for single-family dwellings; however, for buildings more than 35 feet in height, each yard as required for single-family

dwellings shall be increased in width and depth by two feet
 for each additional one foot of building height.

c. Minimum rear yard: 25 feet.

3. Maximum lot coverage: 35%.

F. Use limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

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103 R-2 Two Family Residential District.

This district is intended to permit a slightly higher density than in the R-1 District, yet retain the residential qualities. The district allows duplex uses, single-family dwellings, home occupations, certain community facilities and certain special and conditional uses.

A. Permitted Uses.

1. Any permitted use allowed in the R-1 Residential District.
2. Single-family attached and two-family dwellings.

B. Special Uses.

1. Any special use allowed in the R-1 Residential District.
2. Bed and Breakfast Home.
3. Guest House.

C. Conditional Uses.

1. Any conditional use allowed in the R-1 Residential District.
2. Metal building specifically designed for use as single-family detached, and two-family dwellings; provided that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures. (See Section 6-100B4 for metal building used as accessory.)

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Single-family detached dwellings: 7,000 square feet.
 - b. Single-family attached and two-family dwellings: 8,400 square feet.
 - c. Other uses: 10,000 square feet.
2. Minimum lot width:
 - a. Single-family detached dwellings: 60 feet.
 - b. Single-family attached and two-family dwellings: 70 feet.
 - c. Other uses: 90 feet.

3. Minimum lot depth: 90 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.

2. Yard requirements:

a. Minimum front yard: 25 feet on all sides abutting a street, except that on corner lots one of such yards may be reduced to 20 feet.

b. Minimum side yard:

(1) Single-family detached dwellings: A total of 14 feet, but not less than six feet on one side and such that there is a minimum of 14 feet maintained between adjacent residential structures.

(2) Single-family attached and two family dwellings: 7 feet, except for the common lot line of an attached dwelling.* (See Section 2-102 for definition of DWELLING, ATTACHED.)

(3) Other uses: Same as R-1 Residential District.

c. Minimum rear yard: 20 feet.

3. Maximum lot coverage: 35%.

F. Use Limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

* See City Subdivision Regulations for procedures for approval of lot splits.

104 R-3 Multiple-Family Residential District.

This district is designed to permit medium density multiple-family dwelling units where such uses may be located on streets appropriate to carry the heavier residential traffic and have community facilities and services available. The district is not intended for single-family dwellings except as incidental to the area. Special and conditional uses with higher residential densities are allowed where compatible to the area.

A. Permitted Uses.

1. Any permitted use allowed in the R-2 Residential District.
2. Multiple-family dwellings.
3. Boarding or rooming houses.
4. Adult and child care centers, preschools and group boarding homes.

B. Special Uses.

1. Any special use allowed in the R-2 Residential District.
2. Assisted living facility.
3. Bed and breakfast homes, Bed and Breakfast Inn, and Guest House.
4. Educational, religious, philanthropic and charitable institutions, but not penal or mental institutions.
5. Fraternity or sorority houses or dormitories.
6. Hospitals.
7. Nursing, convalescent and retirement centers.
8. Rehabilitation homes.
9. Residential Center
10. Senior citizen's activity centers.

C. Conditional Uses.

1. Any conditional use allowed in the R-2 Residential District, except earth-sheltered dwellings.
2. Metal building specifically designed for use as single-family detached, two-family, and multiple-family dwellings; provided that the design is compatible with adjacent properties including such items as aesthetic appearance, parking and accessory structures. (See Section 6-100B4 for metal building used as accessory.)

3. Medical and dental clinics and other professional offices.

D. Lot Size Requirements.

1. Minimum lot area:
 - a. Single-family dwellings: 7,000 square feet.
 - b. Two-family dwellings: 8,400 square feet.
 - c. Multiple-family dwellings: 1,750 square feet per dwelling unit, but no zoning lot shall be less than 10,000 square feet.
 - d. Other uses: 10,000 square feet.
2. Minimum lot width:
 - a. Single-family dwellings: 60 feet.
 - b. Two-family dwellings: 70 feet.
 - c. Multiple-family dwellings: 90 feet.
 - d. Other uses: 90 feet.
3. Minimum lot depth: 90 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet.
2. Yard requirements:
 - a. Minimum front yard: 25 feet on all sides abutting a street.
 - b. Minimum side yard:
 - (1) Single-family detached, single-family attached and two-family dwellings: Same as R-2 District.
 - (2) Other uses: 15 feet.
 - c. Minimum rear yard: 20 feet.
3. Maximum lot coverage: 40%, but not including carports or garages.

F. Use limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

105 (Section reserved for future district.)

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106 MH-1 Manufactured Home Subdivision District.

This district is designed as a medium to low density area of individually owned lots platted for all types of manufactured homes with permanent-type, enclosed perimeter foundations and either public or on-site sewage disposal. All such homes may be owner occupied or for rental purposes; however, land cannot be for lease or for sale on a contract basis which has the intent or effect of currently or ultimately leasing the land.

A. Permitted Uses.

1. All types of manufactured homes which meet the National Manufactured Home Construction and Safety Standards.

B. Special Uses. None.

C. Conditional Uses. None.

D. Lot Size Requirements.

1. Where public sewers and water supply are provided, the minimum lot size shall be 6,000 square feet with a minimum lot width of 50 feet and minimum lot depth of 100 feet.
2. Where on-lot sewage disposal is planned, outside the City, the minimum lot size shall be 130,000 square feet with a minimum lot width of 100 feet and minimum lot depth of 150 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 25 feet on all sides abutting a street for lot sizes less than 130,000 square feet and 35 feet for lot sizes of 130,000 square feet or more.
 - b. Minimum side yard: 10 feet.
 - c. Minimum rear yard: 15 feet.
3. Maximum lot coverage: 40%.

F. Use Limitations.

1. A manufactured home subdivision shall have a minimum of six lots and be platted for each lot according to the City Subdivision Regulations.
2. All manufactured homes shall be located on a permanent-type, enclosed perimeter foundation and all such homes shall be secured to the foundation as required by K.S.A. 75-1266 et seq.
3. No outdoor storage shall be permitted as defined by Section 2-102.

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107 MH-2 Manufactured Home Park District.

This district is designed to provide for new or expanded medium density manufactured home parks which would be compatible with the character of the surrounding neighborhood and be located along collector or arterial streets. Such homes will not be allowed on individually owned zoning lots; however, homes may occupy space for rent and no more than 20% of the spaces may be occupied by homes for rent. Manufactured home parks are further governed by the City Regulations on Mobile Home Parks and Trailer Camps.

A. Permitted Uses.

1. Manufactured mobile home parks with all types of manufactured and mobile homes including related facilities for the residents, such as:
 - a. Child care centers and preschools and day care homes.
 - b. Recreational facilities such as playgrounds, swimming pools, tennis courts, shuffleboards, ball fields and lakes providing boating and fishing.
 - c. Recreation or community buildings, washrooms, rest rooms, laundry facilities, storm shelters, outdoor storage areas for vehicles and offices for the park.
2. Campgrounds

B. Special Uses.

1. None.

C. Conditional Uses.

1. Mini-storage facilities which may include outdoor storage.

D. Standards for Manufactured Home Parks.

1. The tract to be used for a manufactured home park shall not be less than five acres in area.
2. The manufactured home park shall be under one ownership and control and individual occupants other than the owner shall not purchase or own any piece, parcel or portion of the park.
3. The applicant for a manufactured home park shall submit a Plot Plan for approval according to the standards and procedural requirements of the City Regulations on Mobile Home Parks and Trailer Camps.

E. Unused Manufactured Home Park.

Whenever a property, zoned for the MH-2 District ceases to be used for such purposes for a period of two years, the Planning Commission may initiate an application to rezone such property to some other district compatible with the neighboring area.

F. Other than that permitted under Section 4-107C, no outdoor storage shall be permitted as defined by Section 2-102.

108 B-1 Office Business District.

This district is designed to provide for business and professional offices which have limited evening activities and should be located along major streets and to serve as buffer areas between residential and business and industrial districts.

A. Permitted Uses.

1. Barber and Beauty shops.
2. Business, professional and public offices and financial institutions, the structure of which may contain storage space, provided such space does not exceed 50% of the gross floor area of the structure.
3. Educational, religious, philanthropic and charitable institutions, but not penal or mental institutions.
4. Medical and dental clinics.
5. Single and multiple-family dwellings constructed in conjunction with the permitted uses in this district.

B. Special Uses.

1. Bed and Breakfast Home, Bed and Breakfast Inn, and Guest House.
2. Fraternal and service clubs.
3. Public buildings erected or land used by any agency of a city, township, county, state or federal government.
4. Utility uses as follows: electric and telephone substations and distribution centers, gas regulator stations, pumping stations and water towers and standpipes.

C. Conditional Uses.

1. Animal hospitals limited to the care, treatment and grooming of dogs, cats and other small animals, where all activities take place within a completely enclosed building. Any accessory incinerator for the disposal of dead animals shall be designed so as not to create a nuisance for adjacent properties.
2. Child care centers and preschools.
3. Drive-up windows for any permitted use.
4. Mortuaries and funeral homes including live-in facilities.
5. Research laboratories.

D. Lot Size Requirements.

1. Minimum lot area: 5,000 square feet.
2. Minimum lot width: 40 feet.
3. Minimum lot depth: 90 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 25 feet on all sides abutting a street.
 - b. Minimum side yard: 7 feet.
 - c. Minimum rear yard: 10 feet.
3. Maximum lot coverage: 40%.

F. Use Limitations.

1. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
2. All structures shall be located on sites that are landscaped, except for parking areas and hard-surfaced walks.
3. All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.

109 B-2 Neighborhood Business District.

This district is designed to provide for the retail sale of convenience goods and services in shopping districts of limited size areas which are near to residential neighborhoods and accessible to adequate traffic circulation.

A. Permitted Uses.

1. Antique and gift shops.
2. Apparel stores.
3. Banks and financial institutions including drive-in facilities.
4. Barber and beauty shops.
5. Bed and breakfast inns.
6. Bicycle shops, sales, rental and repair.
7. Bookstores
8. Candy and ice cream stores.
9. Convenience stores. (See Conditional Uses below for drive-up facilities, outdoor sales of gasoline, and car washes.)
10. Dry cleaning and laundry establishments, including self-service and drive-in service.
11. Florist shops.
12. Food stores, grocery stores, meat markets, bakeries and delicatessens.
13. Hardware and household appliance stores, including appliance repair.
14. Liquor stores, retail.
15. Locksmith shops.
16. Medical and dental clinics.
17. Offices, business, professional and public.
18. Office equipment and supplies store.
18. Pharmacies.
20. Restaurants, but no drive-in facilities.
21. Shoe stores, sales and repair.
22. Tailor shops.

23. Video stores.

B. Special Uses.

1. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-109 and compatible with the uses permitted in Section 4-109A.
2. Pawn shops.

C. Conditional Uses.

1. Amusement centers.
2. Animal hospitals limited to the care, treatment and grooming of dogs, cats and other small animals, where all activities take place within a completely enclosed building. Any accessory incinerator for the disposal of dead animals shall be designed so as not to create a nuisance for adjacent properties.
5. Automobile service stations.
6. Bed and Breakfast Inn, and Guest House.
5. Car washes.
6. Child care centers and preschools.
7. Drive-up windows for any permitted use.
8. Greenhouses and nurseries, including hydroponic farming.
9. Mini-storage facilities with inside storage only.
10. Pet stores.
11. Restaurants, including drive-ins.
12. Sales of gasoline by convenience stores at outside locations.

D. Lot Size Requirements.

1. Minimum lot area: 5,000 square feet.
2. Minimum lot width: 40 feet.
3. Minimum lot depth: 90 feet.

E. Bulk Regulations.

1. Maximum structure height: 35 feet.

2. Yard requirements:
 - a. Minimum front yard: 35 feet on all sides abutting a street.
 - b. Minimum side yard: None, if adjacent to a nonresidential district, however, if one is provided, it shall be a minimum of 7 feet. If adjacent to a residential district, it shall not be less than 10 feet. Also, see Section 4-109F for use limitations.
 - c. Minimum rear yard: 15 feet.
3. Maximum lot coverage: 35%.

F. Use Limitations.

1. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district.
2. All structures shall be located on sites that are landscaped, except for parking areas and hard-surfaced walks.
3. All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.
4. All goods produced on the premises shall be sold at retail on the premises where produced.

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110 B-3 Central Business District.

This district is intended to group the main retail merchandising activities into a concentrated area serving the general shopping needs of the City and its trade area. Related activities which are compatible and strengthen the business area are included.

A. Permitted Uses.

1. Any permitted use allowed in the B-2 Business District.
2. Art galleries, supplies and picture framing.
3. Bed and Breakfast Inn.
4. Carpet and rug stores.
5. Catering establishments.
6. China and glassware stores.
7. Clothing and costume rental shops.
8. Coin, stamp, or other "collectibles" stores.
9. Computer stores.
10. Department stores.
11. Dry goods stores.
12. Frozen food shops, including locker rentals.
13. Furniture stores, including upholstery.
14. Hardware stores.
15. Health and fitness centers.
16. Hobby shops.
17. Hotels, motels and bed and breakfast inns.
18. Interior decorating shops, including upholstery.
19. Jewelry stores, including watch repair.
20. Laboratories, medical and dental, including research and testing.
21. Leather goods and luggage stores.
22. Mail order service stores.
23. Multiple-family dwelling units constructed in conjunction with and above the first floor of business establishments.

24. Musical instruments, sale and repair.
25. Newspaper publishing offices with printing as an accessory use.
26. Office equipment and supply stores.
27. Paint and wallpaper stores.
28. Photographic supply stores and photography studios.
29. Physical culture and health services, fitness centers and gymnasiums.
30. Production and repair to the following: art needlework, clothing, custom manufacturing and alterations for retail of jewelry from precious metals and watches.
31. Radio and television broadcasting studios.
32. Sewing machine shops, sales and services.
33. Sporting goods stores.
34. Toy stores.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county, state or federal government.
2. Churches, chapels, temples and synagogues.
3. Clubs, taverns and drinking establishments.
4. Fraternal and service clubs.
5. Pawn shops.
6. Post offices.
7. Schools, commercial and trade, including music, dancing, business or technical subjects.
7. Transit and transportation facilities, including shelters, terminals, parking areas and service buildings.
8. 16. Utility uses as follows: electric and telephone substations and distribution centers, gas regulator stations, pumping stations, water towers and standpipes and radio and television towers.
9. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-110 and compatible with the uses permitted in Section 4-110A.

C. Conditional Uses.

1. Animal hospitals limited to the care, treatment and grooming of dogs, cats and other small animals, where all activities take place within a completely enclosed building.
2. Automobile salesrooms and used car lots.
3. Automobile service stations.
4. Child care centers and preschools.
5. Contractors and construction offices.
6. Drive-up windows for any permitted use.
7. Health, medical and dental clinics.
8. Mortuaries and funeral establishments with live-in facilities.
9. Parking lots and storage garages.
10. Pet stores.
11. Recreational or amusement centers, indoor activities only.
12. Repair garages, where no storage or repair work is performed outside.
13. Restaurants, including drive-ins.
14. Senior citizen's activity centers.
15. Theaters, including motion pictures.
16. Wholesale establishments with storage.

D. Floor Area Ratio. Not to exceed 4.0 nor more than 85 feet in height.

E. Yard Requirements.

1. Minimum side yards: None; however, where a side lot line coincides with a side lot line in an adjacent residential district except where the boundary is a street, a 10 foot side yard shall be provided along such lot line.
2. Minimum rear yard: Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent lot in a residential district. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be provided along such rear lot line of not less than 15 feet in depth.

F. Use Limitations.

1. All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.

110(a) B-3a Main Street District.

This District is intended to group the Main Street retail businesses into a concentrated area to serve the general shopping needs of the City and its trade area. This includes service businesses that contribute to the increase of foot-traffic, as well as upper story residential and related services. The purpose of this mixed use development is to promote and encourage revitalization and growth in the Downtown area, while preserving the small-town, unique character of Mainstreet McPherson. This can be accomplished by assuring that any new development, real estate rental, and/or rehabilitation compliments existing historic architecture and encourages adaptive re-use of existing buildings. The goal is to provide for a vibrant and healthy Downtown characterized by attributes that contribute to the overall "Economic Enhancement Strategy 1997 - Downtown McPherson, Kansas" plan as prepared by HyettPalma and adopted by McPherson Main Street in March, 1997. Those attributes include, but are not limited to:

- Well maintained buildings, upper story residences, infrastructure and streetscape;
- Mix of office, retail, entertainment and residential uses;
- Safe public streets, parking areas and alleys, daytime and nighttime activities;
- Adequate parking, including overnight parking plan for residential occupants;
- Maintenance of a cohesive look with structures, signage, awnings, color and architectural design guidelines.

The B-3a Main Street District covers a portion of the B-3 Central Business District as follows:

All businesses with a Main Street frontage bounded by the North line of Sutherland Street on the South and the South line of the Kansas and Oklahoma Railroad right-of-way on the North.

A. Permitted Uses.

1. Any permitted use allowed in the B-3 Central Business District except as modified in paragraph D below.

B. Special Uses.

1. Any special use allowed in the B-3 Central Business District except as modified in paragraph D below.

C. Conditional Uses.

1. Any conditional use allowed in the B-3 Central Business District except as modified in paragraph D below.

D. Uses Not Permitted.

1. Frozen Food Shops, including locker rentals
2. Laboratories, medical & dental clinics, including research & testing
3. Radio & television broadcasting studios and towers

4. Liquor Stores
5. Churches, Chapels, temples and synagogues, fraternal & service clubs
6. Pawn Shops
7. Transit & transportation facilities, including shelters & terminals
8. Utility uses: electrical substations, distribution centers, gas regulator stations, pumping stations, water towers, standpipes
9. Animal hospitals limited to the care, treatment and grooming of dogs, cats and other small animals, where all activities take place within a completely enclosed building; including laboratories. and incinerators.
10. Automobile salesrooms & used car lots
11. Storage garages, & wholesale storage establishments
12. Mortuaries and funeral establishments
13. Firearm and/or ammunition sales;
14. Tattoo Parlors
15. Adult X-Rated Stores, or SOB entertainment spots

E. Floor Area Ratio. Not to exceed 4.0 nor more than 85 feet in height.

F. Yard Requirements.

1. Minimum side yards: None; however, where a side lot line coincides with a side lot line in an adjacent residential district except where the boundary is a street, a 10 foot side yard shall be provided along such lot line.
2. Minimum rear yard: Where a rear lot line coincides with a side lot line in an adjacent residential district, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under these regulations for a residential use on the adjacent lot in a residential district. Where a rear lot line coincides with a rear lot line in an adjacent residential district, a yard shall be provided along such rear lot line of not less than 15 feet in depth.

G. Use Limitations.

1. All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.
2. Firearm and/or ammunition sales as an accessory use are not permitted.

H. Architectural Review Required.

The officially established MCPHERSON MAIN STREET or its designated committee shall serve as an advisory board entitled the Design Review Committee (DRC) only as it pertains to this district. McPherson Main Street may appoint non-members to the DRC from professional disciplines as deemed necessary. The DRC shall be requested to review all projects involving changes to the exterior façade of buildings within the B-3a district including new construction, additions, remodeling, and painting or overlaying of existing structures. Standards for this review shall be based on the Kansas Main Street Design Guidelines as published with a special emphasis on the purpose outlined for this district. The Zoning Administrator shall provide a copy of the application and related documents to the DRC or require the applicant to provide such copies. Obtaining a review from this committee does not relieve the applicant of the necessity to obtain any other required permits. The DRC shall not request any fee or donation from the City or the applicant for such review, nor shall membership in McPherson Main Street be a requirement for design review or permit approval.

The designated Zoning Administrator of the City of McPherson shall not issue a Zoning Permit for specified types of improvements until the DRC has had the reasonable opportunity to review and comment on the project. The DRC shall either recommend approval or disapproval of the permit. If the DRC does not recommend the issuance of the permit, the basis for such negative recommendation shall be stated in writing. The result of the DRC review shall be included in the project record. If DRC comments are not received by the Zoning Administrator within the 10-day period following notification, the submittal shall be deemed to have been recommended by the DRC. However the DRC may request that the Zoning Administrator extend the time allowed for review if additional submittal information is required from the applicant or for other reasons which, in the opinion of the Zoning Administrator, are reasonable requests. The Zoning Administrator may base the decision to approve or disapprove the request for a Zoning Permit in part on the DRC comments. Applicants aggrieved by the decision of the Zoning Administrator shall have the right to appeal to the Board of Zoning Appeals as established in these regulations.

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111 B-4 Service Business District.

This district is designed to provide for those businesses which draw their customers from motorists on the highway and at the same time serve a local need for retail and service businesses. Such businesses would not generally locate in the central business district or in a neighborhood because of their size and outdoor activities.

A. Permitted Uses.

1. Animal hospitals limited to the care, treatment and grooming of dogs, cats and other small animals, where all activities take place within a completely enclosed building.
2. Automobile accessory stores.
3. Automobile and motorcycle salesrooms and repair services.
4. Automobile service stations.
5. Banks and financial institutions including drive-in facilities.
6. Blueprinting and photocopying establishments.
7. Building material sales. (See Section 4-111C7)
8. Business signs.
9. Carpet and rug stores.
10. Cartage and express facilities, providing storage of goods, motor trucks and other equipment in an enclosed structure.
11. Contracting and construction shops.
12. Convenience stores, including outdoor sales of gasoline.
13. Department stores.
14. Dry cleaning and laundry establishments.
15. Electronic equipment, sales and repair shops.
16. Exterminators.
17. Feed and seed stores.
18. Food stores, bakeries and frozen food lockers.
19. Fraternal and service clubs.
20. Furniture stores, including upholstery.
21. Garden supply and seed stores. (See Section 4-111C7)

22. Greenhouses.
23. Health and fitness centers.
24. Machinery sales.
25. Manufactured home, motor home and recreation vehicle sales. (See Section 4-111C7)
26. Marine supplies and boat sales. (See Section 4-111C7)
27. Mini-storage facilities. (See Section 4-111E1 for outdoor storage)
28. Monument sales. (See Section 4-111C7)
29. Motels, hotels and bed and breakfast inns.
30. Offices, business, professional and public.
31. Orthopedic and medical appliance stores.
32. Paint and wallpaper stores.
33. Parking lots and storage garages.
34. Pet stores.
35. Printing shops.
36. Recreational and amusement centers, indoor activities only.
37. Repair garages. (See Section 4-111E1)
38. Restaurants, including drive-ins.
39. Second-hand or thrift stores.
40. Wholesale establishments with storage.

B. Special Uses.

1. Any special use allowed in the B-3 Business District.
2. Outdoor recreational establishments, fairgrounds, permanent carnivals, kiddie parks and other similar recreational centers and places of assembly such as stadiums and arenas.
3. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-111 and compatible with the uses permitted in Section 4-111A.
4. Utility uses as follows: electric and telephone substations and distribution centers, gas regulator stations, pumping stations, water towers and standpipes and radio and television towers.

C. Conditional Uses.

1. Animal hospitals, including outside runs.
2. Auction rooms.
3. Car washes.
4. Clubs, taverns and drinking establishments.
5. Drive-up windows for any permitted use.
6. Mortuaries and funeral establishments including live-in facilities.
7. Outdoor sales lots for building materials, garden supplies, boats, manufactured homes, house trailers, recreation vehicles, monuments and motor vehicles, including related equipment.
8. Rental of equipment and related outside storage.

D. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 20 feet; however, outdoor sales lots and display areas may be located not less than 10 feet from the front lot line.
 - b. Minimum side yard: None; however, a minimum 10 foot side yard shall be provided if adjacent to a residential district.
 - c. Minimum rear yard: 15 feet.
3. Maximum lot coverage: 50%.

E. Use Limitations.

1. All business, service, storage and display goods must be located within an enclosed structure, except:
 - a. Permitted temporary uses provided for in Section 6-101;
 - b. Accessory uses in conjunction with special or conditional uses;
 - c. Outdoor sales of gasoline at automobile service stations and food stores;
 - d. Use of the front yard for accessory outdoor display related to the permitted use when enclosed within a six foot fence;

- e. Outdoor sales lots and display areas in all yards including the front yard as permitted by Section 4-111D2; or
 - f. When approved as a conditional use by the Board of Zoning Appeals.
2. No new structure shall be used for residential purposes, except for the use of the owner or operator of the business located on the premises or a watchman or custodian, except that accommodations may be offered to transient public by motels.
35. Seasonal outdoor sales of gardening equipment, patio furniture, bedding plants, and the like, may be permitted. Temporary structures erected for the purpose need not comply with the applicable front yard requirements, however, they may not be placed in a required vision triangle. Such uses may not reduce the required number of parking spaces for the primary business below the minimum number required per these regulations nor may they impede normal traffic flow to the required parking spaces. (See Section 6-101 for temporary zoning permit.)

112 B-5 Shopping Center Business District.

It is the intent of this district to provide for an integrated shopping center to be designed and constructed so that a compatible arrangement of buildings, parking, access and buffer areas may be achieved to serve a neighborhood or several neighborhoods.

A. General Conditions.

1. The tract for use as a shopping center shall not be less than four acres in area nor larger than 12 acres.
2. An applicant shall submit with the rezoning application a preliminary site plan for review and approval by the Planning Commission, which plan shall include:
 - a. A topographic map showing contours at intervals of one foot.
 - b. A plot plan showing:
 - (1) Building locations on the tract to conform with the bulk requirements.
 - (2) Access from streets.
 - (3) Parking arrangements and number of spaces. All parking shall be off-street.
 - (4) Interior drives and service areas.
 - (5) Landscaped buffer strips.
 - c. Location map showing the zoning districts of the adjacent property within 200 feet.
 - d. The full legal description of the boundaries of the properties to be included in the area to be zoned as a B-5 District.
 - e. A map showing the general arrangements of streets within an area of 1,000 feet from the boundaries of the area to be zoned a B-5 District.
 - f. A map showing location of proposed sewer, water, storm drainage and other utility lines.
3. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit to the Zoning Administrator a final site plan, which shall incorporate any changes or alterations requested. In addition to the site plan, platting or replatting of the area may be required.
4. In the event that, within two years following approval by the Governing Body, the applicant does not initiate construction in accordance with the plans and conditions so approved, the Planning Commission may initiate action to rezone the property. 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 an appropriate recommendation to the Governing Body for official action.

B. Permitted Uses.

1. Art gallery and photographic studios.
2. Automobile service stations.
3. Bakery for retail sales only.
4. Banks and financial institutions including drive-in facilities.
5. Barber and beauty shops.
6. Bookstores.
7. Candy and ice cream stores.
8. Clothing stores.
9. Convenience stores, including outdoor sales of gasoline.
10. Department stores.
11. Dry goods or notion stores.
12. Fix-it shops for radio, television and small appliances.
13. Florists or gift shops.
14. Food stores, grocery stores, meat markets, bakeries and delicatessens.
15. Hardware, appliance, paint, wallpaper, or carpet stores.
16. Health and fitness centers.
17. Jewelry stores, including watch repair.
18. Laundry and dry cleaning establishments, including self-service.
19. Liquor stores.
20. Medical, dental and health clinics.
21. Music studios.
22. Offices, business, professional and public.
23. Pet stores.
24. Pharmacies.

25. Restaurants, where no live entertainment or dancing is provided.
26. Shoe sales and repair shops.
27. Outdoor display and sale of garden and landscaping materials when the latter is properly screened according to the Zoning Administrator.

C. Special Uses.

1. Clubs, taverns and drinking establishments.
2. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-112 and compatible with the uses permitted in Section 4-112A.

D. Conditional Uses.

1. None

E. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements: All buildings shall set back not less than 35 feet from the right-of-way line of any street and from the boundary line of the district. Additional setback from a heavily traveled street may be required, when found reasonable for protection of the health, safety and general welfare of the community.
3. Maximum lot coverage: 35%.

F. Use Limitations.

1. All business, servicing, storage and display of goods shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.
2. Seasonal outdoor sales of gardening equipment, patio furniture, bedding plants, and the like, may be permitted. Temporary structures erected for the purpose need not comply with the applicable front yard requirements, however, they may not be placed in a required vision triangle. Such uses may not reduce the required number of parking spaces for the primary business below the minimum number required per these regulations nor may they impede normal traffic flow to the required parking spaces. (See Section 6-101 for temporary zoning permit.)

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113 B-6 Interchange Business District.

It is the intent of this district to provide for those services which may be needed for the motoring public along access roads at major interchange areas, especially along the Interstate Highway System, including some limited businesses which particularly attract highway customers from a large trade area.

A. Permitted Uses.

1. Appliance, carpet and furniture stores selling new merchandise only.
2. Automobile and truck service stations, including the dispensing of petroleum fuels and accessories for automobiles and trucks and retail sales of convenience food items.
3. Automobile, motorcycle, recreational vehicles and truck, sales, service and rental - franchised dealers only. Businesses whose major function is the sale of used vehicles shall not be permitted uses.
4. Department stores.
5. Food stores for convenience items and the sale of self-service gas.
6. Gift stores.
7. Motels, including private clubs, dining and meeting rooms and live entertainment permitted as well as related offices and small shops such as drug stores, gift shops, newsstands and barber and beauty shops.
8. Liquor stores, retail only.
9. Restaurants, including clubs, permitting live entertainment and drive-in and carry-out food service.

B. Special Uses.

1. Amusement centers.
2. Antique shops with no outside displays.
3. Automobile parts, accessories and service stores.
4. Business and professional offices.
5. Campgrounds, which are further governed by the provisions of the City Regulations on Mobile Home Parks and Trailer Camps.
6. Cartage and freight facilities and depots with no outside storage.
7. Car washes.
8. Clubs, taverns and drinking establishments.

9. Franchised rental vehicles such as automobiles, trucks and vehicular trailers.
10. Manufactured home retail sales and service, franchise dealers only.
11. Recreational vehicles including motor homes and marine and related equipment sales and service.
12. Sexually oriented businesses (SOB's)
13. Skating rinks, bowling alleys and miniature golf.
14. Used automobile, truck and motorcycle sales and service.
15. Vehicular trailer repairs, refinishing and sales, but not manufactured homes.
16. Other uses not specifically listed as a permitted or a special use if it complies with the intent of Section 4-113, is compatible with the other uses listed and can meet the other requirements of the district.

C. Conditional Uses.

1. None.

D. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet.
 - b. Minimum side yard: 20 feet.
 - c. Minimum rear yard: 20 feet.
3. Maximum lot coverage: 40%.

E. Use Limitations.

1. All business, service, storage and display goods must be located within an enclosed structure; except accessory uses in conjunction with special or conditional uses, outdoor sales of gasoline at automobile and truck service stations and food stores including use of the front yard setback and outdoor storage and display areas related to sales by franchise dealers of automobiles, motorcycles, recreational vehicles and trucks.
2. Application may be made to the Board of Zoning Appeals for a conditional use for the outdoor sale of items which are not related to the primary business on the site, i.e. seasonal farm produce. The BZA shall attach any conditions necessary for the protection of the

neighborhood and shall ensure the availability of at least the minimum number of required off-street parking spaces for both uses. (See Section 5-101B for required parking spaces.)

3. Seasonal outdoor sales of gardening equipment, patio furniture, bedding plants, and the like, may be permitted. Temporary structures erected for the purpose need not comply with the applicable front yard requirements, however, they may not be placed in a required vision triangle. Such uses may not reduce the required number of parking spaces for the primary business below the minimum number required per these regulations nor may they impede normal traffic flow to the required parking spaces. (See Section 6-101 for temporary zoning permit.)

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114 I-1 Light Industrial District.

This district is designed for light industrial uses which do not require large amounts of land, generate modest amounts of traffic, are consistent with the capacity and availability of public and private services, create limited nuisance effects in the way of odor, smoke, dust, glare, vibration or sounds and does not permit the intermixing of residential uses.

A. Permitted Uses.

1. Agricultural equipment sales and service.
2. Agricultural feed and grain processing, storage and sales.
3. Animal hospitals including outside runs.
4. Assembly, manufacture or repair of electrical and mechanical appliances, instruments and the like.
5. Automobile service stations and car washes.
6. Building material production, storage and sales, including lumberyards but not asphalt or concrete plants.
7. Cartage and express facilities providing storage of goods in an enclosed structure.
8. Clothing and textile manufacture.
9. Contractors shops, including storage yards for equipment and supplies.
10. Dog kennels, including outside runs.
11. Dry cleaning and laundry plants.
12. Food manufacture, distribution and storage.
13. Frozen food lockers.
14. Furniture manufacture and repair, new and used.
15. Grain elevators.
16. Greenhouses, wholesale and retail.
17. Light metal fabricating plants.
18. Machinery sales and sales yards.
19. Mini-storage facilities, including accessory outside storage.
20. Monument works and sales lots.
21. Motor vehicle sales and service.

22. Offices, business, professional and public.
23. Oil field supplies and equipment, retail and wholesale, including storage yards.
24. Parking lots, public.
25. Pet stores.
26. Plastic products manufacturing.
27. Printing shops.
28. Production, sales and repair of manufactured housing and recreational vehicles.
29. Railroad passenger and freight stations.
30. Rental equipment firms.
31. Repair garages.
32. Research laboratories.
33. Restaurants, including drive-in.
34. Sign shops and service.
35. Sporting goods and supplies, including boats, out-board motors, accessories and supplies.
36. Upholstery shops, including cleaning and repair shops and retail sales of used furniture and appliances.
37. Used car sales lots.
38. Warehouses, wholesale operations and storage.
39. Welding shop, including truck tanks.

B. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county, or state government.
2. Airports, provided they also conform with other applicable federal, state and local regulations. (See City Airport Zoning Regulations.)
3. Bulk storage for retail or wholesale distribution and not used as an accessory part of a normal manufacturing process of such items as anhydrous ammonia, petroleum products and other products which may be considered as highly explosive, combustible or of a volatile nature.
4. Motor Vehicle Impound Lot.

5. Recycling processing centers and large recycling collection centers. (See Section 2-102 for definition.)
6. Sexually oriented businesses (SOB's)
7. Truck terminals, including parking areas and repair services.
8. Utility uses as follows: electric and telephone substations and distribution centers, gas regulator stations, pumping stations, water towers and standpipes and radio and television towers.
9. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-114 and compatible with the uses permitted in Section 4-114A.

C. Conditional Uses.

1. None.

D. Lot Size Requirements.

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 75 feet.
3. Minimum lot depth: 100 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, exclusive of grain elevators and storage silos.
2. Yard requirements:
 - a. Minimum front yard: 40 feet on all sides abutting a street.
 - b. Minimum side yard: 10 feet.
 - c. Minimum rear yard: 20 feet, except a rear yard abutting an alley or railroad may be reduced to 10 feet.
3. Maximum lot coverage: 75%.

F. Use Limitations.

1. No new building shall be used for residential purposes, except that a watchman or custodian may reside on the premises.
2. There shall be no emission of dust, odor, noise or vibration which shall be detectable as a nuisance beyond the property line. All existing City, county, state and federal laws relating to environmental conditions and safety factors must be met.
3. All outdoor operations, storage and display areas related to the permitted, special and conditional uses are allowed in all yards,

except that only display areas are permitted in the front yard setback.

115 I-2 Heavy Industrial District.

This district is intended for basic or primary industries which are not otherwise provided for in other districts and which are not considered compatible with residential and/or commercial activity, but could in some limited way be provided for. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function. Access to arterial streets and possible rail sidings would be important considerations.

A. Permitted Uses.

1. Any permitted use allowed in the I-1 Light Industrial District.
2. Cement products manufacturing such as pipe and silos.
3. Insulation manufacturing plants.
4. Plastic products manufacturing, including pipe, fittings and the like.
5. Truck terminals, including parking areas and repair services.

B. Uses Not Permitted.

1. Abattoirs.
2. Acid manufacture.
3. Arsenals.
4. Cement, lime gypsum or plaster of Paris manufacture.
5. Creosote or tar treatment or manufacture.
6. Crematories.
7. Fat rendering.
8. Fireworks or explosives manufacture or storage.
9. Garbage, offal or dead animal incineration or reduction.
10. Glue manufacture.
11. Gutta percha manufacture or treatment.
12. Pharmaceutical manufacturing.
13. Salt works.
14. Sauerkraut manufacture.
15. Smelting of base metals or ore reduction.

16. Soap manufacture.
17. Stockyards.
18. Synthetic polymers manufacture.
19. Tanning, curing or storage of rawhides or skins.
20. No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted, except such as are specifically licensed by the City including nuclear materials.

C. Special Uses.

1. Public buildings erected or land used by any agency of a city, township, county, or state government.
2. Any special use allowed in the I-1 Light Industrial District.
3. Concrete and asphalt mixing plants.
4. Fertilizer manufacture.
5. Hazardous waste facilities.
6. Motor Vehicle Impound Lot.
7. Petroleum processing, refining and recycling.
8. Salvage yards.
9. Sexually oriented businesses (SOB's)
10. Utility uses as follows: electric and telephone substations and distribution centers; gas regulator stations; pumping stations; water towers and standpipes; and radio and television towers.
11. Other uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-115 and compatible with the uses permitted in Section 4-115A and can provide acceptable environmental conditions at selected locations. Such other uses may also include retail and service businesses which provide a particular direct service to the industrial uses or serve as a convenience to the employees thereof.

D. Conditional Uses.

1. None.

E. Lot Size Requirements.

1. Minimum lot area: 20,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 140 feet.

F. Bulk Regulations.

1. Maximum structure height: 45 feet, exclusive of grain elevators and storage silos.
2. Yard requirements:
 - a. Minimum front yard: 50 feet on all sides abutting a street.
 - b. Minimum side yard: 20 feet.
 - c. Minimum rear yard: 25 feet, except a rear yard abutting an alley or railroad right-of-way may be reduced to 15 feet.
3. Maximum lot coverage: 60%.

G. Use Limitations.

1. No new building shall be used for residential purposes, except that a watchman or custodian may reside on the premises but not in a manufactured/mobile home.
2. There shall be no emission of dust, odor, or vibration which shall be considered as a nuisance beyond the property line. No use shall be permitted or operated that produces a noise level greater than that noise level produced by the average level of traffic in the area. All existing City, county, state and federal laws relating to environmental conditions and safety factors must be met.
3. All outdoor operations, storage and display areas related to the permitted, special and conditional uses are allowed in all yards, except that only display areas are allowed in the front yard setback.

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116 PUD Planned Unit Development District. The purpose of the Planned Unit Development District, herein referred to as a PUD District is: to encourage innovation in residential, commercial and/or industrial development by permitting greater variety and flexibility in type, design and layout of buildings; (2) to encourage a more efficient use of land reflecting changes in the technology of land development; (3) to encourage development which incorporates the best features of modern design, while conserving the value of land; and (4) to provide a procedure which relates the type, design and layout of residential, commercial and/or industrial development to the particular site and the particular demand for housing at the time of development in a manner consistent with the preservation of property values. The PUD District operates as an overlay zone in conjunction with all of the other districts in that it is necessary for an area to concurrently be zoned for one or more of the other districts in addition to the PUD District designation.

A. General Provisions.

1. The Governing Body may by ordinance approve the establishment of a PUD District on any parcel or tract of land which is suitable for and of sufficient size to be planned and developed, or redeveloped, as a unit and in a manner consistent with the intent and purpose of these regulations and with the Comprehensive Plan.
2. A PUD District may be established for a residential development or for a general development. A development shall be deemed to be a residential development when it is limited to dwelling units in detached, attached or clustered, or multiple-storied structures, or any combination thereof; and nonresidential uses of a religious, cultural, recreational and business character that are primarily designed and intended to serve the residents of the residential development. A development shall be deemed to be a general development when it contains major business and/or industrial structures and uses exclusively, or when it blends residential structures or dwelling units in a unified plan with business and/or industrial structures and uses.
3. As a convenience for all references and filing purposes, the specific name of the proposed development shall precede all references to it being a "planned unit development district," a "preliminary planned unit development plan," or a "final planned unit development plan." All amendments thereto shall be denoted by adding the word "amended" following the name of the development and before any reference to its status as a district or plan. The letters "PUD" shall serve as an acceptable abbreviation for the words "planned unit development."
4. Any development that is proposing any of the following criteria shall be required to be established by approval of a PUD District:
 - a. To use multiple zoning classifications;
 - b. Land uses or standards that would not otherwise be allowed in an existing zoning district;
 - c. Innovation in a development, but which will preserve property values in the area;

- d. A development of such a large size and/or intensity of land uses that, in the opinion of the Zoning Administrator, the design and processing of such a development would be facilitated by the establishment of a PUD District; or
- e. Any combination of the above.

This does not preclude a developer from applying for a PUD District even though these regulations do not require it.

B. Standards and Criteria for Planned Unit Developments.

1. For all planned developments:

- a. A development plan of the site that is not inconsistent with the standards set out in this section or with such general policies or specific rules and regulations for PUD Districts as may be adopted from time to time by the Planning Commission or the Governing Body and placed on public record in the office of the City Clerk shall prima facie be deemed to have qualified for preliminary approval. No such policies, rules or regulations shall be revised or added to which would be applicable to a specific proposal for a PUD District after an application for preliminary approval of a specific PUD plan has been filed. A PUD plan shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design and location of buildings, the density or intensity of use, the common open space, the public facilities and the development by geographic division of the site:
 - (1) The PUD District will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Comprehensive Plan.
 - (2) The site will be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development. Traffic control signals will be provided without expense to the City when it is determined that such signals are required to prevent traffic hazards or congestion in adjacent streets.
 - (3) The PUD District will not impose an undue burden on public services and facilities such as fire and police protection.
 - (4) The entire parcel of land to be occupied by the PUD District shall be held by a single landowner, or if there are two or more landowners, the application for such district shall be filed jointly by all such landowners; however, the holder of a contract to purchase or other person having an enforceable

proprietary interest in such land shall also be deemed a landowner for purposes of these regulations.

- (5) The PUD plan shall contain such proposed covenants, easements and other provisions relating to the bulk, location and density of residential buildings, nonresidential uses and structures, and public facilities as are necessary for the welfare of the PUD District and are not inconsistent with the best interests of the area. Such covenants, easements and other provisions, if part of the PUD plan as finally approved, may be modified, removed or released only with the consent of the Governing Body after a public hearing before and recommendations by the Planning Commission as provided in Section 4-107C. All such covenants shall specifically provide for enforcement by the City in addition to the landowners within the development.
- (6) The Planning Commission may designate divisible geographic units of the entire parcel of land to be developed as a unified plan. In the case of residential PUD plans and general PUD plans which contain residential buildings, the Planning Commission may permit in each unit deviations from the number of dwelling units per acre established for the entire plan; provided that, such deviation shall be adjusted for in other units of the plan so that the number of dwelling units per acre authorized for the entire PUD plan is not affected.
- (7) For all business and industrial uses proposed for development within the plan, the standards and extent of uses shall not exceed the least restrictive requirements for the specific use as provided for in the business and industrial districts of these zoning regulations unless they meet the provisions of Sections 4-107B 1a(12) and 4-107C9.
- (8) The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a PUD plan not used for structures, parking and loading areas, or access ways, shall be landscaped or otherwise improved.
- (9) When business or industrial structures or uses in a PUD District abut a residential district or residential buildings in the same development, screening shall be provided. In no event shall a business or industrial structure in a PUD District be located nearer than 100 feet to a residential building.
- (10) Notwithstanding any of the other provisions of these regulations, when a shopping center is developed as a PUD District, such shopping center shall have 300 square feet of space devoted to off-street parking for each 100 square feet of floor area in the structures located in the planned

shopping center development. Such off-street parking facilities shall otherwise comply with the provisions of Section 5-100A of these regulations.

- (11) The specifications for the width and surfacing of streets, alleys, ways for public utilities, for curbs, gutters, sidewalks, public parks and playgrounds, school grounds, reserves, storm water drainage, water supply and distribution, sanitary sewers and sewage collection and treatment adopted in the City Subdivision Regulations as amended from time to time, may, within the limits hereinafter specified, be waived or modified by the Planning Commission where the Commission finds that such specifications are not required in the interests of the residents or occupants of the planned development and that the waiver or modification of such specifications for PUD plans would not be inconsistent with the interests of the City. The Commission shall require guarantees for required public improvements and the filing of comparable engineering and survey data on final development plans.
- (12) Any modifications of the zoning or other regulations that would otherwise be applicable to the site shall be warranted by the design of the PUD plan, and the amenities incorporated in it, and shall not be inconsistent with the interest of the public generally.

2. Standards for Residential Planned Developments and General Planned Developments Containing Residential Buildings:

- a. Any PUD plan that does not propose to increase the number of dwelling units per acre that would otherwise be permitted on the property under the maximum zoning regulations otherwise applicable thereto in the underlying districts which permit residences shall be prima facie qualified for preliminary approval insofar as residential density is concerned. A PUD plan may provide for a greater number of dwelling units per acre than would be permitted by these district regulations otherwise applicable to the site, but if the number of dwelling units per acre exceeds by more than 10% of that permitted by the zoning regulations otherwise applicable to the site, the developer has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Planning Commission, in determining the reasonableness of a proposed increase in the number of dwelling units per acre, shall recognize that increased density may be compensated for by additional private amenities and by increased efficiency in public services to be achieved by: (1) the amount, location and proposed use of common open spaces; and (2) the location, design and type of dwelling units. The Planning Commission shall also consider that the physical characteristics of the site may make increased densities appropriate in the particular location. In addition to establishing a maximum density, the plan shall specify either the minimum number

of dwelling units and commercial or industrial uses or the minimum acreage allowances for each specific PUD District

- b. When common open space is provided in a PUD plan, the amount and location of such common open space shall be consistent with the declared type of development as described in Section 4-116A2 for a PUD District. The PUD plan shall include such provisions for the ownership and maintenance of the common open space as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the City if the common open space is permitted to deteriorate or is not maintained in a condition consistent with the best interest of the PUD plan or of the City. If the City finds it necessary to carry out the obligations required to maintain the open space in order to avoid having it become a public nuisance, the costs shall be assessed against the properties within the development and shall become a tax lien on said properties. (See Section 2-102 for definition of COMMON OPEN SPACE.)
 - c. When a PUD plan includes common open space, such common open space shall never be used for the construction of any structure, nor shall such open space ever be computed as a part of the required minimum lot area, or any required yard, of any other structure. Adequate safeguards, including recorded covenants, shall be provided to prevent subsequent development of, and the future construction of structures on, such open space. (See Section 2-102 for definition of COMMON OPEN SPACE.)
 - d. The total ground area occupied by buildings and structures shall not exceed 35% of the total ground area of the PUD plan unless previous development in the neighborhood has a greater lot coverage, in which case the PUD plan may increase the lot coverage of buildings and structures to correspond with the bulk of the other structures in the neighborhood.
 - e. Nonresidential uses of a religious, educational or recreational nature shall be designed or intended primarily for the use of the residents of the PUD plan.
- C. Preliminary PUD Plan Contents. An application to establish a PUD District shall be processed in the same manner prescribed for amending these Zoning Regulations. The same requirements for notice to property owners, advertisement of public hearing, conduct of hearing and recommendation of the Planning Commission, protest petitions and adoption by the Governing Body shall be required as in conventional zoning. (See Article 11.) The applicant shall also concurrently prepare and submit a preliminary PUD plan for review and recommendation by the Planning Commission to the Governing Body which shall contain the following information and documents:
- 1. A development plan of the site showing the location, arrangement, bulk, type and use of all existing and proposed structures, the proposed traffic circulation pattern within and surrounding the development, the areas to be developed for parking, the points of ingress and egress,

access streets where required, the relationship of abutting land uses and zoning districts, proposed lots and blocks, if any, and proposed public or common open space, if any, including reserves, parks, playgrounds, school sites and recreational facilities.

2. Applicable information as required for a preliminary plat pursuant to provisions in the City Subdivision Regulations.
3. A statement of the anticipated residential density (when applicable), the proposed total gross floor area of nonresidential uses, and the percentage of the development which is to be occupied by structures, i.e., total area of all such zoning lots.
4. Preliminary sketches and/or description of the proposed screening and landscaping features.
5. When a PUD plan is to be constructed in units, the phasing of development for each unit in sequence shall be indicated. No such unit shall have a residential density that exceeds by more than 20% the proposed residential density of the entire PUD plan. When a PUD plan provides for common open space, the total area of common open space provided at any stage of development shall, at minimum, bear the same relationship to the total open space to be provided in the entire plan as the units completed or under development bear to the entire plan.
6. Evidence that the applicant has sufficient control over the parcel of land to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the land and the proposed development.
7. When it deems necessary, the Planning Commission may require a traffic survey setting out and analyzing the effect that the PUD plan will have upon traffic in the streets and thoroughfare adjacent to and in the vicinity of the proposed development.
8. A statement of objectives showing the relationship of the PUD plan to the Comprehensive Plan with respect to land use for various purposes, density of population, direction of growth, location and function of streets and other public facilities, and common open space for recreation or visual benefit or both, and such other PUD factors as the City may find relevant in making a finding whether a PUD plan shall be authorized as being in general conformity to the Comprehensive Plan.
9. In the case of general planned developments, a statement identifying the principal types of business and/or industrial uses that are to be included in the proposed development.
10. When a PUD plan includes provisions for common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of

the proposed articles of incorporation and bylaws of such entity shall be submitted.

11. Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD plan.

D. Action on Preliminary PUD Plan.

1. Hearing, Findings and Recommendation of Planning Commission. The Planning Commission shall, within 60 days after a preliminary PUD plan is filed with it, hold a public hearing on the plan after giving the notice required by Section 11-100D for hearings on amendments. Such public hearing shall consider all aspects of the preliminary PUD plan including all proposed units of development. Within 14 days after the last public hearing on such plan, the Commission shall prepare and transmit to the Governing Body and to the applicant specific findings of fact with respect to the extent to which the preliminary PUD plan complies with the standards set out in Sections 4-116B and C, together with its recommendations to the Governing Body with respect to the action to be taken on the PUD plan. The Commission may recommend approval, disapproval or approval with modifications, conditions or restrictions. Copies of the findings and recommendations of the Planning Commission shall be made available to any other interested persons.
2. Action by the Governing Body. After a 14-day period following the public hearing in which to receive protest petitions as provided by Section 11-103, the Governing Body shall under the adoption procedures of Section 11-104 consider the approval or disapproval of the preliminary PUD plan after it receives the findings and recommendations of the Planning Commission thereon. If the preliminary PUD is disapproved, the applicant shall be furnished with a written statement of the reasons for disapproval of the plan. If the preliminary PUD is to be approved, the Governing Body shall, after receiving from the applicant any acceptance required by Section 4-116D3, adopt an ordinance establishing a PUD District and approving the preliminary PUD plan for the parcel of land included in the plan.
3. Restrictions and Conditions. The Governing Body may alter the preliminary PUD plan according to the procedures of Section 11-104 and impose such conditions and restrictions on the PUD plan as it may deem necessary to insure that the development will be in harmony with the general purpose and intent of these regulations and with the Comprehensive Plan. When the Governing Body alters the preliminary PUD plan, the applicant shall have 30 days within which to file an acceptance of such alterations, conditions or restrictions.
4. Form of Ordinance. An ordinance establishing a PUD District and approving a PUD plan shall specify the Zoning Regulations and restrictions that will, pursuant to the PUD plan, apply in the PUD District and shall describe the boundaries of such district or set such boundaries out on a map that is incorporated and published as a part of such ordinance. Such ordinance shall also specify the conditions and restrictions that have been imposed by the Governing Body on the PUD plan, and the extent

to which the otherwise applicable district regulations have been modified.

E. Status of Preliminary PUD Plan After Approval.

1. Within 15 days after the adoption of an ordinance establishing a PUD District and approving a preliminary PUD plan, a copy of such ordinance shall be filed by the City Clerk with the Zoning Administrator and a similar copy mailed to the applicant. When approval of such a preliminary plan has been granted, the establishment of the PUD District by name shall be noted on the Official Zoning Maps.
2. After being notified of the approval of a preliminary PUD plan by the Governing Body, the applicant shall within 15 days file with the County Register of Deeds a statement that such a plan has been filed with the City and has been approved and is applicable to certain specified legally described land and that copies of said plan are on file in the office of the Zoning Administrator. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The recorded statement shall specify that the preliminary PUD plan shall become binding upon all successors and assigns unless amended in conformance with these regulations.
3. Preliminary approval of a PUD plan shall not qualify such a plan for recording. A PUD plan which has been given preliminary approval as submitted or which has been given preliminary approval with alterations, conditions and restrictions which have been accepted by the applicant and provided that the applicant has not defaulted nor violated any of the conditions of the preliminary approval, shall not be modified or revoked nor otherwise impaired by action of the City pending an application or applications for approval of a final PUD plan without the consent of the applicant; provided that, an application for a final PUD plan approval is filed within one year of the date of approval of the preliminary PUD plan, or in the case of unit developments, that a final plan of at least one unit shall be filed within one year from the date of approval of such preliminary plan and final plans of all such units shall be filed within five years from the date that such preliminary plan was approved. The Planning Commission on application of the applicant, may from time to time, recommend extensions of time to the Governing Body for their decision within which an applicant may submit such final PUD plans. Each such extension shall not be for more than one year.
4. In the event that a PUD plan is given preliminary approval and thereafter, but prior to approval of a final PUD plan, the applicant shall: (1) choose to abandon said plan and shall so notify the Planning Commission in writing; or (2) shall fail to timely file an application, or applications, for approval of a final plan, it shall be deemed to be revoked. When a preliminary plan is revoked, all that portion of the preliminary plan for which final approval has not been given shall be subject to those provisions of the Zoning Regulations and other local ordinances that were applicable thereto immediately prior to the approval of the preliminary plan and as they may have been amended from time to

time. The Governing Body shall forthwith adopt an ordinance repealing the PUD District and the preliminary PUD plan for that portion of the development that has not received final PUD plan approval and reestablishing the zoning and other regulatory provisions that would otherwise be applicable. When a PUD District is revoked, such revocation shall be noted on the Official Zoning Maps.

F. Final PUD Plan Contents and Approval.

1. An application for approval of a final PUD plan may be filed for all the land included in a planned development or for a unit thereof. Such application shall be filed by the applicant with the Zoning Administrator within the specified time in Section 4-116E3, and shall be in substantial compliance with the preliminary PUD plan as approved. The application shall include:
 - a. A development plan of the site showing the physical layout and design of all streets, easements, rights of way, reserves, lots, blocks and common open space including statements, where applicable, on the residential densities, the types and uses of structures, the maximum gross floor area, the percentage of the development by total area of such zoning lots to be occupied by structures, the height of structures, the height and size of signs, the building setback lines, and the boundary of units within which the phasing of construction would be scheduled.
 - b. Applicable information and certificates as required for a final plat pursuant to the provisions in the City Subdivision Regulations including such waivers and modifications as may have been agreed to in the preliminary PUD plan.
 - c. Plans for landscaping and screening.
 - d. All certifications of approval required by the City Subdivision Regulations for a final plat with the modification that the words "final PUD plan and plat" shall be utilized wherever the word "plat" appears in the wording.
 - e. Proof of the establishment and activation of any entity that is to be responsible for the management and maintenance of any common open space and copy of any restrictive covenants.
 - f. No lots, parcel or dwelling unit in such development shall be conveyed or leased prior to the recording of the final PUD plan.
 - g. Such guarantees and agreements that are required by the provisions and procedures of the City Subdivision Regulations regarding final plats.
2. A PUD plan submitted for final approval shall be deemed to be in substantial compliance with the preliminary PUD plan, as approved; provided that, any modification by the developer of the preliminary plan, as approved, does not: (1) vary the proposed gross residential

density or intensity of use by more than 5%; or (2) involve a reduction of the area set aside for common open space; nor (3) increase by more than 10% the gross floor area proposed for nonresidential use; nor (4) increase by more than 5% the total area of zoning lots used for buildings or a substantial change in their height. A public hearing shall not be held to consider modifications in the location and design of streets or facilities for water and for disposal of sanitary sewerage and storm water.

3. Although a public hearing shall not be required on an application for approval of a final PUD plan to determine if it is in substantial compliance with the preliminary PUD plan, as approved, the Planning Commission may receive public input related to the final plan if deemed desirable. The burden shall be upon the applicant to show the Planning Commission good cause for any variation between the preliminary plan, as approved, and the final plan as submitted. When the application for final approval has been filed, together with all drawings, specifications and other documents required in support thereof, the Commission shall make a recommendation on such final plan; provided, however, that in the event the final plan as submitted contains variations from the preliminary plan as approved, but remains in substantial compliance with the preliminary plan, as approved, the Commission may, after a meeting with the applicant, refuse to recommend approval of the final plan and shall so advise the applicant in writing of such refusal, setting out the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may refile his application for final approval without the variations objected to by the Commission at any time within which he shall be entitled to apply for final approval. If the time for applying for final approval shall have expired at the time when the Commission advised the applicant that the variations were not in the public interest, then the applicant shall have 60 additional days within which to refile an application for final approval without the said variation. If the applicant shall fail to refile within said period, he or she shall be deemed to have refused to accept such requirements and final approval shall be deemed to have not been approved.
4. In the event the final PUD plan, as submitted for approval, is not in substantial compliance with the preliminary PUD plan as approved, the Planning Commission shall so notify the applicant in writing, setting out the particular ways in which the final plan is not in substantial compliance with the preliminary plan as approved. The applicant may make such changes in the final plan as are necessary to bring it into compliance with the preliminary plan as provided for variations in Section 4-116F3, or may file an application for an amended PUD District and/or a preliminary PUD plan in order to bring the proposed final plan into substantial compliance with such an amended District or plan. The time limit within which to file such amendments shall be the same as for a variation in Section 1167F3. Notice thereof shall be given and the public hearing shall be held and conducted in the manner prescribed in Sections 4-116 D and E of these regulations including the provisions for protest petitions, Governing Body approval and filing a revised statement of the plan with the County Register of Deeds. In the event the applicant shall fail to take either of these alternate actions

within said time, the applicant shall be deemed to have abandoned the plan.

5. After a final PUD plan, or any unit thereof, has been submitted for consideration by either the procedures prescribed in Sections 4-116F 3 or 4, the plan shall be considered for final approval by the Governing Body within 30 days. A final PUD plan, or any part thereof, which has been given final approval by the Governing Body, shall be filed of record with the County Register of Deeds within 60 days following the satisfying of all conditions precedent and conditioned upon such approval as well as signatures for all certificates required for a final plat before recording. A copy of the recorded final plan shall also be filed with the Zoning Administrator before any building and/or zoning permits are issued or development takes place in accordance therewith. In the event the Governing Body fails to act, either by approval or by disapproval within the time prescribed, the final plan shall be deemed to be approved. Pending completion within a reasonable time of said PUD plan, or of any unit thereof, that has been finally approved, no modification of the provisions of said plan, or unit thereof, as finally approved, shall be made except with the consent of the applicant.
 6. In the event that a final PUD plan or unit thereof is given final approval and thereafter the applicant shall abandon said plan or the unit thereof and shall so notify the City in writing, or in the event the applicant shall fail to commence the plan within 18 months after final approval, it shall terminate and shall be deemed null and void unless such time period is extended by the Governing Body upon written application by the applicant.
- G. Enforcement and Modification. To further the mutual interest of the residents and owners of the final PUD plan and of the public in the preservation of the integrity of the plan, as finally approved and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement or otherwise, shall be subject to the following provisions:
1. Enforcement by the City. The provisions of the final plan relating to:
 - a. The use of land and the use, bulk (height, yards and maximum coverage) and location of buildings and structures;
 - b. The quality and location of common open space; and
 - c. The intensity of use or the density of residential units shall run in favor of the City and shall be enforceable in law or in equity by the City without limitation on any powers or regulation otherwise granted the City by law.
 2. Enforcement by the residents and owners. All provisions of the final PUD plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such

provisions, whether recorded by plan, covenant, easement or otherwise, may be enforced at law or equity by residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the development except as to those portions of the plan which have been finally approved and have been recorded.

3. Modification of the final PUD plan by the City. All those provisions of the plan authorized to be enforced by the City under Section 4-116G1 may be modified, removed or released by the City (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:
 - a. No such modification, removal or release of the provisions of the plan by the City shall affect the rights of the residents and owners of the planned development to maintain and enforce those provisions, at law or equity, as provided in Section 4-116G2.
 - b. No modification, removal or release of the provisions of the plan by the City shall be permitted as an amendment except upon notice and a public hearing by Sections 11-100D, E and F, recommendation of the Planning Commission, 14-day protest petition period and adoption by the Governing Body. An additional finding must be made that (1) the amendment is consistent with the efficient development and preservation of the entire final PUD plan; (2) does not adversely affect either the enjoyment of land abutting upon or across a street from the plan or the public interest; and (3) is not granted solely to confer a special benefit upon any person. Such amendments may serve the purpose achieved by otherwise processing a vacation, variance or a conditional use as an exception.
4. Modification by the residents and owners. Residents and owners of the planned development may, to the extent and in the manner expressly authorized by the provision of the final PUD plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the City to enforce the provisions of the plan in accordance with the provisions of Section 4-116G1. If it is determined by the Zoning Administrator that such modifications would result in changes to the PUD District and/or the preliminary PUD plan, then application must be made for such amendment or amendments to be considered for reapproval of the district or plan in the same manner as the original. If it is determined that modifications resulting in changes to the final PUD plan are necessary and cannot be satisfied under Sections 4-116F 2, 3, 4 and 5, then application must be made for such amendment or amendments to the original PUD District and/or preliminary PUD plan as may be necessary to consider such amendment(s).

117 P-0, Protective Overlay District

This district may be applied as an overlay district in combination with any underlying zoning district except the PUD Planned Unit Development district. By limiting specific uses or requiring more restrictive development standards to individual projects or specific properties, this district is intended to:

- 1) ensure compatibility among incompatible or potentially incompatible land uses;
- 2) ease the transition from one zoning district to another;
- 3) address sites or land uses with special requirements; and
- 4) guide development in unusual situations or unique circumstances.

Development standards include, but are not limited to, lot sizes, bulk requirements, use limitations, off-street parking and loading provisions, accessory structures and uses, sign standards, miscellaneous requirements of Section 3-103 and screening and landscape requirements of Section 3-104.

A. Use and Development Standards. This district can be used to modify and restrict the use and development standards of an underlying zoning district. All requirements of this district are in addition to and supplement all other applicable standards and requirements of these regulations. Restrictions and conditions imposed by this district shall be limited to the following:

1. Prohibiting otherwise permitted or special or conditional uses and accessory uses; or making an otherwise permitted use a special or conditional use;
2. Decreasing the number or average density of dwelling units that may be constructed on the site;
3. Increasing minimum lot size or lot width;
4. Increasing minimum setback requirements in any yard;
5. Restrictions on access to abutting properties and streets, including specific design features; and

6. Any other development standards required or authorized by these regulations.
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- B. Method of adoption. Modifications and restrictions imposed through this district are considered part of this zoning text and accompanying map. All property included in the district shall be identified on the Official Zoning Maps by adding the letters P-0 and a number to the base zoning district symbol. The number shall be assigned when the application is filed and numbers shall run consecutively beginning with the number 1. The effectuating ordinance for zoning or rezoning property to the P-0 district shall specifically state the modifications or restrictions imposed pursuant to Sec. 4-118A. Such modifications and restrictions imposed shall be considered part of the text of these regulations, and a violation of them shall be a violation of these regulations. The modifications and restrictions shall continue in full force and effect until revised in accordance with the same amendment procedures as for the approval of the original P-0 District.
 - C. Effect of P-0 Designation. When the P-0 District zoning designation is applied in combination with an underlying zoning district, it shall always be considered to result in a more restrictive designation than if the base district did not have the P-0 classification. In the event that the P-0 designation was not originally requested as part of the rezoning application, but is added instead during the public hearing process, renotification and re-advertisement of the requested zoning change shall not be required.