

ZONING ORDINANCE

For

THE CITY OF LA JUNTA, COLORADO

PREPARED AT THE DIRECTION OF THE

LA JUNTA CITY PLANNING COMMISSION

BY

EARLES & RIGGS

ENGINEERS · PLANNERS · LANDSCAPE ARCHITECTS

Official Copy as Incorporated by Ordinance No. 1242

EDITION OF 1999

EFFECTIVE DATE: September 1, 1999

Public Officials

City of La Junta, Colorado

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CITY PLANNING COMMISSION

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CHAPTER 17.02

TITLE

17.02.010 Designated

- A. "This Ordinance shall be known and may be cited as the "Zoning Ordinance for the City of LaJunta, Colorado."

CHAPTER 17.04

APPLICATION

17.04.010 Designated

- A. In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare.
- B. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance, contract, deed or resolution, the provisions of this Ordinance shall control.

CHAPTER 17.06

PURPOSE AND INTENT

17.06.010 Designated

- A. These zoning regulations adopted, pursuant to the provisions of Colorado State Statutes are enacted for the purpose and intent of:
 - 1. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of the City of LaJunta.
 - 2. Preserving and protecting property values.
 - 3. Lessening congestion on the streets.
 - 4. Preventing overcrowding of land
 - 5. Providing adequate light and air.
 - 6. Avoiding undue concentration of population.
 - 7. Regulating and restricting location and use of buildings and land.

CHAPTER 17.14

DISTRICTS AND BOUNDARIES

SECTIONS

- 17.14.010 District Classification
- 17.14.020 Zoning District Map
- 17.14.030 Boundaries — Rules Where Uncertainty May Arise
- 17.14.040 Annexation Rule

17.14.010 District Classification

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

F-P	Floodplain district
A-L	Agricultural district
R-S	Residential suburban district
R-1a	Single-family dwelling district
R-1	Single-family dwelling district
R-2	Two-family dwelling district
R-3	Multiple-family dwelling district
R-4	High density multiple-family dwelling district
PUD	Planned unit development district
M-P	Mobile home park district
M-S	Manufactured home subdivision district
C-P	Planned neighborhood shopping district
C-S	Highway service district
C-1	General Commercial district
C-2	Central Business district
I-1	Light industrial district
I-2	Heavy industrial district

17.14.020 Zoning District Map.

- A. The boundaries of the zoning districts are shown on the map attached to the ordinance codified in this title and made a part of this title, which map is designated as the zoning district map.
- B. The zoning district map and all the notations, references and other information shown thereon are a part of this title and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described in this chapter.
- C. Copies of the zoning district map are on file with the city.

17.14.030 Boundaries — Rules where uncertainty may arise.

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

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In un-subdivided property, the district boundary line on the map accompanying and made a part of this title shall be determined by the use of the scale appearing on the map.

17.14.040 Annexation Rule.

A. All territory which may hereafter be annexed to the city shall be annexed as the zone existing at the time of annexation until or unless otherwise changed by ordinance.

CHAPTER 17.08

CONSISTENCY WITH COMPREHENSIVE PLAN

17.08.010 Designated.

- A. These regulations are intended to promote land use patterns consistent with the intent and direction established by the comprehensive plan for the LaJunta community.

CHAPTER 17.10

JURISDICTION

17.10.010 Designated

- A. The jurisdiction of these Zoning Regulations shall apply to all land located within the corporate limits of the City of LaJunta, Colorado.

CHAPTER 17.12

RULES AND DEFINITIONS

17.12.010 Grammatical Rules

- A. In the interpretation of these regulations, the provisions and rules of this chapter shall be observed and applied, except when the context clearly requires otherwise:
 - 1. Words used in the present tense shall include the future.
 - 2. Words in the singular number include the plural number and also the plural includes the singular.
 - 3. The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
 - 4. The word “shall” is mandatory.
 - 5. The word “may” is permissive.
 - 6. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - 7. The word “Board” means the LaJunta Board of Adjustment”
 - 8. Unless otherwise specified, all distances shall be measured horizontally.
 - 9. The word “City” means City of LaJunta, Colorado.
 - 10. The word “County” means Otero County, Colorado.

11. The abbreviation “N/A” means not applicable.

- B. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have its meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

17.12.020 Definitions generally.

- A. For the purpose of this Ordinance, certain terms or words used in this Ordinance shall be interpreted or defined as set forth in Sections 17.12.030 through 17.12.1730 unless the context clearly indicates otherwise.
- B. Words or terms not defined in Sections 17.12.030 through 17.12.1730 shall have their ordinary meaning in relation to the context.

17.12.030 Accessory building “Accessory building” means a subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises.

17.12.040 Accessory Use. “Accessory Use” means a use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.

17.12.050 Agriculture. “Agriculture” means the use of a tract of land for the growing of crops, pasturage, nursery, dairying, animal and poultry husbandry and the sale of such products on the premises that are produced on the premises. Agriculture shall also include the structures necessary for carrying out the farming operation but shall not include feed lots.

17.12.060 Airport or Heliport. “Airport or Heliport” means any landing area, runway or other facilities designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxies, aircraft storage, tie-down areas, hangars, or other necessary uses, and open spaces.

17.12.070 Alley “Alley” means a public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is twenty feet or less in width.

17.12.080 Alley Line“ “Alley Line” means the line of division between the public travelway comprising the alley and the private lot.

17.12.090 Alteration “Alteration” means, as applied to a building or structure, a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height or the moving from one (1) location or position to another, shall be considered as an alternation.

17.12.100 Animal Hospital or Animal Clinic “Animal Hospital” or “Animal Clinic” means an establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of veterinary medicine. This does not include open kennels or runs.

17.12.110 Apartment. — For “apartment,” see “dwelling, multiple-family.”

- 17.12.120 Approved Public Sanitary Sewer System. “Approved public sanitary sewer system” means a sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the city, and/or the board of county commissioners of the county, and by the State Department of Health.
- 17.12.130 Approved Public Water System. “Approved public water system” means water treatment plant and service lines approved by the governing body of the city, and/or the board of county commissioners of the county, and by the State Department of Health.
- 17.12.140 Attached Single Family Dwelling. — See Section 17.12.510.
- 17.12.150 Automobile, Truck and Trailer Sales and Service. “Automobile, Truck and Trailer Sales and Service” means a building or premises used for the display and/or sales of new or used automobiles, trucks or trailers and where only minor repair work is performed.
- 17.12.160 Automobile Service Station. “Automobile Service Station” means a structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.
- 17.12.170 Basement. “Basement” means a story having part, but not less than one-half, of its height below grade.
- 17.12.180 Bed and Breakfast Inn. “Bed and Breakfast Inn” means a residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that in all allowable residential districts, the number of such sleeping rooms shall not exceed a maximum of six (6) such units.
- 17.12.190 Block. “Block” means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, or a combination of thereof.
- 17.12.200 Board of Adjustment. “Board of Adjustment” means the legally appointed municipal board empowered to hear and decide appeals from, and to provide interpretations of, the terms of the zoning ordinance and official map as defined within this ordinance and in accordance with the laws of the State of Colorado.
- 17.12.210 Boarding House. “Boarding House” means a building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.
- 17.12.220 Buildable Area. “Buildable Area” means that area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these Regulations.

- 17.12.230 Building. “Building” means any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by un-pierced walls from the ground up, each part is deemed a separate building.
- 17.12.240 Building Height. “Building Height” means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. (See illustration at the end of this chapter.)
- 17.12.250 Building Inspector. “Building Inspector” means the person or persons designated by the governing body to administer the municipal building codes including the terms of this ordinance, as defined. (See Building Official).
- 17.12.260 Building Official. “Building Official” means the person or persons designated by the governing body to administer the municipal building codes and the terms of this ordinance, as defined, whether such person or persons be entitled Building Official, Building Inspector, Director of Public Works, Enforcing Officer, City Engineer, or Zoning Official.
- 17.12.270 Building, Principal. “Building, Principal” means a non-accessory building in which a principal use of the lot on which it is located is conducted.
- 17.12.280 Building Site. “Building Site” means the land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.
- 17.12.290 Bulk Regulations. “Bulk Regulations” means regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.
- 17.12.300 Business and Professional Office “Business and Professional Office” means the office of an architect, engineer, attorney, real estate or insurance agent, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
- 17.12.310 Campgrounds “Campgrounds” means a parcel of ground, which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground except on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.
- 17.12.320 Carwash “Carwash” means an establishment having facilities designed or used exclusively for washing or cleaning passenger motor vehicles.

17.12.330 Canopy or Marquee “Canopy or Marquee” means a roof-like structure of a permanent nature, which projects from the wall of a building and overhangs the public right-of-way.

17.12.340 Cellar. “Cellar” means a story having more than one-half of its height below grade.

17.12.350 Child Care “Child Care” means the process of caring for less than four (4) unrelated minor children as a service with or without financial arrangements. Child care shall include the term “baby-sitting” but shall not include preschools.

17.12.360 Child Care Center “Child Care Center” means a day nursery providing care for four (4) or more children for part of all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, head start centers giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all licensing requirements of the State of Colorado.

17.12.370 City Council or the Council. City Council” or “The Council” means the city council of the city of LaJunta, Colorado.

17.12.380 Clinic. — For “Clinic” see “Medical, dental or health clinic.”

17.12.390 Club or Lodge. “Club” or “Lodge” means a non-profit association or organization formed for either fraternal, social, educational, philanthropic or other similar purposes, including unions and professional organizations.

17.12.400 Cluster Housing — See “Condominium”, “Dwelling Multiple” and “Townhouse”. Also see “Planned Unit Development”.

17.12.410 Common Open Space. “Common Open Space” means an area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as open space.

17.12.420 Comprehensive Plan “Comprehensive Plan” means the duly adopted comprehensive plan for the development of the community which includes maps, charts, illustrations, concepts and texts for the following:

1. Land Use Studies
2. Goals and objectives
3. Population study and forecasts
4. Economy
5. Housing
6. Transportation
7. Central business district
8. Community facilities
9. General development plan

- 17.12.430 Condominium. “Condominium” means a multiple-family dwelling structure wherein the separate dwelling units are individually owned as opposed to rental units in an apartment.
- 17.12.440 Day Nursery. — See “Child Care Center”.
- 17.12.450 Density “Density” means restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
- 17.12.460 Developer “Developer” means the legal or beneficial owner or owners of all of the land proposed to be included in a proposed development or the duly authorized agent thereof. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.
- 17.12.470 District “District” means a section or sections of the city and/or county for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
- 17.12.480 Drive-In Service “Drive-In Service” means a type of retail sales establishment which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.
- 17.12.490 Dump “Dump” means a lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste of material of any kind.
- 17.12.500 Dwelling “Dwelling” means any building or portion thereof which is designed and used exclusively for residential purposes.
- 17.12.510 Dwelling, Attached. “Dwelling, Attached” means a residential building, which is joined to another dwelling at one or more sides by a party wall or walls.
- 17.12.520 Dwelling, Detached. “Dwelling, Detached” means a residential building, which is entirely surrounded by open space on the same lot.
- 17.12.530 Dwelling, Multiple-family. “Dwelling Multiple-family” means a building having accommodations for and occupied exclusively by more than two families.
- 17.12.540 Dwelling, Single-family. “Dwelling Single-family” means a building having accommodations for and occupied exclusively by one family.
- 17.12.550 Dwelling, Two-family. “Dwelling Two-family” means a building having accommodations for and occupied exclusively by two families.

- 17.12.560 Dwelling Unit “Dwelling Unit” means a room or group of rooms with culinary and sanitary facilities, which are designed or intended, for occupancy by a single family.
- 17.12.570 Established Building Line. “Established Building Line” means a building setback line generally parallel to the street right-of-way line established by a plat of record, by existing principal buildings in a block, or by this Zoning Regulation.
- 17.12.580 Exception. Exception means the allowance of a use within a given district by the Board of Adjustment. Exceptions shall be limited to only those specifically authorized and listed in the zoning ordinance.
- 17.12.590 Family. “Family” means one or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, associated domestic servants.
- 17.12.600 Fence. “Fence” means a free-standing structure of metal, masonry, glass, or wood, evergreen planting or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
- 17.12.610 Fence, Site Obstructing. “Fence” means a free-standing structure of metal, masonry, glass or wood, or evergreen plantings, or any combination thereof resting on or partially buried in the ground which shall be of such height and of such construction as necessary to block the view from outside by motorists and pedestrians. Visual density of the fence shall be at least 90 percent.
- 17.12.620 Floodplain. “Floodplain” means that land area subject to inundation from surplus stormwater as defined by the HUD flood insurance study and as depicted on the flood insurance rate map for the community.
- 17.12.630 Floor Area. “Floor Area” means the gross floor area of the building or the several floors in the building.
- 17.12.640 Fraternal, Civic and Social Organizations. “Fraternal, Civic and Social Organizations” means a corporation, partnership, business trust or association which is non-profit, which has been exempted from the payment of federal income taxes and which the sale of alcoholic beverages to members and their guests may be allowed under State Statutes provided it is secondary and incidental to the promotion of some other common objective of the organization. Said organizations may include, but are not limited to the following: VFW, Eagles, Elks, Knights of Columbus, American Legion, Masonic Lodges and Moose Lodges.
- 17.12.650 Frontage. “Frontage” means all the property on one side of a street between the two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
- 17.12.660 Garage, Private “Garage, private” means an accessory building designed or used for the storage of not more than four motor driven vehicles owned and used by the occupants of the building to which it is accessory.

- 17.12.670 Garage, Public. “Garage, public” means a building designed, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.
- 17.12.680 Garage, Storage. “Garage Storage” means a building, or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles.
- 17.12.690 Governing Body. “Governing Body” means, unless otherwise specified, the City Council of the City of LaJunta, Colorado.
- 17.12.700 Grade “Grade” means adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- 17.12.710 Group Home. “Group Home” means a residence providing accommodation for not more than eight (8) developmentally disabled persons, nor more than eight (8) persons sixty years of age or older as defined by C.R.S. 31-23-303, and operated in accordance with the requirements and conditions of state statute.
- 17.12.720 Home Occupation. “Home Occupation” means an accessory occupational use conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.
- 17.12.730 Hospital. “Hospital” means an establishment, which provides sleeping, and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continued basis.
- 17.12.740 Hotel or Motel. “Hotel or Motel” means a building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit. This definition does not include bed and breakfast establishments.
- 17.12.750 Institution of Higher Learning. “Institution of higher learning” means a college, university or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses and other student housing which are constructed on campus shall be considered accessory buildings.
- 17.12.760 Institution, Non-profit. “Institution, Non-profit” means a building occupied by a non-profit corporation or a non-profit establishment for public use.
- 17.12.770 Junk or Salvage Yard. “Junk or Salvage Yard” means a lot, parcel, or tract of land, including buildings, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or other discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

- 17.12.780 Kennel. “Kennel” means any place, area, building or structure where dogs and cats (including those under one year of age) are boarded, housed, cared for, fed, or trained by other than the owner, or where more than three dogs and cats more than one year of age are kept for purposes of breeding, raising, or as pets.
- 17.12.790 Laboratory, Medical. “Medical Laboratory” means an establishment, which provides bacteriological, biological, medical, X-ray, pathological and other similar analytical or diagnostic services.
- 17.12.800 Landscaping. “Landscaping” means the improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- 17.12.810 Laundry. “Laundry” means an establishment where commercial laundry work is undertaken.
- 17.12.820 Laundry, Self-service. “Laundry, Self-service” means an establishment equipped with individual coin-operated washing, drying or dry-cleaning machines.
- 17.12.830 Loading or Unloading Space. “Loading or Unloading Space” means an off-street space or berth, on the same tract and contiguous with the principal building or group of buildings for the temporary parking of commercial vehicles for loading and unloading merchandise or materials.
- 17.12.840 Lodginghouse. “Lodginghouse” means a building or place where lodging is provided, or which is equipped regularly to provide lodging, by pre-arrangement for definite periods, for compensation for three or more persons in contradistinction to hotels open to transients.
- 17.12.850 Lot. “Lot” means a parcel or tract of land (legally described or platted) which is on record in the office of the Register of Deeds. For the purpose of this regulation, a lot shall have a frontage upon a public street.
- 17.12.860 Lot Area. “Lot Area” means the total area within the property lines of the lot, plot or tract.
- 17.12.870 Lot, Corner. “Lot, Corner” means a lot, abutting two or more streets at their intersection. (See illustration at the end of this chapter.)
- 17.12.880 Lot Coverage. “Lot Coverage” means the total area of building expressed as a percentage of the total lot, plot or tract.
- 17.12.890 Lot, Depth of “Lot, Depth of” means the mean horizontal distance between the front and the rear lot lines. (See illustration at the end of this chapter.)
- 17.12.900 Lot, Double Frontage. “Lot, Double Frontage” means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot. (See illustration at the end of this chapter.)

17.12.910 Lot, Interior. “Lot, Interior” means a lot other than a corner lot, which has frontage on one street only. (See illustration at the end of this chapter.)

17.12.920 Lot Line “Lot Line” means the property line bounding a lot either on the front, side or rear of the property.

1. The front lot line is the lot line separating the lot from the street, other than an alley, and in the case of a corner lot, the shortest lot line along a street, other than an alley.
2. The rear lot line is the lot line which is opposite and more distant from the front lot line and in the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
3. The side lot line is any lot line, which is not a front or rear lot line.

17.12.930 Lot of Record. “Lot of Record” means a lot which is a part of a subdivision, the map of which has been recorded in the office of the County Clerk and Recorder, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Clerk and Recorder.

17.12.940 Lot Width. “Lot Width” means the horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

17.12.950 Lot, Zoning. “Lot, Zoning” means a parcel or tract of land used, developed, or built upon under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

17.12.960 Manufacture. “Manufacture” means any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

17.12.970 Manufactured Home, Equivalent Performance. “Manufactured Home, Equivalent Performance” means a single-family dwelling which:

1. Is partially or entirely manufactured in a factory.
2. Is not less than twenty-four feet in width and thirty-six feet in length.
3. Is installed on an engineered permanent foundation.
4. Has brick, wood or cosmetically equivalent exterior siding and a pitched roof.
5. Is certified pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. 5401 et seq., as amended.

17.12.980 Medical, Dental or Health Clinic. “Medical, Dental or Health Clinic” means any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists and podiatrists, and in which no patients are lodged overnight.

17.12.990 Mobile Home. “Mobile Home” means any manufactured housing unit designed and intended for permanent year-round habitation not meeting the definition of “manufactured home”, or “manufactured home, equivalent performance”. This definition does not include recreational vehicles, campers or other forms of temporary or seasonal housing.

17.12.1000 Mobile Home Park. “Mobile Home Park” means any area, parcel or tract of land, which has been planned or designed and used, or intended to be used, by one or more occupied mobile homes or manufactured homes or manufactured home, equivalent performance, not placed on permanent concrete footings and foundations. Mobile home parks are under one ownership and control and under no circumstances shall the individual mobile home spaces or lots be sold or offered for sale. The term mobile home park does not include sales lots on which occupied or unoccupied mobile homes or manufactured homes, whether new or used, are for the purpose of storage, inspection or sale.

17.12.1010 Mobile Home Subdivision. “Mobile Home Subdivision” means any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by mobile homes.

17.12.1020 Mortuary. “Mortuary” means an establishment in which the deceased are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.

17.12.1030 Motel. - See Hotel definition

17.12.040 Non-conforming Building. “Non-conforming Building” means the use of a building or portion thereof lawfully existing at the time of the passage of the zoning ordinance and amendments thereto, which does not conform with the provisions of this title or amendments thereto.

17.12.1050 Non-conforming Lot of Record. “Non-conforming Lot of Record” means a lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of subdivision regulations and neither said lot or parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

17.12.1060 . “Non-conforming Use” means any land lawfully occupied by a use, at the time of the passage of the ordinance codified in this title or amendments thereto, which does not conform with the provisions of this title or amendments thereto.

17.12.1070 Nursing Homes or Convalescent Homes. “Nursing Homes or Convalescent Homes” means an institute or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

17.12.1080 Open Space. “Open Space” means a parcel of land that is not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be

devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

17.12.1090 Owner “Owner” means any person, agent, firm or corporation having a legal or equitable interest in the property.

17.12.1100 Park. “Park” means a public or private area of land, with or without buildings, intended for outdoor activities or passive recreational areas.

17.12.1110 Parking Lot. “Parking Lot” means an open area, other than a street, used for the parking of automobiles.

17.12.1120 Parking Space. “Parking Space” means an area surfaced for the purpose of storing one parked automobile. For the purpose of this title, one parking space shall have a minimum width of nine feet and a minimum length of twenty feet. In computing off-street parking, additional space shall be required off-street for access drives to each parking space.

11.12.1130 Paved Parking. “Paved Parking” means a vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free all-weather condition.

17.12.1140 Permanent Foundation. “Permanent Foundation” means a foundation formed of poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.

17.12.1150 Person. “Person” means every natural person, firm, partnership, association or corporation.

17.12.1160 Personal Services Establishment. “Personal Service Establishments” shall include barbershops, beauty shops, shoeshine shops, cleaning and laundry pick up stations, shoe repair shops, self service laundry, custom dress making, furrier, millinery and tailor shops and similar personal service uses.

17.12.1170 Place or Court. “Place or Court” means an open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

17.12.1180 Planned Unit Development. “Planned Unit Development” means a tract of land, meeting specified minimum site size, whereon all elements of development may be designed as interrelated aspects of an overall improvement concept in accordance with the provisions of Chapter 17.32 of this ordinance.

17.12.1190 Planning Commission. “Planning Commission” means the planning commission of the City of LaJunta, Colorado.

17.12.1200 Plat. “Plat” means a layout of a subdivision indicating the location and boundaries of individual properties.

17.12.1210 Platting. Whenever the terms platting, platted or subdivided are used in the zoning ordinance it shall refer to the process established by the duly adopted subdivision regulations by the City planning Commission.

17.12.1220 Preschool. “Preschool” means a public or privately owned facility with defined curriculum which offers preparatory education for minor children aged 5 years and younger. The term does not include kindergarten. Such facility shall meet all state requirements for licensure.

17.12.1230 Premises “Premises” means a parcel together with all buildings and structures thereon.

17.12.1240 Professional Office. “Professional Office” means any building or part thereof used by one or more professional persons such as architects, engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives and contractors, and similar uses.

17.12.1250 Public Improvement. “Public Improvement” means any work within dedicated rights-of-way or easements.

17.12.1260 Public Utility. “Pubic Utility” means any business which furnishes the general public telephone service telegraph service, electricity, natural gas, or water, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

17.12.1270 Quasi-Public. “Quasi-Public” means essentially a public use, although under private ownership or control.

17.12.1280 Recreational Vehicle. “Recreational Vehicle” means a vehicular unit, other than a mobile home or a manufactured home, whose gross floor area is less than 320 square feet (29.7m²), which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, truck camper, motor home, fifth-wheeler trailer or van.

17.12.1290 Recycling Facility. “Recycling Facility” means any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.

17.12.1300 Renovation. “Renovation” means the interior or exterior remodeling of a structure, other than ordinary repair.

17.12.1310 Restaurant. “Restaurant” means a public eating establishment except drive-ins in which the primary functions are the preparation and serving of food on the premises.

17.12.1320 Restaurant, Drive-In. “Restaurant, Drive-In” means an establishment whose primary purpose is the sale, dispensing or serving of food, refreshment or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.

17.12.1330 Roominghouse. “Roominghouse” means any dwelling in which more than three persons, either individually or as families, are housed or lodged for hire, with or without meals as opposed to hotels, motels and bed and breakfast establishments providing accommodations for transients.

17.12.1340 Salvage Yard. “Salvage Yard” means a building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.

17.12.1350 Sanitary Landfill. “Sanitary Landfill” means a lot or parcel of land used primarily for the disposal, abandonment, dumping, burial or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste, and which is in conformance with the requirements of the State of Colorado.

17.12.1360 School. “School” means a public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.

17.12.1370 Service Station. “Service Station” means an establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced.

17.12.1380 Setback. “Setback” means the distance between the lot line and building line. (See block diagram on page 20.)

17.12.1390 Sight Triangle. “Sight Triangle” means an area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision up to a height of 4 feet above the height of the curb head of the intersecting streets in the area bounded by the street lines 50 feet inward and away from the point of the intersection as measured at the curb line.

17.12.1400 Sign. “Sign” includes any sign or other device which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization or business, but does not include any display of official notice or official flag.

1. Advertising Sign means a sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.
2. Business Sign means a sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A “FOR SALE”

sign or a “FOR RENT” sign relating to the property on which it is displayed shall be deemed a business sign.

3. Flashing Sign means any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this title, any revolving illuminated sign shall be considered a flashing sign.
4. Illuminated Sign means a sign designed to give forth artificial light, or designed to reflect light derived from any source.
5. Sandwich Sign means an advertising or business ground sign which is constructed in such a manner to form an “A” or tent-like shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.

17.12.1410 Site Plan. “Site Plan” means a plan, to scale, showing uses and structures proposed for a parcel of land. A site plan includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, site drainage, and the proposed locations of utility lines.

17.12.1420 Special Use Permit. “Special Use Permit” means a permit which allows a use as an exception by authorization of the Board of Adjustment.

17.12.1430 Storm Shelter. “Storm Shelter” means a weatherproof enclosure of appropriate structural quality to provide safety for occupants from tornadoes and other strong storms, sized according for the expected numbers of users and so located to assure immediate access from the surrounding service area. Storm shelters shall meet the location and construction requirements of the city.

17.12.1440 Spot Zoning. “Spot Zoning” means the awarding of a use classification to an isolated parcel of land, which is detrimental or incompatible with the uses of the surrounding area.

17.12.1450 Story. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

17.12.1460 Street. “Street” means a right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.

17.12.1470 Street Line. “Street Line” means a dividing line between a lot, tract or parcel of land and the contiguous street.

17.12.1480 Street Network. “Street Network” includes the following:

1. “Arterial Street” means a street, which provides for through traffic movement between and around areas and across the direct access to abutting property, subject to necessary control of entrances, exits and curbs uses.
2. “Collector Street” means a street, which provides for traffic movement between arterial and local streets, with direct access to abutting property.

3. “Expressway” means a street with divided roadways which provides fast and efficient movement of large volumes of traffic between areas and across the city and which does not provide a land service function.
4. “Local Street” means a street, which provides direct access to abutting land and for local traffic movement, whether in business, industrial or residential areas.

17.12.1490 Structure. “Structure” means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences less than six feet in height.

17.12.1500 Structural Alterations. “Structural Alterations” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this title, the following shall not be considered structural alterations:

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

17.12.1510 Subdivision. “Subdivision” means the division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. Subdivision includes re-subdivision and “re-subdivision” as used in this title, includes any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same. (In conformity with the S.S. of Colorado, House Bill 1225.)

17.12.1520 Subdivision Plat. “Subdivision Plat” means a plan or map prepared in accordance with the provisions of the duly adopted subdivision regulations and recorded with the County Clerk and Recorder of the county. (In conformity with the S.S. of Colorado, House Bill 1225.)

17.12.1530 Tavern. “Tavern” means an establishment in which the primary function is the public sale and serving of vinous, or spirituous liquors or fermented malt beverages.

17.12.1540 Theater, moving picture. “Theater, moving picture” means a building or part of a building devoted to the showing of moving pictures on a paid admission basis.

17.12.1550 Theater, drama. “Theater, drama” means a building or part of a building devoted to stage productions, plays, oratory or other events for paid or unpaid public attendance.

17.12.1560 This Ordinance or Title. “This Ordinance or Title” means the document duly approved and adopted by the governing body of the City of LaJunta, Colorado, which establishes zoning requirements, otherwise known as the zoning ordinance.

17.12.1570 Townhouse. “Townhouse” means a multiple-family dwelling structure wherein separate dwelling units including the immediately adjacent yard area are individually owned, as opposed to a condominium which does not include ownership of the adjacent yard, or rental units in an apartment.

17.12.1580 Tract. “Tract” means a plot or parcel of land, other than a lot in a subdivision, which is recorded in the office of the County Clerk and Recorder of the county as a single plat or parcel of land under individual ownership.

17.12.1590 Trailer. — For “trailer”, see “Mobile Home” and “Manufactured Home”.

17.12.1600 Use. “Use” means the specific purpose for which land or a building is used. “Permitted use,” or its equivalent, does not include any illegal non-conforming use.

17.12.1610 Use, Non-conforming. “Use, Non-conforming” means a use which lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued and which does not now conform with these regulations.

17.12.1620 Use Regulations. “Use Regulations” means the provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.

17.12.1630 Use, Temporary. “Use, Temporary” means a use that is authorized by this ordinance to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors’ offices and equipment sheds, fireworks stands, carnivals, flea markets and garage sales.

17.12.1640 Variance. “Variance” means the authorization, by the Board of Adjustment, of a variance from the specific terms of the zoning ordinance. Variances are limited to those authorized in the powers and duties of the Board of Adjustment defined in this title.

17.12.1650 Way. “Way” means a street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

17.12.1660 Yard. “Yard” means a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

17.12.1670 Yard, front. “Front Yard” means a yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line. (See illustration at the end of this chapter.)

17.12.1680 Yard, rear. “Rear Yard” means a yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half the width of the alley may be included in the rear yard requirements. (See illustration at the end of this chapter.)

17.12.1690 Yard, side. “Side Yard” means a yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest point of the side lot line toward the nearest part of the main building. (See illustration at the end of this chapter.)

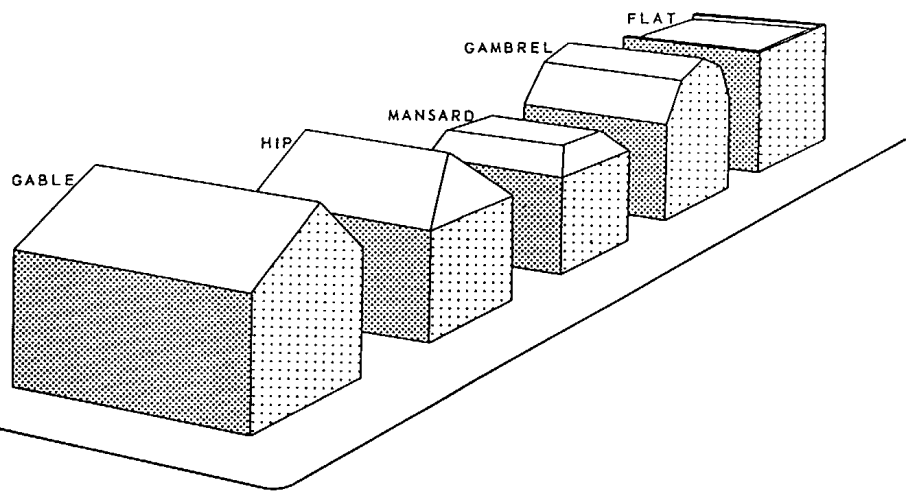
17.12.1700 Zone or District. “Zone or “District” means a section of the city for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open spaces about buildings are established in this title.

17.12.1710 Zoning Administrator. “Zoning Administrator” means the person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

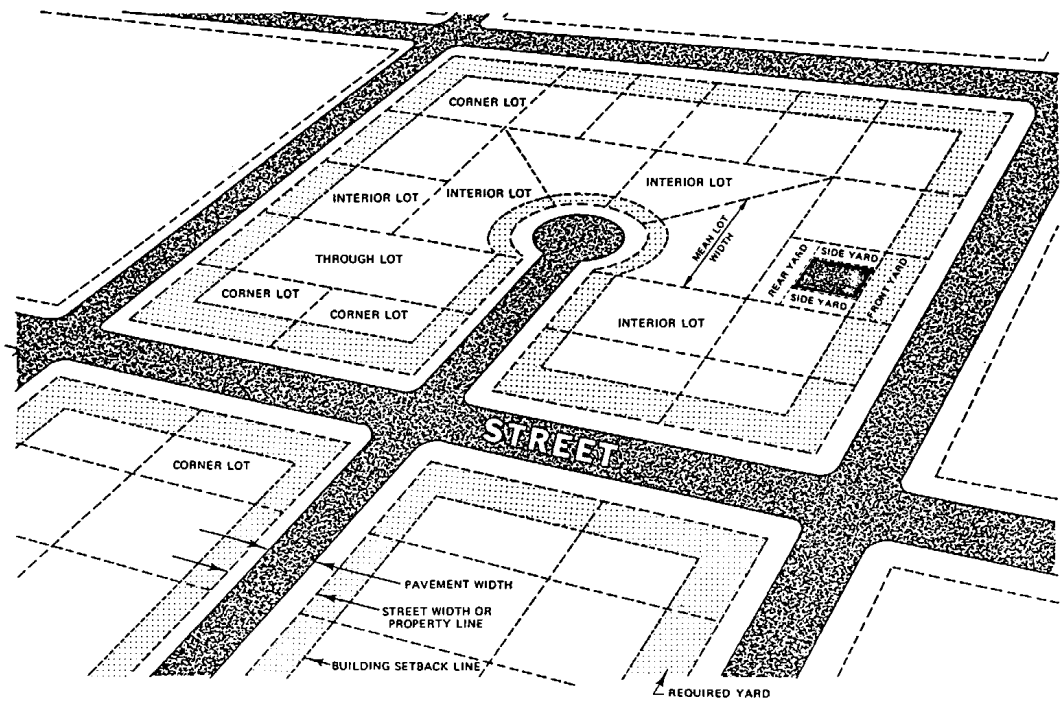
17.12.1720 Zoning Area. “Zoning Area” means the area to be zoned as set out on the official Zoning Map filed on record.

17.12.1730 Zoning Regulations. “Zoning Regulations”, “this or these regulations” means the

BUILDING DIAGRAM SHOWING ROOF STYLES . . .



BLOCK DIAGRAM SHOWING LOT TYPES, SET BACKS AND TERMS . . .



CHAPTER 17.16

“F-P” FLOODPLAIN DISTRICT

SECTIONS

17.16.010	Intent & Purpose
17.16.020	District Regulations
17.16.030	Special Use Regulations
17.16.040	Intensity of Use Regulations
17.16.050	Height Regulations
17.16.060	Yard Regulations
17.16.070	Sign Regulations
17.16.080	Parking Regulations

17.16.010 Intent and Purpose.

- A. The F-P floodplain district is established for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Flood Insurance Study and accompanying Floodway Map, and subsequent additions or amendments thereto, prepared for the City of LaJunta by the Federal Insurance Administration.
- B. This zone is intended for application throughout the zoning jurisdiction in locations where official floodplain delineations have been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainageways.

17.16.020 District Regulations.

- A. In a F-P Floodplain district, no building or land shall be used, and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the permitted uses in the parent district to which this district is made a part, provided that such uses and structures meet the minimum requirements of Section 17.16.030.

17.16.030 Special Use Regulations.

- A. Notwithstanding the requirements of the parent district, the other requirements of this zoning ordinance, and the detailed regulations present in City Ordinance Number 855, Prevention of Flood Damage, the following regulations shall supplement the regulations of the parent district of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.
 - 1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of Ordinance Number 855. The application

for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the City Engineer. The application shall be accompanied by explanatory background information as required by Ordinance 855 which shall include as a minimum:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level to which any structure has been flood-proofed.
- c. Certification by a registered professional engineer or architect that the flood-proofing methods for any non-residential structure meet the flood-proofing criteria as required by Ordinance 855.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. In areas within the municipal zoning jurisdiction which are designated as "F-P" Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Ordinance 855.

17.16.040 Intensity of Use Regulations.

- A. The lot coverage and intensity of the use of the parent district of which this district is made a part shall be the maximum allowable.

17.16.050 Height Regulations.

- A. The height regulations of the parent district of which this district is made a part shall be the maximum height requirements subject to additional requirements as prescribed by this ordinance.

17.16.060 Yard Regulations.

- A. The yard requirements of the parent district of which this district is made a part shall be the minimum yard requirements subject to additional requirements as prescribed by this ordinance.

17.16.070 Sign Regulations.

- A. The sign regulations of the parent district of which this district is made a part shall be the minimum requirements for sign regulations.

17.16.080 Parking Regulations.

- A. The parking regulations of the parent district of which this district is made a part shall be the minimum requirements for parking subject to additional requirements as prescribed by this ordinance.

CHAPTER 17.18

“A-L” AGRICULTURAL DISTRICT

SECTIONS

17.18.010	Intent and Purpose
17.18.020	District Regulations
17.18.030	Permitted Uses
17.18.040	Intensity of Use Regulations
17.18.050	Height Regulations
17.18.060	Yard Regulations
17.18.070	Sign Regulations
17.18.080	Parking Regulations

- 17.18.010 Intent and Purpose.
- A. The A-L Agricultural district is established for the purpose of protecting agricultural uses in the county by restricting and regulating density, land coverage and land use.
- 17.18.020 District Regulations.
- A. In an A-L district no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the uses listed in Section 17.18.030.
- 17.18.030 Permitted Uses.
- A. Uses permitted in an A-L district shall be as follows.
1. General farm operations.
 2. Single-family dwelling units including manufactured homes, equivalent performance manufactured homes but not including mobile homes.
 3. Churches and similar places of worship and parish houses.
 4. Golf courses and other open land recreational uses, except miniature golf courses, driving tees or other intensive commercial uses such as automobile race track or amusement park.
 5. Green houses, nurseries and garden center.
 6. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
 7. Public and semi-public parks, playgrounds, campgrounds, fishing preserves or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.
 8. Public or parochial preschool, elementary, junior high and high schools and private schools with equivalent curriculum.
 9. Stands for sale of agricultural products or commodities raised on the premises.
 10. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbecue ovens, fireplaces and similar uses.

11. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
12. The renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom board may be furnished but with the prohibition of separate culinary accommodations for such tenants.
13. Utility lines and facilities necessary for public service, and including, refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams and power plants.
14. Water sheds, wildlife habitats, wildlife production areas, and game management areas or other conservation uses.
15. The following uses may be allowed special use permit when submitted, reviewed and approved by the Board of Adjustment and subject to conditions as the Board may impose.
 - a. Any public building erected or land used by any department of the City, County, State or Federal Government.
 - b. Airport or heliport.
 - c. Cemetery.
 - d. Group homes on a tract of land three (3) acres or larger.
 - e. Nursing home, rest homes, convalescent homes and homes for the aged on a tract of land three (3) acres or larger.
 - f. Radio, television, navigation or military control station, transmitter or tower.
 - g. Animal hospital or kennel.
 - h. Wrecking salvage or junk yard, providing the storage yard is completely enclosed with a six-foot fence or wall and located not less than 1,500 feet from a residential district zone and subject to the following.
 - (1.) The operation shall be conducted completely within the enclosed area. The fence or wall shall be of uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the area. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
 - (2.) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosing fence or wall or within public right-of-way.
 - (3.) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department and in accordance with the State requirements. Said burning, when permitted, shall be done during daylight hours only.
 - i. Home occupations (See Chapter 17.56 for interpretation.)

17.18.040 Intensity of Use Regulations.

- A. Tracts in this district shall be two acres or larger.

17.18.050 Height Regulations.

- A. Except as otherwise provided in the height, are, bulk and dimensional requirements of this ordinance, no building or structure shall exceed the following height restrictions.
 - 1. When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height.
 - 2. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed 80 feet in height.

17.18.060 Yard Regulations

- A. The yard regulations for an A-L district shall be as follows.
 - 1. Front Yard
 - a. There shall be a front yard having a depth of not less than forty feet except as required for arterial and collector streets or roads. (See additional height, area and use regulations.)
 - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
 - c. Where a lot or tract is located at the intersections of two or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
 - 2. Side Yard.
 - a. There shall be a side yard on each side of every building or structure which side yard shall not be less than fifteen feet.
 - 3. Rear Yard.
 - a. Except as hereinafter provided in the additional height, area and use regulations of this ordinance, there shall be a rear yard having a depth of not less than forty feet.

17.18.070 Sign Regulations.

- A. For sign regulations in an A-L district, see Chapter 17.50.

17.18.080 Parking Regulations.

- A. For parking regulations in an A-L district, see Chapter 17.52.

CHAPTER 17.22

“R-1a” SINGLE-FAMILY DWELLING DISTRICT

SECTIONS

17.22.010	Intent and Purpose
17.22.020	District Regulations
17.22.030	Permitted Uses
17.22.040	Intensity of Use Regulations
17.22.050	Height Regulations
17.22.060	Yard Regulations
17.22.070	Sign Regulations
17.22.080	Parking Regulations

- 17.22.010 Intent and Purpose.
- A. The R-1a single-family dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to de-value property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district.
 - B. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.
- 17.22.020 District Regulations.
- A. In an R-1a district, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged or designed for other than one of the uses listed in Section 17.22.030.
- 17.22.030 Permitted Uses.
- A. Uses permitted in an R-1a district shall be as follows.
 - 1. Single-family dwellings, including manufactured homes and equivalent performance manufactured homes, but not including mobile homes.
 - 2. Churches and similar places of worship and parish houses
 - 3. Community recreation buildings owned and operated by a public agency
 - 4. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
 - 5. Group homes.
 - 6. Public parks, playgrounds, recreational areas owned and operated by a public agency.
 - 7. Institutions of higher learning, including dormitory accommodations when located on the same or a separate but adjacent tract as the educational buildings.
 - 8. Schools and preschools, public or parochial, elementary, junior high and high schools and private schools with equivalent curriculum.
 - 9. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include

uses unrelated to the principal use or any activity commonly conducted for gain.

10. Temporary structures incidental to construction work, but only for the period of such work; basements and cellars may not be occupied for residential purposes until the building is completed.
11. Non-profit institutions of an educational, philanthropic or eleemosynary nature, except penal or mental institutions.
12. The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment.
 - a. Any public building erected on land used by any department of the City, County, State or Federal Government.
 - b. Cemetery.
 - c. Child Care Center.
 - d. Telephone exchange, electric substations and regulator stations or other public utilities.
 - e. Home Occupations.
 - f. Child Care.

17.22.040 Intensity of Use Regulations.

- A. Every lot of land in an R-1a district shall have an area of not less than eight thousand four hundred square feet and average width of not less than seventy feet, except that if a single lot of record as of the effective date of the ordinance codified in this title, as defined in the definitions chapter of this title, has less area or width than required in this chapter and its boundary lines, along their entire length, touched lands under other ownership on the effective date of the ordinance codified in this title and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other yard and height requirements in this district.

17.22.050 Height Regulations.

- A. No building in an R-1a district shall exceed thirty-five feet in height, except as otherwise provided in the additional height, area and use regulation in Chapter 17.56.

17.22.060 Yard Regulations.

- A. The yard regulations for an R-1a district shall be as follows:
 1. Front yard.
 - a. There shall be a front yard having a depth of not less than thirty feet except as required for arterial and collector streets. (See additional height, area and use regulations in Chapter 17.56.
 - b. Where lots have a double frontage, the required front yard abutting the street side shall be fifteen feet; provided, however no building shall be so constructed on the exterior side of a corner lot if it would be in front of the required setback line on a lot adjacent to the corner lot.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the lot. No accessory building shall project beyond the front yard line on either street.
 2. Side Yard.
 - a. There shall be a side yard having a width of not less than six feet.

- b. Wherever a lot of record as of the effective date of the ordinance codified in this title has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than five feet.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of the ordinance codified in this title shall not be reduced to less than thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.
3. Rear Yard.
- a. Except as provided in Chapter 17.56 in the additional height, area and use regulations of this title, there shall be a rear yard having a depth of not less than thirty feet.

17.22.070 Sign Regulations. See Chapter 17.50.

17.22.080 Parking Regulations. See Chapter 17.52.

CHAPTER 17.20

“R-S” RESIDENTIAL SUBURBAN DISTRICT

SECTIONS

17.20.010	Intent and Purpose
17.20.020	District Regulations
17.20.030	Permitted Used
17.20.040	Intensity of Use Regulations
17.20.050	Height Regulations
17.20.060	Yard Regulations
17.20.070	Sign Regulations
17.20.080	Parking Regulations

17.20.010 Intent and Purpose.

- A. The R-S residential suburban district is established to provide for single-family residential development at a low density, and to allow certain public facilities. It is the intent of the district regulation to protect the health, safety and general welfare of persons residing in the district; to prevent uses which would de-value property; to regulate population density, and to provide adequate open space around buildings and structures.

10.20.020 District Regulations.

- A. In an R-S district no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged or designed for other than one of the uses listed in Section 17.18.030.

10.20.030 Use Regulations.

- A. General Farm operations. This shall not include or permit.
 - 1. Any activity within 300 feet of another residential district which activity is noxious or offensive by reason of dust, odor or noise.
- B. Single-family non-farm dwellings including manufactured homes and equivalent performance manufactured homes, but not including mobile homes.
- C. Temporary structures incidental to construction work but only for the period of work. Basements and cellars may not be occupied for residential purposes until the building is complete.
- D. Golf courses, except miniature golf courses or driving tees.
- E. Public parks, playgrounds, recreational areas owned and operated by the public agency.
- F. The following non-farm uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment and under such conditions as the Board may impose.
 - 1. Accessory buildings on the rear half of non-farm residence building sites used as private storerooms, wood sheds, work shops, laundries, playhouses, greenhouses, poultry or animal shelters or houses and other similar or related accessory uses; provided, however, that there shall be not more than three buildings allowed in addition to private

garages as accessory to any non-farm single-family residence, subject to limitations specified in 3 below.

2. Raising and care of livestock for show and pleasure excluding swine and dog kennels.
3. The following limitations are applicable to issuance of special use permits in 1. and 2. above.
 - a. When an "R-S" District or a portion thereof is re-classified to another more restrictive residential zone, all those uses granted by special use permit for animal shelters or similar related uses in 1. above and those uses granted under 2 above shall be completely discontinued within a period of six months from the date of reclassifications.
 - b. Uses permitted in 2 above shall not be kept for commercial purposes.
 - c. Livestock permitted in 2 above shall be properly sheltered and proper sanitation shall be maintained at all times.
 - d. Livestock cages or pens permitted in 2 above shall not be closer than three hundred feet to any residential district except "R-S."
4. Churches and similar places of worship.
5. Home occupations.
6. Child care centers.
7. Greenhouses on a tract of land three acres or larger.
8. Hospitals for people on a lot, plot or tract of land five acres or larger.
9. Nursing home, sanitarium, rest home, homes for the aged, or convalescent home on a lot, plot or tract of land five acres or larger.
10. Raising of trees, shrubs and grasses not sold on the premises.
11. Schools, and preschools, public or parochial, elementary, junior high and high schools and private schools with equivalent curriculum.
12. Cemetery
13. Any public building erected on land used by any department of the City, County, State or Federal Government.

17.20.040 Intensity of Use Regulations;

- A. Where a municipal sanitary sewer system and municipal water system are not available, a lot area of not less than 3 acres is required. Where a municipal sanitary sewer is not available but a municipal water system is available, a lot area of not less than 1 acre is required.
- B. Lots shall have an average tract or lot width of not less than 80 feet. The principal cover and accessory buildings shall not cover more than 35% of the lot area.

17.20.050 Height Regulations.

- A. No building in an R-S district shall exceed thirty-five feet in height except as otherwise provided in the additional height, area and use regulations.

17.18.50 Yard Regulations.

- A. The yard regulations for an R-S district shall be as follows:
 1. Front Yard.

- a. There shall be a front yard having a depth of not less than thirty-five feet, except as required for arterial and collector streets
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this ordinance shall not be reduced to less than thirty-five feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard.
 - a. Except as hereinafter required in the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than ten percent of the width of the lot with a minimum of eight feet on each side of the principal building.
 3. Rear Yard.
 - a. There shall be a rear yard having a depth of not less than thirty feet.

17.20.070 Sign Regulations. See Chapter 17.50

17.20.080 Parking Regulations. See Chapter 17.52

CHAPTER 17.24

“R-1” SINGLE-FAMILY DWELLING DISTRICT

SECTIONS

17.24.010	Intent and Purpose
17.24.020	District Regulations
17.24.030	Permitted Uses
17.24.040	Intensity of Use Regulations
17.24.050	Height Regulations
17.24.060	Yard Regulations
17.24.070	Sign Regulations
17.24.080	Parking Regulations

- 17.24.010 Intent and Purpose.
- A. The R-1 single-family dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities.
 - B. It is intended that no uses be permitted in this district that will tend to de-value property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district.
 - C. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.
- 17.24.020 District Regulations.
- A. In an R-1 district, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged or designed for other than one of the uses listed in Section 17.24.030.
- 17.24.030 Permitted Uses.
- A. Uses permitted in an R-1 district shall be as follows.
 1. Uses first permitted in the R-1a single-family dwelling district.
 2. Home occupations.
- 17.24.040 Intensity of Use Regulations.
- A. Every lot in an R-1 district shall have an area of not less than seven thousand square feet and an average width of not less than sixty feet, except that if a single lot of record as of the effective date of the ordinance codified in this title, as defined in the definitions chapter of this title, has less area or width than required in this chapter, and its boundary lines, along their entire length, touched lands under other ownership on the effective date of the ordinance codified in this title and have not since been changed, such lot may be used for a single-family dwelling if the structure conforms with other yard and height requirements in this district.

- 17.24.050 Height Regulations.
- A. No building in an R-1 district shall exceed thirty-five feet in height, except as otherwise provided in the additional height, area and use regulations in Chapter 17.56.
- 17.24.060 Yard Regulations.
- A. The yard regulations for an R-1 district shall be as follows:
1. Front yard.
 - a. There shall be a front yard having a depth of not less than thirty feet except as required for arterial and collector streets. (See additional height, area and use regulations in Chapter 17.56.)
 - b. Where lots have a double frontage, the required front yard for the yard abutting the street side shall be fifteen feet; provided, however, no building shall be so constructed on the exterior side of a corner lot if it would be in front of the required setback line on a lot adjacent to said corner lot.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of the ordinance codified in this title shall not be reduced to less than thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.
 3. Side Yard.
 - a. There shall be a side yard having a width of not less than six feet.
 - b. Wherever a lot of record as of the effective date of the ordinance codified in this title has a width of fifty feet or less, the side yard of each side of a building may be reduced to a width of not less than five feet.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot;
 4. Rear Yard.
 - a. Except as provided in the additional height, area, and use regulations of Chapter 17.56, there shall be a rear yard having a depth of not less than thirty feet.
- 17.24.070 Sign Regulations. See Chapter 17.50.
- 17.24.080 Parking Regulations See Chapter 17.52.

CHAPTER 17.26

“R-2” TWO-FAMILY DWELLING DISTRICT

SECTIONS

17.26.010	Intent and Purpose
17.26.020	District Regulations
17.26.030	Permitted Uses
17.26.040	Intensity of Use Regulations
17.26.050	Height Regulations
17.26.060	Yard Regulations
17.26.070	Sign Regulations
17.26.080	Parking Regulations

17.26.010 Intent and Purpose.

- A. The R-2 two-family dwelling district is intended for the purpose of allowing a slightly higher density than in district R-1, yet retaining the residential qualities.
- B. This district allows duplex uses, single-family homes, certain community facilities and certain special uses.

17.26.020 District Regulations.

- A. In an R-2 district, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 17.27.30.

17.26.030 Permitted Uses.

- A. Uses permitted in an R-2 district shall be as follows:
 - 1. Any use permitted in the R-1 single-family dwelling district
 - 2. Two-family dwellings.
 - 3. The renting of not more than two sleeping rooms with a total occupancy not to exceed three persons for whom board may be furnished but with prohibition of separate culinary accommodations for such tenants.
 - 4. Bed and Breakfast Inns

17.26.040 Intensity of Use Regulations.

- A. Except as provided in this title, all dwellings hereafter erected, enlarged, relocated or reconstructed in an R-2 district, shall be located upon lots containing the following areas.
 - 1. A lot on which there is erected a single-family dwelling shall contain an area of not less than 6,000 square feet per family and on an average width of sixty feet.
 - 2. A lot on which there is erected a two-family dwelling shall contain an area of not less than 4,000 square feet per family.
 - 3. Where a single lot of record as of the effective date of the ordinance codified in this title, as defined in the definitions chapter of this title, has less area than required in this chapter and its boundary lines, along their entire length, touched lands under other ownership on the effective date of the ordinance codified in this title and have not since been changed, such lot may be used

for a single-family dwelling if the structure conforms with other yard and height requirements of this district.

17.26.050 Height Regulations.

- A. No building or structure in an R-2 district shall exceed thirty-five feet in height except as otherwise provided in the additional height, area and use regulations in Chapter 17.56.

17.26.060 Yard Regulations.

- A. The yard regulations for an R-2 district shall be as follows:

- 1. Front Yard.

- a. There shall be a front yard having a depth of not less than twenty-five feet except as required for arterial and collector streets. (See additional height, area and use regulations in Chapter 17.56.)
- b. Where lots have a double frontage, the required front yard for the yard abutting the street side shall be twelve and one-half feet; provided, however, no building shall be so constructed on the exterior side of a corner lot if it would be in front of the required setback line on a lot adjacent to said corner lot.
- c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of the passage of the ordinance codified in this title shall not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

- 2. Side Yard.

- a. Except as provided in subdivision 2 of this subsection and the additional height, area and use regulations of this title, there shall be a side yard having a width of not less than five feet on each side of the principal building.
- b. Wherever a lot of record as of the effective date of the ordinance codified in this title has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than four feet.

- 3. Rear Yard.

- a. Except as provided in Chapter 17.60 in the additional height, area and use regulations of this title, there shall be a rear yard having a depth of not less than twenty-five feet.

17.26.070 Sign Regulations. See Chapter 17.50.

17.26.080 Parking Regulations. See Chapter 17.52.

CHAPTER 17.28

"R-3" MULTIPLE-FAMILY DWELLING DISTRICT

SECTIONS

17.28.010	Intent and Purpose
17.28.020	District Regulations
17.28.030	Permitted Uses
17.28.040	Intensity of Use Regulations
17.28.050	Height Regulations
17.28.060	Yard Regulations
17.28.070	Sign Regulations
17.28.080	Parking Regulations

17.28.010 Intent & Purpose.

- A. The R-3 multiple-family dwelling district is intended for the purpose of allowing moderate to high residential density land use with the comingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities and certain special uses, yet retaining the basic residential qualities.

17.28.020 District Regulations.

- A. In an R-3 district, no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in Section 17.28.030.

17.28.030 Permitted Uses.

- A. Uses permitted in an R-3 dwelling district shall be as follows:
 - 1. Any uses permitted in the R-2 two-family dwelling district.
 - 2. Multiple-family dwellings, three stories or less in height.
 - 3. Boarding houses and lodging houses
 - 4. Home occupations (See Chapter 17.56 for interpretation)
 - 5. Hospitals, including medical arts practice buildings located on hospital-owned grounds and adjacent to the hospital.
 - 6. Institutions of higher learning, including dormitory accommodations.
 - 7. Mortuaries with or without crematory
 - 8. Non-profit institutions of an educational, philanthropic or eleemosynary nature, except penal or mental institutions.
 - 9. Nursing homes and convalescent homes.
 - 10. Child Care
 - 11. Child Care Center
- B. Uses allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment
 - 1. Medical arts practice building

17.28.040 Intensity of Use Regulations.

- A. Except as provided in this title, all dwellings hereafter erected, enlarged, relocated, or reconstructed in an R-3 district shall be located upon lots containing the following areas.

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand square feet.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand square feet per family.
3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than five thousand square feet, or two thousand square feet per family
4. Dormitories, lodging houses, nursing homes and boarding houses shall provide five hundred square feet of lot area for each occupant.
5. Where a single lot of record as of the effective date of the ordinance codified in this title, as defined in the definitions chapter of this title, has less area than five thousand square feet and its boundary lines, along their entire length, touched lands under other ownership on the effective date of the ordinance codified in this title and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this district, providing the structure does not occupy more than forty percent of the lot area and providing the structure conforms with other yard and height requirements of this district.

17.28.050 Height Regulations.

- A. No building in an R-3 district shall exceed forty-five feet in height, except as provided in the additional height, area and use regulations of Chapter 17.56.

17.28.060 Yard Regulations.

- A. The yard regulations for an R-3 district shall be as follows:
 1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five feet and a minimum width of fifty feet except as required for arterial and collector streets. (See additional height, area and use regulations in Chapter 17.56.)
 - b. Where lots have a double frontage, the required front yard for the yard abutting the street side shall be twelve and one-half feet; provided, however,, no building shall be so constructed on the exterior side of a corner lot if it would be in front of the required setback line on a lot adjacent to said corner lot.
 - c. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a lot of record as of the effective date of the ordinance codified in this title shall not be reduced to less than twenty-eight feet. No accessory building shall project beyond the front yard line on either street.
 2. Side Yard.
 - a. Except as provided in subsection b. below, and the additional height, area and use regulations of Chapter 17.56, there shall be a side yard having a width of not less than 5 feet on each side of a building 35 feet or less in height, and there shall be a side yard having a width of not less than 8 feet on each side of a building in excess of 35 feet.
 - b. Wherever a lot of record as of the effective date of this Ordinance has a width of 50 feet or less, the side yard of each side of a building may be

reduced to a width of not less than 3 feet, provided that the height of the building does not exceed 35 feet.

3. Rear Yard

a. Except as provided in subdivision 2 of this subsection and the additional height, area and use regulations of Chapter 17.56 district which shall be a rear yard for buildings in this district which shall have a depth of not less than twenty-five feet.

17.28.070 Sign Regulations. See Chapter 17.50.

17.28.080 Parking Regulations See Chapter 17.52.

CHAPTER 17.30

"R-4" MULTIPLE FAMILY DWELLING DISTRICT

SECTIONS

17.30.010	Intent and Purpose
17.30.020	District Regulations
17.30.030	Permitted Uses
17.30.040	Intensity of Use Regulations
17.30.050	Height Regulations
17.30.060	Yard Regulations
17.30.070	Sign Regulations
17.30.080	Parking Regulations

17.30.010 Intent & Purpose.

- A. The R-4 multiple-family dwelling district is intended for the purpose of allowing residential density land use with the comingling of compatible uses, yet retaining the basic residential qualities.

17.30.020 District Regulations.

- A. In an R-4 district, no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in Section 17.30.030.

17.30.030 Permitted Uses.

- A. Uses permitted in an R-4 district shall be as follows;
 1. Any uses permitted in the R-3 multiple-family dwelling district.
 2. Multiple-family dwellings in structures over 3-stories in height
 3. Condominiums and town houses, subject to the conditions of Chapter 17.56.

17.30.040 Intensity of Use Regulations.

- A. Except as provided in this title, all dwellings hereafter erected, enlarged, relocated, or reconstructed in an R-4 district shall be located upon lots containing the following areas.
 1. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand square feet.
 2. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand square feet per family.
 3. A lot on which there is erected a multiple-family dwelling three stories or less in height shall contain an area of not less than five thousand square feet, or two thousand square feet per family.
 4. A lot on which there is erected a multiple-family dwelling over three stories in height shall contain an area of not less than two-thousand two hundred square feet per family.
 5. Condominiums and townhouses shall provide a minimum of 2,200 square feet per unit.
 6. Dormitories, lodging houses, nursing homes and boarding houses shall provide five hundred square feet of lot area for each occupant.

7. Where a single lot of record as of the effective date of the ordinance codified in this title, as defined in the definitions chapter of this title, has less area than five thousand square feet and its boundary lines, along their entire length, touched lands under other ownership on the effective date of the ordinance codified in this title and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this district, providing the structure does not occupy more than forty percent of the lot area and providing the structure conforms with other yard and height requirements of this district.

17.30.050 Height Regulations. - As required for Fire Protection.

17.30.060 Yard Regulations.

A. Front Yard.

1. There shall be a front yard having a depth of not less than twenty-five feet and a minimum width of fifty feet except as required for arterial and collector streets. (See additional height, area and use regulations in Chapter 17.56.)
2. Where lots have a double frontage, the required front yard for the yard abutting the street side shall be twelve and one-half feet; provided, however, no building shall be so constructed on the exterior side of a corner lot if it would be in front of the required setback line on a lot adjacent to said corner lot.
3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a lot of record as of the effective date of the ordinance codified in this title shall not be reduced to less than twenty-eight feet. No accessory building shall project beyond the front yard line on either street.

B. Side Yard.

1. Except as provided in subdivision 2 of this subsection and the additional height, area and use regulations of Chapter 17.56, there shall be a side yard having a width of not less than five feet on each side of a building thirty-five feet or less in height, and there shall be a side yard having a width of not less than eight feet on each side of a building in excess of thirty-five feet up to three stories, and not less than 10 feet for buildings for stories or more in height.
2. Wherever a lot of record as of the effective date of the ordinance codified in this title has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than three feet providing the height of the building does not exceed thirty-five feet.

C. Rear Yard.

1. Except as otherwise provided in the additional height, area and use regulations in Chapter 17.56, there shall be a rear yard for buildings in this district, which shall have a depth of not less than twenty-five feet.

17.30.070 Sign Regulations. See Chapter 17.50.

17.30.080 Parking Regulations See Chapter 17.52.

CHAPTER 17.32

“PUD” PLANNED UNIT DEVELOPMENT DISTRICT

SECTIONS

17.32.010	Intent and Purpose
17.32.020	Permitted Uses
17.32.030	General Provisions
17.32.040	Standards and Provisions for Planned Unit Development
17.32.050	Application for Approval of Preliminary Plan
17.32.060	Final Plan Approval
17.32.070	Recording
17.32.080	Enforcement and Modification of Provisions of the Plan
17.32.090	Amendments
17.32.100	Platting

17.32.010 Intent and Purpose

- A. The intent of the Planned Unit Development District is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.
- B. The "PUD" District in this ordinance may include residential, commercial and/or industrial uses separately or in conjunction with each other in an appropriately planned setting. In order to assure proper location and functional design a development plan meeting the conditions established for this district must be submitted for review and approval.

17.32.020 Permitted Uses.

- A. The Planning Commission shall make a report to the Governing Body setting forth its reasons for recommendation of approval or denial of the application, along with specific evidence and facts showing that the proposed Planned Unit Development meets or does not meet the following conditions:
 - 1. Said Planned Unit Development shall be in general conformity with the provisions of the adopted comprehensive plan.
 - 2. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.
- B. The Planned Unit Development District may be established exclusively for residential, commercial or industrial development or any combination of those types of development.
- C. The minimum size allowed for a Planned Unit Development shall be as follows:

Residential	1.5 acres
Commercial	2 acres
Industrial	3 acres

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

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

17.32.40 Standards and Conditions for Planned Unit Development

- A. Upon recommendation of the Planning Commission the Governing Body may from time to time adopt general policies or specific rules and regulations for Planned Unit Developments and place said policies or rules and regulations of public record in the office of the Zoning Administrator; provided said policies and/or rules and regulations are not inconsistent with the adopted standards and conditions; and provided that no policies, rules or regulations shall be revised or added to, so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development plan has been filed.
- B. A Planned Unit Development 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, open space, public facilities and the development by geographic division of the site.
 - 1. The applicant shall satisfy the Planning Commission and the Governing Body that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 18 months following approval of a final plan by the Governing Body, and a minimum of fifty percent (50%) of the total planned construction shall be completed within a period of three (3) years following such approval or the approval of the plan. The period of time established for the completion of the development may be modified from time to time by the Governing Body upon the showing of good cause by the developer.
 - 2. The applicant may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which developments of each such unit must be commenced. In the case of residential Planned Unit Developments, the Governing Body may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
 - 3. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the Planning Commission and approved by the Governing Body, to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
 - 4. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development. If it is determined that traffic control signals are required to prevent traffic hazards or congestion in adjacent streets, the control signals shall be provided at the developer's expense.
 - 5. The development shall not impose an undue burden on public services and facilities, such as fire and police protection.

6. The entire tract or parcel of land to be submitted for Planned Unit Development shall be held in single ownership or control, or if there are two or more owners, the application for such Planned Unit Development shall be filed jointly.
7. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading areas, or access-ways shall be landscaped or otherwise improved.
8. Off-street parking and loading shall be provided as required by the City.
9. When a commercial or industrial use within a Planned Unit Development district abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high and having a visual density of not less than ninety (90%) percent per square foot, shall be provided adjacent to any adjoining residential district except where the commercial or industrial development is separated from the residential zone by a street right-of-way. A ten (10) foot wide landscape buffer which shall consist of trees, shrubs and evergreens located along the property line which shall be maintained by the owner or owners of the property in the Planned Unity Development district, may be substituted for the solid or semi-solid fence when approved by the City.
10. All commercial and industrial buildings shall set back not less than forty-five (45) feet from the right-of-way of any street and twenty (20) feet from any district boundary line that does not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required by the Governing Body, when recommended by the Planning Commission for protection of health, safety, and general welfare.
11. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel and of the total development for each type of Planned Unit Development:

Residential	40% maximum
Commercial	35% maximum
Industrial	35% maximum

12. A minimum of thirty (30%) percent of the net area of the part of Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half (1/2) of this open space shall be provided for the leisure and recreational use of all "PUD" residents and owned and maintained in common by them, generally through a homeowner's association. The common open space shall be developed for appropriate recreational facilities and a minimum of fifty (50%) percent of the proposed recreational facilities shall be constructed prior to the development of one-half (1/2) of the project, and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
13. The "PUD" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the Planned Unit Development or of the entire community.

14. Any modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Unit Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
15. No residential use shall have direct access onto an arterial street.
16. All commercial or industrial areas must have access to a collector or arterial street, however, no individual commercial or industrial use may have direct access onto collector or arterial streets, unless deemed necessary by the Planning Commission and approved by the Governing Body.
17. Sidewalks shall be built to city specifications along all public and private streets, however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the Planned Unit Development.
18. Consideration shall be given for the provision of bicycle traffic along collector and arterial streets or along the approved pedestrian-sidewalk system.

7.32.050 Application for Approval of Preliminary Plan

- A. An application for a Planned Unit Development shall be handled in the same manner prescribed for amending the zoning ordinance. The same requirements for notice, advertisement of public hearing, protests and adoption shall be required as in conventional zoning.
- B. The applicant shall prepare and submit twelve (12) copies of the preliminary development plan for review and recommendation by the Planning Commission, which said plan shall include:
 1. A site plan showing:
 - a. Contours at intervals of two (2) feet.
 - b. General location, size and use of all proposed structures in conformance with the yard requirements; or designation of individual lots if such lots are proposed to be sold to individual owners.
 - c. All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
 - d. All streets adjoining subject property and the width of the existing right-of-way.
 - e. Areas set aside for public and private open space with the type of recreational facilities planned for each area indicated.
 - f. Designation of individual parcels if the proposed development is to be set up in separate construction phases.
 - g. Location of required screening.
 - h. Location of natural features such as ponds, tree clusters and rock out-cropping.
 - I. Existing development on adjacent properties within two hundred (200) feet.
 2. The above described site plan shall also include a section designated as "General Provisions" and said section shall include the following items when said items are applicable.
 - a. Net area _____ square feet or _____ acres. note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (I) parcel is proposed, designate net area by parcel as well as total net area.)
 - b. Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than twenty (20%) percent.

- c. Building coverage shall not exceed _____ of the net area of the Planned Unit Development by individual or total development.
 - d. A minimum of _____ percent of the development plan shall be provided for common open space as defined by this regulation. (Normally, this figure should be approximately fifty (50%) percent.)
 - e. A minimum of fifty (50%) percent of the recreational facilities shall be constructed prior to the development of one-half (1/2) of the project and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
 - f. If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
 - g. Required number of off-street parking spaces: _____
 - h. Gross floor area proposed: _____ square feet. (Commercial "PUD" only)
 - i. All proposed land uses shall be listed by parcel.
3. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 4. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
 5. A vicinity map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed Planned Unit Development.
 6. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
 7. When a Planned Unit Development includes provisions for a common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space or recreational facilities. 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 by-laws of such entity shall be submitted.
 8. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
 9. In the case where a Planned Unit Development calls for construction in units over a period of years, a schedule showing the proposed item and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted.
 10. A written statement by the applicant shall be submitted setting forth the reasons why in his opinion the Planned Unit Development would be in the public interest and would be consistent with the intent of the Governing Body on Planned Unit Development.
 11. Action by Planning Commission: The Planning Commission shall, within sixty (60) days after a preliminary Planned Unit Development is filed, hold a public hearing on said development after giving notice as required by statute for hearings on amendments. Said public hearing may be adjourned from time to time and within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant specific findings of fact with respect to the preliminary Planned Unit Development. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.

12. Action by Governing Body: The Governing Body shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan. If the Governing Body approves the preliminary plan, it shall pass an ordinance designating the tract with an overlay of Planned Unit Development and so order the official zoning map to be amended.
13. Substantial or significant changes in the preliminary Planned Unit Development shall only be made after rehearing and re-approval as required for the initial approval of the preliminary plan.

17.32.060 Final Plan Approval.

- A. After approval of a preliminary plan, the applicant shall submit an application for final approval. Said final application may include the entire Planned Unit Development or may be for a unit or section thereof as set forth in the approval of the preliminary plan and shall include changes required in the approval of the preliminary plan. The application shall include fifteen (15) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for Planned Unit Developments.
- B. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 1. Vary the proposed gross residential density or intensity of use by more than five (5%) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, or
 2. Increase by more than ten (10%) percent the floor area proposed for nonresidential use, nor
 3. Increase by more than five (5%) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 4. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
 - a. Pedestrian or vehicular traffic flow.
 - b. The juxtaposition of different land uses.
 - c. The relation of open space to residential development.
 - d. The proposed phasing of construction.
- J. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, storm water, sanitary sewers, or other public facilities.

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

- K. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.

E. In the event that a plan or section thereof is given final approval and thereafter the land owner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the land owner shall fail to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the land owner.

17.32.070 Recording

A. Any approved final plan shall be filed of record with the Register of deeds.

17.32.080 Enforcement and Modification of Provisions of the Plan

A. To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement, or otherwise shall be subject to the following provisions.

B. Enforcement by the Municipality: The provisions of the plan relating to:

1. The use of land and the use, bulk, and location of buildings and structures.
2. The quality and location of common open space.
3. The intensity of use or the density of residential units shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any owners or regulation otherwise granted the municipality by law.

C. Enforcement by the Residents and Owners: All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise may be enforced by law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf, provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the plan which have been finally approved and have been recorded.

D. Modifications of the Plan by the Municipality: All those provisions of the plan authorized to be enforced by the municipality under Paragraph A of this section may be modified, removed or released by the municipality (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:

1. No such modification, removal or release of the provisions of the plan by the municipality shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, at law or equity, as provided in Paragraph 2 of this section.
3. No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of this section, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development, does not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.

E. Modification by the Residents: Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provision of the plan,

modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of Paragraph 1 of this section.

17.32.090 Amendments

A. A Planned Unit Development District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this article for approval of a preliminary or final plan. Application for amendment may be by the homeowner's association or fifty-one (51%-) of the owners of the property within the "PUD".

17.32.100 Platting

A. For un-platted tracts or tracts being re-platted, the approval of the preliminary Planned Unit Development shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations.

CHAPTER 17.34

“M-S” MANUFACTURED HOME SUBDIVISION DISTRICT

SECTIONS

17.34.010	Intent
17.34.020	Use Regulations
17.34.030	Intensity of Use Regulations
17.34.040	Height Regulations
17.34.050	Yard Regulations
17.34.060	Sign Regulations
17.34.070	Parking Regulations
17.34.080	Use Limitations

- 17.34.010 Intent
- A. The intent of this district is to provide low density manufactured home development, which would be compatible with the character of the surrounding neighborhood. Individuals can purchase lots for the placement of manufactured homes on permanent foundations. Other types of support systems will not be permitted.
- 17.34.020 Use Regulations
- A. In District “M-S”, no building shall be used and no building or structure shall be altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed below:
1. Churches, synagogues and other similar places of worship.
 2. Home occupations.
 3. Manufactured homes, single-family occupancy.
 4. Public park and recreation areas.
 5. Accessory uses and structures.
 6. The following exceptions may be allowed by special use permit when submitted, reviewed by the Board of Adjustment.
 - a. Any public building or land used by any department of the City, County, State or Federal government.
 - b. Telephone exchange, electric substations, cable TV or other similar utilities.
- 17.34.030 Intensity of Use
- A. No manufactured home shall be placed on a lot having less than six thousand (6,000) square feet of lot area. The maximum lot coverage by the principal building shall be forty percent (40%).
- 17.34.040 Height Regulations
- A. No building shall exceed thirty-five (35) feet in height except as otherwise provided in Chapter 17.56.

- 17.34.050 Yard Regulations.
- A. Front Yard.
 - 1. There shall be a front yard of not less than twenty-five feet, except as required for collector or arterial streets.
 - B. Side Yard.
 - 1. There shall be a side yard on each side of a principal building of not less than eight (8) feet. Accessory structures that are at least ten (10) feet from the main building may be located within five (5) feet of a side property line.
 - C. Rear Yard.
 - 1. There shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20%) of the average depth of the lot, whichever amount is smaller.
- 17.34.060 Sign Regulations. See Chapter 17.50.
- 17.34.070 Parking Regulations. See Chapter 17.52
- 17.34.080 Use Limitations
- A. The following performance standards shall apply to all mobile home lots:
 - 1. Minimum manufactured Home Size.
 - a. Any manufactured home shall have a minimum width of fourteen (14) feet and contain a minimum of five hundred (500) square feet.
 - 2. Fences: Fencing on each lot shall comply with the requirements of Chapter 17.56.
 - 3. Skirting: Each manufactured home shall be provided with skirting on all sides and shall be of a material harmonious to the manufactured home
 - 4. Permanent Foundation: Each manufactured home shall be sited on a permanent foundation.
 - 5. Utilities: Utility connections shall be in conformance with City and County codes.
 - 6. Tie Downs and Ground Anchors: All manufactured homes shall be secured to the foundation by tie downs and ground anchors.
 - 7. Area: The tract to be used for a manufactured home subdivision shall not be less than five (5) acres.
 - 8. Platting: The area shall be platted in accordance with the Subdivision Regulations.
 - 9. Pitched roof: Each manufactured home must have brick, wood or cosmetically equivalent exterior siding and a pitched roof.

CHAPTER 17.36

“M-P” MOBILE HOME PARK DISTRICT

SECTIONS

1. ZONING REGULATIONS

17.36.010	Intent and Purpose
17.36.020	Definitions
17.36.030	District Regulations
17.36.040	General Requirements – size of tract required
17.36.050	General Requirements – Applicant qualifications – Submission of schedule for Construction
17.36.060	General Requirements – Application for re-zoning and development plan
17.36.070	General Requirements – Mobile home park specifications
17.36.080	Sign Regulations
17.36.090	Parking Regulations
17.36.100	Traffic Regulations
17.36.110	Conditions for re-zoning to original use

II. MOBILE HOME PARK REGULATIONS

17.36.120	Permit – Required – Fees
17.36.130	Permit – Application
17.36.140	Permit – Issuance – Inspection Authority
17.36.150	Permit – Revocation or Suspension
17.36.160	Water Supply
17.36.170	Service Buildings
17.36.180	Sewage and Refuse Disposal
17.36.190	Garbage Receptacles
17.36.200	Trash Burning Prohibited
17.36.210	Animals and Pets
17.36.220	Register of Occupants
17.36.230	Supervisory Duties

I. ZONING REGULATIONS

17.36.010	Intent and Purpose
	A. It is the intent of the M-P mobile home park district to permit low density mobile home uses in a park-like atmosphere.
	B. The mobile home park district is intended for those areas where the owner proposes to develop and rent or lease individual sites.
17.36.020	Definitions – For purposes of this chapter, the following words shall have the meanings set forth in this section:
	A. “Independent mobile home” means a mobile home which has a flush toilet and a bath or shower.
	B. “Licensee” means any person licensed to operate and maintain a mobile home park under the provisions of this title.
	C. “Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

- D. "Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment or major street.
- E. "Permittee" means any person to whom a permit is issued to maintain or operate a mobile home park under the provisions of this title.
- F. "Person" means any individual, firm, trust, partnership, association or corporation.
- G. "Street" means any recognized thoroughfare in the City.

17.36.030 District Regulations

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

17.36.040 General Requirements – Size of tract required.

- A. The tract to be used for a mobile home park shall be not less than three acres.

17.36.050 General Requirement – Applicant qualifications – Submission of schedule for construction

- A. The applicant for a zoning change to permit a mobile home park must satisfy the planning commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year following the approval by planning commission and shall be completed within a period of two years.

17.36.060 General Requirement – Application for re-zoning and development plan.

- A. The applicant for a mobile home park shall prepare or cause to be prepared an application for re-zoning and a development plan and shall present twelve (12) copies of the plan for review and approval by the planning commission.
- B. The plot plan shall show topography and the location and size of:
 - 1. Mobile home sites
 - 2. Service buildings
 - 3. Off-street parking areas
 - 4. Electrical outlets
 - 5. Sewer outlets
 - 6. Water outlets
 - 7. Waterlines
 - 8. Sewer lines
 - 9. Recreational areas
 - 10. Landscaped areas and wall or fences
 - 11. Roadways
 - 12. Sidewalks

17.36.070 General requirements – Mobile home park specifications.

- A. The mobile home park shall conform with the following requirements:
 - 1. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

2. Mobile home parks shall have a maximum density of eight trailers per gross acre and a minimum space of two thousand eight hundred square feet for each trailer.
3. Each mobile home space shall be at least thirty-five feet wide and clearly defined.
4. Mobile homes shall be so located on each space that there shall be at least twenty feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen feet. No mobile home shall be located closer than twenty-five feet from any building within the park or from any property line bounding the park.
5. All mobile home spaces shall front upon a private roadway of not less than thirty-one feet in width, which shall have unobstructed access to a public street, alley or highway. In cases where the traffic is controlled to one direction, the width of the private roadway may be reduced to no less than ten feet with no parking allowed on the roadway. Where a mobile home space has a drive leading to the private roadway, it need not front on the private roadway.
6. Walkways, not less than thirty inches wide, shall be provided from the mobile home spaces to service buildings.
7. All roadways and walkways within the mobile home park shall be hard-surfaced and adequately lighted at night with electric lamps.
8. Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.
9. At least one electrical service outlet supplying at least one hundred twenty volts and two hundred forty volts shall be provided for each mobile home space.
10. A recreational area shall be provided at a central location in the mobile home park at the rate of two hundred square feet for each trailer space. The requirement of this subsection may be omitted when each mobile home space contains a minimum of three thousand square feet instead of two thousand eight hundred square feet as required in subsection B of this section.
11. A solid fence or wall and a ten-foot landscaped buffer area shall be provided between the mobile home park district and any adjoining property zoned for residential purposes. The solid fence or wall shall not be less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall and the landscaped buffer area. The requirement of this subsection may be omitted when the application is accompanied by a signed statement by all landowners within the two hundred feet of the proposed M-P district, stating that they, the landowners, understand and have reviewed the required plat and that they have no objection to the district.

17.36.080 Sign Regulations. See Chapter 17.50

17.36.090 Parking Regulations. See Chapter 17.52

17.36.100 Traffic Regulations. See Section 17.52.210

- 17.36.110 Conditions for re-zoning to original use
- A. Whenever a property zoned M-P ceases to be used for such purposes, for a period of two years, the planning commission shall initiate action and hold a public hearing to re-zone the property back to its former zoning district classification.

II. MOBILE HOME PARK REGULATIONS

- 17.36.120 Permit – Required - Fee
- A. It is unlawful for any person to maintain or operate a mobile home park unless such a person shall first obtain a permit from the City Clerk.
 - B. The annual permit fee for each mobile home park shall be fifty dollars or ten dollars per space, whichever is greater, which is not refundable.
 - C. A mobile home park permit is not transferable.
 - D. Expiration date of the mobile home park permit shall be December 31st of each year.

- 17.36.130 Permit - Application
- A. A written application for a permit to operate a mobile home park in an M-P mobile home park district shall be required for any person, firm or corporation operating the mobile home park. The application shall be filed in duplicate with the City Clerk and shall include the following items.
 - 1. The name and address of the applicant
 - 2. The location and legal description of the mobile home park site
 - 3. The name and address of the manager of the mobile home park
 - 4. The number of mobile homes the mobile home park will accommodate
 - 5. A plan showing the location of all mobile homes, buildings, roadways, recreational areas, off-street parking areas, electrical outlets, sewer outlets, water outlets, water mains, sewer mains and other improvements and facilities constructed or to be constructed in the mobile home park. The plan shall be drawn at a scale of one inch equals one hundred feet or larger.
 - 6. Such further information as may be required to determine if the proposed mobile home park will comply with this chapter and other city ordinances and requirements.
 - B. The application shall be filed by the owner or manager of the mobile home park and sworn to before a notary public. The person or persons filing the application and affidavit shall be the person or persons owning or managing the mobile home park and the person or persons responsible for the upkeep and maintenance and sanitary control. Any change in the management of the mobile home park shall be registered with the City Clerk by a sworn affidavit by the new manager
 - C. Upon receipt of the completed application, plans and filing fees, the city shall transmit a copy of the application and plans to an approved representative of the city who shall:
 - 1. Check the application for compliance with this chapter and other city codes and ordinances.
 - 2. Determine the condition of sanitation of the mobile home park and other city codes and ordinances, and if the site is found to be in

conformance with sanitary regulations, a permit shall be issued for a mobile home park.

- 17.36.140 Permit – Issuance – Inspection Authority.
- A. Upon the issuance of the permit for a mobile home park or court, the city shall have the authority to have the mobile home inspected by the proper inspecting officer of the city, and if it is found that the holder of the permit has made any false or misleading statements in his application or has placed or caused to be placed more mobile homes in the mobile home park or court than provided for and set forth in the application for permit, or that the holder of the permit has violated or caused to be violated any provision of this chapter, the city governing body shall have the power to revoke the permit.
- 17.36.150 Permit – Revocation or Suspension.
- A. If the city determines, upon proper inspection by the inspecting officer of city, that the sanitary condition of the mobile home park has become so unsanitary as to endanger health or welfare of occupants of the mobile home park or the surrounding community, or that the sanitary facilities have become inadequate to properly protect the occupants of the mobile home park, the city governing body shall have the power to require the holder of the mobile home park permit, within ten days, to set the mobile home park in proper sanitary condition. If, upon notice from the city to the holder of the permit, the owner or manager of the mobile home park fails or refuses to place the park or court in sanitary condition, the city governing body shall have the right to revoke the permit.
- 17.36.160 Water Supply.
- A. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park.
 - B. Each mobile home space shall be provided with a cold water tap at least four inches above the ground.
 - C. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
- 17.36.170 Service Buildings.
- A. Service buildings, housing sanitation and laundry facilities or any of such facilities, shall be permanent structures complying with all applicable codes, ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.
 - B. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any debris that will be a menace to the health of any occupant or the public or constitute a nuisance.
- 17.36.180 Sewage and Refuse Disposal
- A. Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home located in such space and having any or all of such fittings.
 - B. The trapped sewer in each space shall be connected to discharge the mobile home waste into a public sewer system.

- 17.36.190 Garbage Receptacles
- A. Each mobile home unit shall be provided with at least one metal trash and garbage can with a tight-fitting cover to permit disposal of all garbage, trash and rubbish.
- 17.36.200 Trash burning prohibited.
- A. The burning of trash and rubbish is prohibited in an M-P mobile home park district.
- 17.36.210 Animals and Pets
- A. No owner or person in charge of any dog, cat or other pet or animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.
- 17.36.220 Register of Occupants.
- A. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information.
 1. The name and address of each mobile home owner or tenant occupying a mobile home.
 2. The name and address of the owner of each mobile home and motor vehicle.
 3. The make, model, year and license number of each mobile home and motor vehicle.
 4. The state, territory and country issuing such license.
 5. The date of arrival and of departure of each mobile home.
 - B. The mobile home park owners, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
 - C. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.
- 17.36.230 Supervisory Duties
- A. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, and its facilities and equipment, in a clean, orderly and sanitary condition.
 - B. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of the regulations in the mobile home park district.

CHAPTER 17.38

“C-P” PLANNED NEIGHBORHOOD SHOPPING DISTRICT

SECTIONS

17.38.010	Intent and Purpose
17.38.020	District Regulations
17.38.030	General Requirements – Applicant qualifications – Time schedule for construction
17.38.040	General Requirements – Application for re-zoning and preliminary development plan
17.38.050	General Requirements – Final development plan
17.38.060	General Requirements – Action upon failure to construct
17.38.070	Permitted Uses
17.38.080	Intensity of Use Regulations
17.38.090	Height Regulations
17.38.100	Yard Regulations
17.38.110	Sign Regulations
17.38.120	Parking Regulations
17.38.130	Traffic Regulations

- 17.38.010 Intent and Purpose
- A. It is the intent of the C-P planned neighborhood shopping district to allow retailing of convenience commodities and personal services, which are needed, for day-today living.
 - B. Building setback, landscaped areas and ratio of parking area to floor area used in the district regulations are intended for the purpose of regulating traffic and to make used allowed more compatible with adjoining residential uses.
- 17.38.020 District Regulations.
- A. In a C-P district, no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 17.40.070.
- 17.38.030 General Requirements – Applicant qualifications – Time Schedule for construction
- A. An applicant for a change in zone to C-P planned neighborhood shopping district must satisfy the planning commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.
 - B. The proposed construction shall begin within a period of eighteen months following approval by the Governing Body and forty percent of the total planned construction shall be completed within a period of three years following such approval.

17.38.040 General Requirements – Application for re-zoning and preliminary development plan.

- A. Such applicant also shall prepare and submit a re-zoning application and a preliminary development plan for review and approval by the planning commission which plan shall include.
 - 1. A topographic map showing contours at intervals of one foot.
 - 2. A plot plan showing:
 - a. Building locations on the tract to conform with the yard requirements in Section 17.38.100.
 - b. Access from streets.
 - c. Parking arrangements and number of spaces (all parking shall be off-street) to conform with Section 17.38.120.
 - d. Interior drives and service areas.
 - e. Landscaped buffer strips to conform with Chapter 17.56
 - 3. Location map showing the development and zoning of the adjacent property within three hundred feet, including the location, and the type of buildings and structures herein.
 - 4. The full legal description of the boundaries of the properties to be included in the area to be zoned as a C-P district.
 - 5. A map showing the general arrangement of streets within an area of one thousand feet from the boundaries of the area to be zoned C-P district.
 - 6. A map showing the location of proposed sewer, water and utility lines.
 - 7. The developer shall submit a complete list of the names and mailing addresses of all owners within 300 feet to whom notices of a hearing shall be sent, as their names may appear upon the plats or records in the county clerk and recorder's office and as their most recent addresses may appear in telephone or other directory of general use in the area of the property or on the tax records of the municipality or county.

17.38.050 General Requirements – Final development plan.

- A. Upon approval of the preliminary development plan by the planning commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations required.
- B. The final development plan and the planning commission recommendation shall be forwarded to the Governing Body for its review and final action.

17.38.060 General Requirements – Action upon failure to construct

- A. In the event that, within eighteen months following approval by the Governing Body, the applicant does not proceed with construction in accordance with the plan so approved, the planning commission shall initiate action to re-zone the property.
- B. 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.

- C. Following the hearing, the planning commission shall make findings of fact and an appropriate recommendation to the Governing Body for official action.

17.38.070 Permitted Uses.

- A. The following uses shall be permitted in a C-P district.
 1. Ambulance Service business
 2. Bakery and pastry shops
 3. Banks and and lending and savings institutions
 4. Barbershops and beauty shops
 5. Candy stores
 6. Car wash
 7. Church
 8. Cleaning or laundry collection office
 9. Customer parking lots
 10. Delicatessens
 11. Dental clinics
 12. Dry cleaning establishments
 13. Fix-it shops for radio, television and small appliances
 14. Florist
 15. Fruit and vegetable store
 16. Gift shop
 17. Grocery store
 18. Health clinic
 19. Ice cream store, no drive in
 20. Laundry, self-service
 21. Liquor store
 22. Meat market
 23. Medical clinic
 24. Optician and optometrist shop
 25. Personal service establishments
 26. Post office
 27. Prescription shop
 28. Professional office
 29. Public parking lot
 30. Restaurant
 31. Self service laundry
 32. Service station
 33. Tea room

17.38.080 Intensity of Use Regulations

- A. The area occupied by buildings in a C-P district shall not exceed twenty-five percent of the net area of the district.

17.38.090 Height Regulations

- A. No buildings or structures in a C-P district shall exceed forty-five feet in height.

17.38.100 Yard Regulations

- A. The yard regulations for a C-P district shall be as follows.

1. All buildings shall be set back not less than fifty feet from the right-of-way line of any street and from the boundary line of the district area. Additional setback from a heavily traveled thoroughfare may be required, when found reasonable by the planning commission, for protection of the health, safety and general welfare of the community.
2. A solid fence or wall and a fifteen-foot landscaped buffer area shall be provided adjacent to any adjoining residential district and shall be maintained by the owner or owners of the C-P district.

17.38.110 Sign Regulations

- A. In a C-P district, no sign or bulletin board shall be constructed, erected, enlarged or arranged, intended or design except those in conformance with the following.
 1. Signs used to identify individual businesses shall be flat wall signs and shall be located on the face of the building or at the edge of a marquee or canopy.
 2. The gross surface area, in square feet, of any sign identifying a business shall not exceed three times the lineal feet of frontage of the building. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 3. A directional informational sign shall be permitted, including "FOR RENT" or "FOR SALE" signs, when attached to a building in the district. Said sign shall contain an advertising matter and shall be limited solely to that of providing information or direction. Said sign shall not exceed sixteen square feet in area.
 4. If the planned shopping center is in single ownership or control, one additional sign may be erected to identify the center. The sign may be freestanding or attached to the building wall. Said sign shall display no more than the name of the shopping center. The signs shall not exceed one hundred fifty square feet in area, and shall not exceed twenty feet in height. Said sign shall not be located in or extend over any public street, alley or other public way. If lighted, the sign shall be a non-flashing sign.
 5. Lights on all signs within seventy-five feet of a residential district zone shall be so arranged that they will not reflect or shine into the residential area.
 6. A maximum of one sign shall be allowed for each business or profession conducted on the premises.
 7. Plans for all signs shall be submitted to the building official to determine compliance with this regulation and with the building code or applicable codes or ordinances before construction will be permitted.

17.38.120 Parking Regulations

- A. The parking regulations in a C-P district shall be as follows.
 1. There shall be three times as much area devoted to off-street parking, including access ways and parking stalls, as there is ground floor area devoted to buildings.

2. The off-street parking space required in subsection A of this section shall be provided in addition to any space to be used for commercial parking, taxicab stands, truck and bus parking, loading space or commercial delivery cars.
 3. Ample off-street space for standard loading and unloading shall be provided within the development.
 4. The location of any driveway and illumination of parking areas shall be subject to the recommendations of the planning commission. Lights used to illuminate the parking area shall be so placed that they will not reflect on adjoining residential properties.
- B. Plans showing layout and design of all required off-street parking areas shall be submitted and approved by the building official prior to issuing a building permit. Before approving the parking layout, the building official shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked.
- C. In lieu of construction of the required parking lot, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvements within a specified time and the Governing Body may enforce such bond by all equitable means.

17.38.130 Traffic Regulations.

- A. The traffic regulations in a C-P district shall be as follows.
1. Adequate entrances and exits for vehicles shall be located and designed as to result in a minimum interference with traffic on adjoining streets.

Right-of-way for streets shall be provided as may be necessary to comply with the approved comprehensive plan requirements.

CHAPTER 17.40

“C-S” HIGHWAY SERVICE DISTRICT

SECTIONS

17.40.010	Intent and Purpose
17.40.020	District Regulations
17.40.030	General Requirements – Applicant qualifications – Submission of schedule for Construction
17.40.040	General Requirements – Application for re-zoning and preliminary development plan
17.40.050	General Requirements – Final development plan
17.40.060	General Requirements – Action upon failure to construct
17.40.070	Permitted Uses
17.40.080	Intensity of Use Regulations
17.40.090	Height Regulations
17.40.100	Yard Regulations
17.40.110	Sign Regulations
17.40.120	Parking Regulations
17.40.130	Traffic Regulations

- 17.40.010 Intent and Purpose
- A. The C-S highway service district is intended for the purpose of providing limited highway services grouped on a single tract. Floor area is restricted, off-street parking is required and landscaping is required in order to reduce possible adverse effects on adjacent properties.
- 17.40.020 District Regulations
- A. In a C-S district, no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in Section 17.40.080.
- 17.40.030 General Requirements – Applicant qualifications – Time schedule for construction
- A. An applicant for a change in zone to C-S highway service district must satisfy the planning commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction.
 - B. The proposed construction shall begin with a period of eighteen months following approval by the Governing Body and forty percent of the total planned construction shall be completed within a period of three years following such approval.
- 17.40.040 General Requirements – Application for re-zoning and preliminary development plan.
- A. Such applicant also shall prepare and submit a re-zoning application and a preliminary development plan for review and approval by the planning commission which plan shall include.
 - 1. A topographic map showing contours at intervals of two feet.
 - 2. A plot plan showing:

- a. Building locations on the tract to conform with the yard requirements in Section 17.40.110.
 - b. Access from streets.
 - c. Interior drives and service areas.
 - d. Landscaped buffer strips.
3. Location map showing the development and zoning of the adjacent property within two hundred feet, including the location, type and use of buildings and structures thereon.
 4. The full legal description of the boundaries of the properties to be included in the area to be zoned as a C-S district.
 5. The full description of the boundaries of the properties to be included in the area to be zoned as a C-S district.
 6. A map showing the general arrangement of streets within an area of one thousand feet from the boundaries of the area to be zoned C-S district.
 7. A map showing location of proposed sewer, water, other utility lines and existing lines available.
 8. A description of the general character of proposed buildings.

17.40.050 General Requirements – Final development plan.

- A. Upon approval of the preliminary development plan by the planning commission, the applicant shall prepare and submit a final development plan, which shall incorporate any changes or alterations requested. The final development plan and the planning commission recommendation shall be forwarded to the Governing Body for its review and final action.

17.40.060 General Requirements – Action upon failure to construct.

- A. In the event that, within eighteen months following approval by the Governing Body, the applicant does not proceed with construction in accordance with the plan so approved, the planning commission shall initiate action re-zone 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 shall submit its recommendation to the Governing Body for official action.

17.40.070 Permitted Uses

- A. The following uses shall be permitted in a C-S district.
 1. Ambulance service business
 2. Animal hospital, enclosed
 3. Antique shop
 4. Appliance sales
 5. Art and art supply store
 6. Artist studio
 7. Athletic complex
 8. Auditorium
 9. Automobile garages, public and private
 10. Automobile sales and service
 11. Automobile supply store
 12. Bakery and pastry shop
 13. Banks and savings and lending institutions
 14. Barber and beauty shop

15. Bicycle shop
16. Boarding and lodging house
17. Book and stationary store
18. Bowling alley
19. Building material sales and storage
20. Business and technical school
21. Candy store
22. Car wash
23. Catering establishment
24. Children's amusement park
25. Church
26. Cigar and tobacco store
27. City hall
28. Civic building
29. Cleaning or laundry collection office
30. Costume and clothing rental shop
31. Clothing store
32. Clubs and lodges
33. Commercial campground
34. Court house
35. Custom dressmaking
36. Custom furrier
37. Custom millinery
38. Custom tailor shop
39. Custom parking lots
40. Delicatessens
41. Dental clinics
42. Department stores
43. Drive-in eating establishments
44. Drive-in theater
45. Drug store
46. Dry cleaning establishments
47. Dry goods or notions store
48. Electric and telephone substations
49. Electric repair shops, appliance
50. Feed and seed stores
51. Field crops, nurseries, tree crops and truck gardens
52. Fire station
53. Fix it shops, radio, TV, small appliance
54. Florist
55. Fruit and vegetable store
56. Funeral home and mortuary
57. Furniture and home furniture store
58. General merchandise store
59. Generating plant
60. Gift shop
61. Golf course
62. Governmental building
63. Grain elevators
64. Grocery store
65. Hardware store

66. Health clinic
67. Heating and air conditioning shop
68. Ice cream shop
69. Interior decoration shop
70. Jewelry store
71. Laundry
72. Laundry, self-service
73. Leather good and luggage shop
74. Library
75. Liquor store
76. Lock and key shops
77. Mail order catalog store
78. Meat market
79. Medical and orthopedic supply store
80. Medical clinic
81. Meeting hall
82. Messenger and telegraph stations
83. Mini or self storage units
84. Miniature golf course
85. Mobile home sales and service
86. Motels
87. Museums
88. Musical instruments sales and repair
89. Music studio
90. Newspaper office
91. News stand
92. Non profit religious, educational and philanthropic institutions
93. Office building
94. Office supply store
95. Open areas
96. Optician and optometrist shop
97. Paint and glass stores
98. Pawn shops
99. Personal services establishment
100. Pet shop
101. Photographic studio and shop
100. Picture frame shop
101. Police station
102. Pool hall
103. Post office
104. Prescription shop
105. Printing and publishing house
106. Private parking lot
107. Professional office
108. Public building
109. Public community building
110. Public parking lot
111. Public park
112. Public playground
113. Public safety structures
114. Public school

- 115. Radio and television studio
- 116. Radio and TV store
- 117. Railway, taxiway and buss passenger station
- 118. Restaurant
- 119. Retail business
- 120. Schools for dance, photography and music
- 121. Self service laundry
- 122. Service station
- 123. Sewing machine shop and store
- 124. Shoe repair and shoe repair shop
- 125. Small business machine repair, sales and service
- 126. Sporting goods and athletic goods store
- 127. Tailor shops
- 128. Taverns
- 129. Tea rooms
- 130. Theater
- 131. Thrift shop
- 132. Toy store
- 133. Travel bureau
- 134. Treatment plants
- 135. Used car lots
- 136. Utility company offices
- 137. Variety store
- 138. Wallpaper and paint store
- 139. Watch repair shop

- B. The following exceptions may be allowed by special use permit when submitted, Reviewed and approved by the Board of Adjustment.
 - 1. Adult uses
 - 2. Automobile repair shop, including body work and painting
 - 3. Jails
 - 4. Plumbing shops
 - 5. Teen and young adult clubs
 - 6. Zoos

17.40.080 Intensity of Use Regulations

- A. The total ground area in a C-S district occupied by buildings and structures shall not exceed forty percent of the total ground area. For the purpose of this regulation, total ground area includes all areas to be devoted to public open spaces, sidewalks or open courts.

17.40.090 Height Regulations

- A. No building or structure in a C-S district shall exceed forty-five feet in height.

17.40.100 Yard Regulations

- A. The yard regulations in a C-S district shall be as follows.
 - 1. Where buildings front or side on, or are across the street from, other residential zoned properties, the front side yards shall be the same as those of the adjoining zones.

17.40.110 Sign Regulations. See Chapter 17.50

17.40.120 Parking Regulations. See Chapter 17.52

17.40.130 Traffic Regulations – See Chapter 17.52

CHAPTER 17.42

“C-1” GENERAL COMMERCIAL DISTRICT

SECTIONS

17.42.010	Intent and Purpose
17.42.020	District Regulations
17.42.030	Permitted Uses
17.42.040	Intensity of Use Regulations
17.42.050	Height Regulations
17.42.060	Yard Regulations
17.42.070	Sign Regulations
17.42.080	Parking Regulations
17.42.090	Traffic Regulations
17.42.100	Loading and Unloading Regulations.

- 17.42.010 Intent and Purpose
- A. The C-1 general commercial district is intended for the purpose of allowing basic retail, service and office uses.
 - B. This district is also intended to provide locations for commercial activity that does not require a central location downtown but does require a location easily accessible to the downtown shoppers.
 - C. Business uses needing large floor areas, particularly those of a service nature and not compatible with central business districts, are included in this district.
- 17.42.020 District Regulations
- A. In a C-1 district, no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 17.42.030.
- 17.42.030 Permitted Uses
- A. Uses permitted in a C-1 district shall be as follows.
 1. Ambulance service business
 2. Antique shops
 3. Apartments, other than ground floor
 4. Appliance sales
 5. Art and art supply stores
 6. Artist studio
 7. Auditorium
 8. Automobile garages, public and private
 9. Automobile sales and service
 10. Automobile supply store
 11. Bakery and pastry shops
 12. Banks and savings and lending institutions
 13. Barber and beauty shops
 14. Bicycle shops
 15. Boarding and lodging houses
 16. Book and stationary stores

17. Business and technical schools
18. Candy store
19. Car wash
20. Catering establishments
21. Church
22. Cigar and tobacco store
23. City hall
24. Civic building
25. Cleaning or laundry collection offices
26. Clothing and costume rental shop
27. Clothing stores
28. Clubs and lodges
29. Court houses
30. Custom dress making
31. Custom furrier
32. Custom millinery
33. Custom tailor shops
34. Custom parking lots
35. Delicatessens
36. Dental clinics
37. Department stores
38. Drive-in eating establishments
39. Drug stores
40. Dry cleaning establishments
41. Dry goods or notions store
42. Electric repair shops, radio, TV, small appliance
43. Fire stations
44. Fix it shops, radio, TV, small appliance
45. Florist
46. Fruit and vegetable stores
47. Funeral homes and mortuaries
48. Furniture and home furnishing stores
49. General merchandise stores
50. Generating plants
51. Gift shops
52. Governmental buildings
53. Grocery store
54. Hardware stores
55. Health Clinics
56. Heating and air conditioning shops
57. Ice cream store
58. Interior decorator shop
59. Jewelry store
60. Laundry
61. Laundry, self-service
62. Leather goods and luggage shops
63. Library
64. Liquor store
65. Lock and key shop
66. Mail order catalog store
67. Meat market

68. Medical and orthopedic supply store
69. Medical clinic
70. Meeting hall
71. Messenger and telegraph stations
72. Motels
73. Museums
74. Music instrument sales and repair
75. Music studio
76. Newspaper office
77. Newsstands
78. Non-profit religious, educational and philanthropic institutions
79. Office buildings
80. Office supply stores
81. Open areas
82. Optician and optometrist shop
83. Paint and glass stores
84. Pawn shops
85. Personal service establishments
86. Pet shops
87. Photographic studios and shops
88. Picture frame shops
89. Police stations
90. Pool hall
91. Post office
92. Prescription shops
93. Printing and publishing shop
94. Printing shops and printing supply store
95. Private parking lots
96. Professional offices
97. Public buildings
98. Public community buildings
99. Public parking lots
100. Public parks
101. Public playgrounds
102. Public safety structures
103. Public schools
104. Radio and television studios
105. Radio and TV stores
106. Railway, taxi, and bus passenger stations
107. Restaurants
108. Retail business
109. Schools for dance, photography and music

- 110. Self service laundries
- 111. Service stations
- 112. Sewing machine shops and stores
- 113. Shoe and shoe repair
- 114. Small business machine repair, sales and service
- 115. Sporting good and athletic goods store
- 116. Tailor shop
- 117. Taverns
- 118. Tea rooms
- 119. Theaters
- 120. Thrift shops
- 121. Toy stores
- 122. Travel bureaus
- 123. Treatment plants
- 124. Used car lots
- 125. Utility company offices
- 126. Variety stores
- 127. Wallpaper and paint stores
- 128. Watch repair shop

B. The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment:

- 1. Adult uses
- 2. Animal hospital, enclosed
- 3. Athletic complexes
- 4. Automobile repair shop, including body work and painting
- 5. Bowling alley
- 6. Building material sales and storage
- 7. Children's amusement park
- 8. Commercial camp ground
- 9. Drive in theaters
- 10. Electric and telephone substations
- 11. Feed and seed stores
- 12. Field crops, nurseries, tree crops and truck gardens
- 13. Golf course
- 14. Grain elevator
- 15. Jails
- 16. Mini or self storage units
- 17. Miniature golf courses
- 18. Mobile home sales and service
- 19. Plumbing shops
- 20. Teen or young adult clubs
- 21. Zoos

17.42.040 Intensity of Use Regulations

- A. No requirements for commercial uses in a C-1 district shall be required except to meet fire regulations.
- B. One thousand five hundred square feet of lot area shall be required for each apartment built above ground floor level.

- 17.42.050 Height Regulations
 - A. No building in a C-1 district shall exceed forty-five feet except as provided in the additional height, area and use regulations of this title.

- 17.42.060 Yard Regulations
 - A. Front yard
 - 1. No front yard setback if required except as required for arterial or collector streets. (See additional height, area and use regulations of this title.)
 - B. Side yard
 - 1. No side yard shall be required, except where such side yard is adjacent to a dwelling district zone in which case there shall be required five feet of side yard on the side of the lot which abuts the residential district zone or except where a side yard is required for fire regulations.
 - C. Rear yard
 - 1. No rear yard shall be required except where such rear yard is adjacent to an area zoned for dwelling purposes in which case there shall be required fifteen feet of rear yard.

- 17.42.070 Sign Regulations. See Chapter 17.50

- 17.42.080 Parking Regulations. See Chapter 17.52

- 17.42.090 Traffic Regulations. See Section 17.52.210

- 17.42.100 Loading and Unloading Regulations. See Chapter 17.54

CHAPTER 17.44

“C-2” CENTRAL BUSINESS DISTRICT

SECTIONS

17.44.010	Intent and Purpose
17.44.020	District Regulations
17.44.030	Permitted Uses
17.44.040	Intensity of Use Regulations
17.44.050	Height Regulations
17.44.060	Yard Regulations
17.44.070	Sign Regulations
17.44.080	Parking Regulations
17.44.090	Traffic Regulations
17.44.100	Loading and Unloading Regulations.

- 17.44.010 Intent and Purpose
- A. The C-2 central business district is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area.
 - B. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping.
 - C. The grouping is intended to strengthen the business level of the central business district.
- 17.44.020 District Regulations
- A. In a C-2 district, no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than of the uses listed in Section 17.44.030.
- 17.44.030 Permitted Uses
- A. Uses permitted in a C-2 district shall be as follows.
 1. Ambulance service business
 2. Antique shops
 3. Apartments, other than ground floor
 4. Appliance sales
 5. Art and art supply stores
 6. Artist studio
 7. Auditorium
 8. Automobile garages, public and private
 9. Automobile sales and service
 10. Automobile supply stores
 11. Bakery and pastry shops
 12. Banks and savings and lending institutions
 13. Barber and beauty shops
 14. Bicycle shops
 15. Boarding and lodging houses
 16. Book and stationary stores

17. Business and technical schools
18. Candy stores
19. Car washes
20. Catering establishments
21. Churches
22. Cigar and tobacco stores
23. City hall
24. Civic building
25. Cleaning or laundry collection offices
26. Clothing and costume rental shops
27. Clothing stores
28. Clubs and lodges
29. Court houses
30. Custom dress making
31. Custom furrier
32. Custom millinery
33. Custom tailor shops
34. Customer parking lots
35. Delicatessens
36. Dental clinics
37. Department stores
38. Drug store
39. Dry cleaning establishments
40. Dry goods or notions shops
41. Electric repair shops, appliance
42. Fire stations
43. Fix-it shops, radio, TV, small appliance
44. Florist
45. Fruit and vegetable store
46. Funeral homes and mortuaries
47. Furniture and home furnishing store
48. General merchandise store
49. Generating plants
50. Gift shops
51. Governmental buildings
52. Grocery stores
53. Hardware stores
54. Health clinics
55. Heating and air conditioning shops
56. Ice cream stores, no drive ins
57. Interior decorator shops
58. Jewelry stores
59. Leather goods and luggage shops
60. Libraries
61. Liquor stores
62. Lock and key shops
63. Mail order catalog stores
64. Meat markets
65. Medical and orthopedic supply stores
66. Medical clinics
67. Meeting hall

68. Messenger and telegraph stations
69. Motels
70. Museums
71. Music instrument sales and repair
72. Music studio
73. Newspaper offices
74. Newsstands
75. Non-profit religious, educational and philanthropic institutions
76. Office buildings
77. Office supply stores
78. Open areas
79. Optician and optometrist shop
80. Paint and glass stores
81. Pawn shops
82. Personal service establishments
83. Pet shops
84. Photographic studios and shops
85. Picture frame shops
86. Police station
87. Pool hall
88. Post office
89. Prescription shops
90. Printing and publishing house
91. Printing shops and printing supply store
92. Private parking lots
93. Professional offices
94. Public buildings
95. Public community buildings
96. Public parking lots
97. Public playground
98. Public safety structures
99. Public schools
100. Radio and television studio
101. Radio and TV stores
102. Railway, taxi and bus passenger stations
103. Restaurants
104. Retail business
105. Schools for dance, photography and music
106. Self-service laundry
107. Service stations
108. Sewing machine shops and stores
109. Shoe and shoe repair shops
110. Small business machine repair, sales and service
111. Sporting goods and athletic goods stores
112. Tailor shops
113. Taverns
114. Tea rooms
115. Theaters
116. Thrift shops
117. Toy stores
118. Travel bureaus

119. Treatment plants
120. Used car lots
121. Utility company offices
122. Variety stores
123. Wallpaper and paint stores
124. Watch repair shop

- B. The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment:
1. Adult uses
 2. Animal hospital, enclosed
 3. Athletic complexes
 4. Automobile repair shop, including body work and painting
 5. Bowling alley
 6. Building material sales and storage
 7. Children's amusement park
 8. Commercial camp ground
 9. Drive-in eating establishments
 10. Drive-in theaters
 11. Electric and telephone substations
 12. Feed and seed stores
 13. Field crops, nurseries, tree crops and truck gardens
 14. Golf course
 15. Grain elevators
 16. Jails
 17. Mini or self storage units
 18. Miniature golf course
 19. Mobile home sales and service
 20. Plumbing shops
 21. Teen or young adult clubs
 22. Zoos

17.44.040 Intensity of Use Regulations

- A. In a C-2 district, no requirements except those to meet fire regulations.

17.44.050 Height Regulations

- A. No building in a C-2 district shall exceed sixty feet in height except as otherwise provided in the additional height, area and use regulations of this title.

17.44.060 Yard Regulations

- A. Front Yard
1. No front yard is required for any building in the C-2 central business district.
- B. Side Yard
1. No side yard is required for any building in the C-2 central business district.
- C. Rear Yard.
1. No rear yard is required for any building in the C-2 central business district.

17.44.070 Sign Regulations. See Chapter 17.50

17.44.080 Parking Regulations. See Chapter 17.52

17.44.090 Traffic Regulations. See Section 17.52.210

17.44.090 Loading and Unloading Regulations

A. There shall be no loading or unloading requirements in a C-2 district.

CHAPTER 17.46

“I-1” LIGHT INDUSTRIAL DISTRICT”

SECTIONS

17.46.010	Intent and Purpose
17.46.020	District Regulations
17.46.030	Permitted Uses
17.46.040	Intensity of Use Regulations
17.46.050	Height Regulations
17.46.060	Yard Regulations
17.46.070	Sign Regulations
17.46.080	Parking Regulations
17.46.090	Traffic Regulations
17.46.100	Loading and Unloading Regulations

- 17.46.010 Intent and Purpose
- A. The I-1 light industrial district is intended for the purpose of allowing certain industrial uses which do not
 1. Require intensive land coverage
 2. Generate large volumes of vehicular traffic
 3. Create obnoxious sounds, glare, dust or odor
 - B. Height and land coverage are controlled to insure compatibility with adjoining uses.
- 17.46.020 District Regulations
- A. In an I-1 district, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 17.46.030.
- 17.46.030 Permitted Uses
- A. Uses permitted in an I-1 district shall be as follows:
 1. Ambulance service business
 2. Animal hospital, enclosed or open runs
 3. Billboards
 4. Blacksmith/welding shop
 5. Bottling works
 6. Building materials storage and sales
 7. Cabinet shops
 8. Car wash
 9. Carpenter shops
 10. Contractor's office and storage yard, enclosed
 11. Dry cleaning plant
 12. Electric power plants
 13. Farm implement sales and storage and service
 14. Feed and seed stores
 15. Frozen food lockers
 16. Greenhouses and nurseries
 17. Laundry plant

- 18. Machinery sales and storage lots (farm and garden)
- 19. Fairgrounds
- 20. Armories
- 21. Microwave towers
- 22. Monument sales
- 23. Motor vehicle repair, body work and painting, enclosed
- 24. Motor vehicle sales and storage
- 25. Plumbing shops
- 26. Public service use
- 27. Public utility storage yards, fenced
- 28. Public utility use
- 29. Radiator repair shop
- 30. Railroads
- 31. Sheet metal shops
- 32. Substations
- 33. Telephone exchanges
- 34. Telephone transmission buildings
- 35. Television towers
- 36. Truck and rail terminals
- 37. Upholstering shops
- 38. Warehouse
- 39. Wholesale house

- B. The following uses may be allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment:
 - 1. Jails
 - 2. Manufacturing establishments

17.46.040 Intensity of Use Regulations

- A. A building structure or use allowed in a I-1 district may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads as otherwise required in Sections 17.46.060 and 17.46.070.
- B. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as otherwise required in Section 17.46.060.

17.46.050 Height Regulations

- A. The height regulations in an I-1 district shall be as follows
 - 1. When a building or structure is within one hundred fifty feet from a residential district zone, the building or structure shall not exceed forty-five feet in height.
 - 2. When a building or structure is more than one hundred fifty feet from a residential district zone, the building structure shall not exceed seventy-five feet in height.

17.46.060 Yard Regulations.

- A. The yard regulations in an I-1 district shall be as follows
 - 1. Front yard

- a. No front yard shall be required for uses permitted in this district except as required for arterial and collector streets. (See additional height, area and use regulations of this title.).
- 2. Side yard
 - a. No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required fifteen feet of side yard on the side of the lot which abuts the residential district.
- 3. Rear Yard
 - a. No rear yard shall be required in this district except where such rear yard abuts a residential district zone, in which case there shall be required fifteen feet of rear yard.

- 17.46.070 Sign Regulations. See Chapter 17.50
- 17.46.080 Parking Regulations. See Chapter 17.52
- 17.46.090 Traffic Regulations. See Section 17.52.210
- 17.46.100 Loading and Unloading Regulations. See Chapter 17.

CHAPTER 17.48

“I-2” HEAVY INDUSTRIAL DISTRICT

SECTIONS

17.48.010	Intent and Purpose
17.48.020	District Regulations
17.48.030	Permitted Uses
17.48.040	Intensity of Use Regulations
17.48.050	Height Regulations
17.48.060	Yard Regulations
17.48.070	Sign Regulations
17.48.080	Parking Regulations
17.48.090	Traffic Regulations
17.48.100	Loading and Unloading Regulations

- 17.48.010 Intent and Purpose
- A. The I-2 heavy industrial district is intended for the purpose of allowing basic or primary industries, which are generally not compatible with residential and/or commercial activity.
 - B. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

- 17.48.020 District Regulations
- A. In an I-2 district, no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for other than one of the uses listed in Section 17.48.030.

- 17.48.030 Permitted Uses
- A. Uses permitted in an I-2 district shall be as follows.
 - 1. Ambulance service business
 - 2. Animal hospitals, enclosed and open runs
 - 3. Armories
 - 4. Billboards
 - 5. Blacksmith/welding shops
 - 6. Bottling works
 - 7. Building materials, storage and sales
 - 8. Cabinet shops
 - 9. Car wash
 - 10. Carpenter shop
 - 11. Cold storage plant
 - 12. Contractor's office and storage yard, open and enclosed
 - 13. Dog kennels, open
 - 14. Dry cleaning plant
 - 15. Electric power plant
 - 16. Fabricating establishment
 - 17. Fairgrounds
 - 18. Farm implement sales and storage
 - 19. Feed and seed stores

20. Farm implement service
 21. Frozen food lockers
 22. Grain elevators
 23. Greenhouse and nurseries
 24. Laundry plant
 25. Machinery sales and storage lots (farm and garden)
 26. Microwave towers
 27. Mobile home manufacturing, sales and storage
 28. Motor vehicle repair, including body work and painting
 29. Motor vehicle sales and storage
 30. Plumbing shops
 31. Public service use
 32. Public utility yards, fences
 33. Public utility use
 34. Radiator repair shop
 35. Railroads
 36. Sheet metal shops
 37. Substations
 38. Telephone exchanges
 39. Telephone transmission buildings
 40. Television towers
 41. Truck and rail terminals
 42. Upholstering shops
 43. Warehouse
 44. Wholesale house
- B. The following uses are allowed by special use permit when submitted, reviewed and approved by the Board of Adjustment:
1. Asphalt mix plants
 2. Automobile wrecking yards
 3. Bulk storage of oil, gas and explosives
 4. Jails
 5. Junk yards
 6. Manufacturing establishments
 7. Petroleum refining
 8. Poultry storage and slaughtering
 9. Processing establishments
 10. Ready mix concrete plants
 11. Sanitary landfills, government
 12. Scrap processing yards
 13. Slaughter houses
 14. Stock yards

17.48.040 Intensity and use Regulations

- A. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and as otherwise required in Sections 17.48.060 and 17.48.070.
- B. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as otherwise required in section 17.48.060.

17.48.050 Height Regulations

- A. The height regulations in an I-2 district shall be as follows.
 - 1. When a building or structure is within one hundred fifty feet of a residential district zone, the building or structure shall not exceed forty-five feet in height.
 - 2. When a building or structure is more than one hundred fifty feet from a residential district zone, the building or structure shall not exceed one hundred fifty feet in height if not in conflict with airport approach zones.

17.48.060 Yard Regulations

- A. Front Yard
 - 1. No front yard shall be required for uses permitted in this district, except as required for arterial or collector streets. (See additional height, area and use regulations in this title.)
- B. Side Yard
 - 1. No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required fifteen feet of side yard on the side of the lot, which abuts the residential district.
- C. Rear Yard
 - 1. No rear yard shall be required in the district except where such rear yard abuts a residential district zone, in which case there shall be required fifteen feet of rear yard.

17.48.070 Sign Regulations. See Chapter 17.50

17.48.080 Parking Regulations. See Chapter 17.52

17.48.090 Traffic Regulations. See Section 17.52.210

17.48.100 Loading and Unloading Regulations. See Chapter 17.54

CHAPTER 17.50
SIGN REGULATIONS

SECTIONS

- 17.50.010 Erected, repaired or suspended in violation of chapter prohibited
- 17.50.020 Fastening or posting handbills or posters prohibited
- 17.50.030 Permits – Required – Application – Fees
- 17.50.040 District Regulations – Generally
- 17.50.050 District Regulations – A-L, R-S, R-1a, R-1, R-2, R-3, PUD, M-S and M-P Regulations
- 17.50.060 District Regulations – C-S and C-1 Regulations
- 17.50.070 District Regulations – C-2 District – Signs
- 17.50.080 District Regulations – C-2 District – Billboards
- 17.50.090 District Regulations – I-1 and I-2 Districts – Signs
- 17.50.100 District Regulations – I-1 and I-2 Districts – Billboards
- 17.50.110 Non-conforming Signs
- 17.50.120 Removal of Signs from Vacant Buildings Required

- 17.50.010 Erected, Repaired or Suspended in Violation of Chapter Prohibited
 - A. It is unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended or attached any sign in violation of this chapter.
- 17.50.020 Fastening or Posting Handbills or Posters Prohibited
 - A. It is unlawful for any person or persons to fasten, paste, place, post, paint or attach in any way any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamppost, telephone, telegraph or electric light pole, tree or bridge.
 - B. It is unlawful to paste, place, paint or attach any sign on any building, street or property of the City or County without first obtaining approval of the Governing Body; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon.
- 17.50.030 Permits – Required – Application – Fees
 - A. A permit shall be required for the erection, construction or alteration of any sign in the zoning jurisdiction.
 - B. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations provided in this chapter and no signboard shall be erected or painted on any area until the application is acted upon and granted.

- C. A charge of three dollars shall be made for each permit granted.
- D. If a sign, for which a permit is granted, is not erected within one hundred eighty (180) days from date of the permit, the permit shall, unless renewed, become void.
- E. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over twelve square feet in area.
- F. All signs shall be constructed, located and placed in accordance with local ordinances and resolutions and the laws of the state.
- G. Permits are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.

17.50.040 District Regulations – Generally.

- A. Signs shall be permitted in the various districts as set forth in Sections 17.50.050 through 17.50.100.

17.50.050 District Regulations – A-L, R-S, R-1a, R-1, R-2, R-3, R-4, PUD, M-S and M-P districts.

- A. Sign regulations for A-L, R-S, R-1a, R-1, R-2, R-3, R-4, PUD, M-S AND M-P districts shall be as follows.
 - 1. Un-illuminated nameplates are subject to the following restrictions
 - a. The nameplate shall be not exceed one square foot in area
 - b. The nameplate shall show only the name and/or address of the occupant
 - c. There shall be no more than one nameplate for each dwelling unit
 - d. The nameplate shall be affixed to the principal building, flat against the wall
 - 2. Un-illuminated “FOR SALE” and “FOR RENT” single-faced or double-faced business signs shall be subject to the following regulations
 - a. Only one sign shall be permitted per lot
 - b. No sign shall exceed four square feet in area
 - c. Signs shall be located no closer than five feet from any property line and shall not obstruct the view of traffic approaching a street intersection
 - d. When said sign is affixed to a building, it shall not project higher than ten feet above the ground level
 - e. Ground signs shall not project higher than four feet above the ground level.
 - 3. Bulletin boards and signs for churches and other public institutions are subject to the following regulations.
 - a. One sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses
 - c. No sign or bulletin board shall exceed twenty-four square feet in area
 - d. No sign shall be located closer than eight feet from any side or rear property line
 - e. A sign or bulletin board located in the front yard shall be no closer to the street than one-half the required front yard

- f. A sign or bulletin board, affixed to a building, shall not project higher than ten feet above the ground level.
- g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six feet above the normal grade.
- h. Buildings constructed on the property line prior to the adoption of this title shall be allowed one identification sign providing the sign is a flat wall sign and permanently attached to the building.
- i. On corner lots, no sign shall be constructed or placed in such a manner as materially to impede vision up to a height of four feet above the height of the curb head of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the points of the intersection as measured at the curb line.
- j. The following uses may be allowed by special use permit in the A-L agriculture district when submitted, reviewed and approved by the Board of Adjustment and under such conditions as the board may impose
 - 1) An Off-Site Sign, un-illuminated and calling attention to a use permitted or a product located elsewhere within the zoning jurisdiction may be erected provided that said sign: shall not exceed 50 square feet in area for a single or double-faced sign, the bottom edge of the sign shall be at least three feet above the average ground level and the top edge not higher than ten feet above the average ground level.
 - 2) An Off-Site Sign, shall not be located closer than 500 feet from two or more intersecting roads and not closer than 50 feet from the right-of-way line of an entrance drive to private property; not more than one such sign shall be permitted on one road side within any one mile.
 - 3) An applicant for a special use permit to erect an off-site sign shall submit to the board a plot plan showing the location, size and construction details of the proposed sign installation; a letter from the property owner indicating intent to lease said property together with a copy of the terms of said lease, such permit shall be issued for a period of 5 years and its renewal shall be subject to a review of the site and changed conditions within the surrounding area

17.50.060 District Regulations – C-S and C-1 Districts.

- A. Sign regulations for C-S and C-1 districts shall be as follows. Business signs (single-faced or double-faced) shall be allowed in C-S and C-1 districts subject to sign regulations set forth in the building code.
 - 1. Flashing signs are not permitted in C-S and C-1 districts
 - 2. Non-flashing signs shall be permitted providing the sign is illuminated only during business hours or until eleven p.m., whichever is later, when the sign is located adjacent to a residential district; providing, that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitations

3. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illuminations
4. The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
5. No sign shall project over any street or alley right-of-way line except in accordance with Section 403 of the Uniform Sign Code.
6. Any sign located within three feet of a driveway or parking area or within fifty feet of the intersection of two or more streets shall have its lowest elevation at least ten feet above curb level.
7. In a unified shopping area in a single ownership or control, one additional sign may be erected to the building wall. The sign may be free standing or attached to the shopping center. The sign shall not exceed thirty feet in height and fifteen feet in width and its bottom edge shall be at least ten feet above the ground level.
8. Signs within fifty feet of a residential district shall be affixed to or be a part of the building.
9. A maximum of two signs (only one on a facade) shall be allowed for a business or profession conducted on the premises.
10. No sign shall be permitted in or overhanging the road, street or alley right-of-way and no sign shall be located in a manner to constitute a traffic hazard.
11. Sandwich board signs may be allowed providing the sign is permanently affixed to the surface on which its rests.
12. Temporary business signs may be permitted subject to the following
 - a. Only one (1) such sign shall be permitted per location.
 - b. Temporary signs shall not exceed forty-five (45) square feet of surface area.
 - c. No temporary sign, except upon approval of the Governing Body, shall extend over into any street, alley, sidewalk or other public thoroughfare nor shall it obstruct any wall opening.
 - d. All temporary signs shall be secure to prevent movement or overturning in a manner approved by the Building Official.
 - e. All electrical cords to such signs shall be located so as not to expose them to physical damage. No such electrical cord shall be laid upon any sidewalk, driveway, or parking lot without protective conduit approved by the Building Official. All such wiring shall be subject to the electrical code of the City.
 - f. Temporary signs shall not exceed six (6) feet in height and shall be so located so as to avoid creating a line-of-sight or other traffic-related obstruction.

- A. Sign regulations for the C-2 district shall be as follows.
1. Where buildings or structures are established or are hereafter established on the property line, in C-2 district, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with the building code of the City.
 - a. The advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge of the marquee shall be considered that portion of the marquee which is parallel to the street. Extended signs may be permitted in the C-2 district when approved by the Building Inspector.
 - b. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any existing residential district.
 - c. Lighted signs in direct vision of traffic shall not be in red, green or amber illuminations.
 - d. Flashing signs shall be allowed only upon approval of the Building Official, providing it is first determined that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.
 - e. The gross surface area, in square feet, on one side of any sign of an advertising or business sign shall not exceed three times the lineal feet of separate frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 - f. Any sign located within three feet of a driveway or parking area or within fifty feet of the intersection of two or more streets shall have the lowest elevations at least ten feet above the curb level.
 - g. Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the building code of the City.
 - h. Temporary business signs may be permitted subject to the requirements of 17.50.060, paragraph 12.

17.50.080 District Regulations – C-2 District – Billboards.

- A. Billboards are permitted in the C-2 central business district if they conform to the following conditions.
1. The Owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of the billboard.
 2. No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans have been filed with the Building

Official and shall have been approved by the Building Official as to size, location and construction.

3. Billboards shall not exceed thirty feet in height aboveground.
4. The Owner, lessee and manager of such billboard and the Owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, in-offensive and free and clean of weeds and noxious substances.
5. Plans for billboards in the fire limits shall be referred to the fire chief for review and recommendation.
6. No billboard shall exceed one thousand square feet in single face area; provided, that when said billboard is erected closer than one hundred fifty feet from another billboard, neither billboard shall exceed five hundred square feet.
7. It is unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to:
 - a. Obstruct the view of street crossings or railroad crossings
 - b. Be unable to stand a pressure of at least thirty pounds per square foot of advertising surface.
 - c. Be dangerous to the public by falling or blowing down.
 - d. Increase the danger of loss by fire or to increase fire insurance rates.
 - e. Approach nearer than five feet to any building, unless attached to the building.
8. Billboards hereafter erected, constructed, re-constructed, altered or moved in the City shall be constructed in such a manner and of such material that they shall be safe and substantial.
9. Billboards supported by the ground shall have all posts set in concrete.

17.50.090 District Regulations – I-1 and I-2 Districts – Signs.

- A. Sign regulations for I-1 and I –2 districts shall be as follows.
 1. Advertising and business signs (single-faced or double-faced) shall be allowed in I-1 and I-2 industrial districts subject to the following regulations and subject to construction standards set forth in the building code or other regulations of the City.
 2. Flashing signs shall be permitted only upon approval of the Building Inspector providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that the direct rays of the sign will not be directed into any residential building.
 3. Non-flashing signs shall be permitted, providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of lights shall not beam upon any residential building, or into any residential district or into any street.
 4. Lighted signs in direct vision of a traffic signal shall not be in red, green or amber illumination.
 5. The gross surface area, in square feet on one side of any business on a lot shall not exceed three times the lineal feet of frontage of the lots. Each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a lot shall not exceed three times the lineal feet in the

separate frontage. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

6. Any sign located within three feet of a driveway or parking area or with fifty feet of the intersection of two or more streets shall have its lowest elevation at least ten feet above curb level.
7. Signs within fifty feet of a residential district shall be affixed to or be part of the building.
8. A maximum of two signs (only one on a façade) shall be allowed for a business or profession conducted on the premises.
9. No sign shall project over any alley, road, street or highway right-of-way except in accordance with Section 403 of the Uniform Sign Code.
10. Sandwich signs may be allowed providing the sign is permanently affixed to the surface on which it rests.
11. Temporary business signs may be permitted subject to the requirements of 17.50.060, paragraph 12.

17.50.100 District Regulations I-1 and I-2 Districts – Billboards.

- A. Billboards will be permitted in I-1 and I-2 industrial district if they conform to the following provisions,
 1. The Owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of the billboard.
 2. No billboard shall be erected, altered, constructed, re-constructed or moved until an application and plans shall have been filed with the Building Official and shall have been approved by the Building Official as to size, location and construction.
 3. Billboards shall not exceed thirty feet in height aboveground.
 4. The Owner, lessee and manager of such billboard and the Owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, in-offensive and free and clean of weeds and noxious substances.
 5. Plans for billboards in the fire limits shall be referred to the fire department for review and recommendation.
 6. No billboard shall project beyond the front, side or rear building line established for the district as set forth in the zoning ordinance codified in this title.
 7. No billboard shall exceed one thousand square feet in area on a single face; provided, that when said billboard is erected closer than one hundred fifty feet from another billboard, neither billboard shall exceed five hundred square feet.
 8. It is unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner as to
 - a. Obstruct the view of street crossings or railroad crossings
 - b. Be unable to stand a pressure of at least thirty pounds per square foot of advertising surface.
 - c. Be dangerous to the public by falling or blowing down.
 - d. Increase the danger of loss by fire or to increase fire insurance rates.

- e. Approach nearer than five feet from any building, unless attached to the building.
- 9. Billboards hereafter erected, constructed, re-constructed, altered or moved in the City shall be constructed in such a manner and of such material that they shall be safe and substantial.
- 10. Billboards supported by the ground shall have all posts set in concrete.

17.50.110 Non-conforming Signs.

- A. The lawful use of land for advertising, business signs or bulletin boards which are not installed or maintained in accordance with this chapter or the district zoning regulations and the other City, County, State and Federal requirements pertaining to construction, location and size shall be removed or converted to conform with this chapter and other City, County, State and Federal regulations within five years after the passing of these regulations.

17.50.120 Removal of Signs from Vacant Buildings Required.

Signs located on vacant buildings shall be removed by the property owner or his authorized agent within fifteen days after the premises are vacated.

CHAPTER 17.52

PARKING REGULATIONS

SECTIONS

I. SPACE REQUIREMENTS

- 17.52.010 Generally
- 17.52.020 Single-family and Two-family Dwellings, Manufactured and Mobile Homes
- 17.52.030 Multiple-family Dwelling Units
- 17.52.040 Home Occupations
- 17.52.050 Schools
- 17.52.060 Churches and other Places of Public Assembly
- 17.52.070 Hospitals, Nursing Homes, Boardinghouses and Lodging Houses
- 17.52.080 Dormitory, Fraternity or Sorority House
- 17.52.090 Business and Professional Offices
- 17.52.100 Eating Establishments
- 17.52.110 Medical, Mental, Dental or Health Clinics
- 17.52.120 Motels
- 17.52.130 Personal Service Establishments
- 17.52.140 Retail Stores and Shops
- 17.52.150 Industrial Uses
- 17.52.160 Change in Building or Use – Mixed Uses

II. ADDITIONAL REGULATIONS

- 17.52.170 Location of Off-street Parking Lots
- 17.52.180 Plans and Approval Required
- 17.52.190 Construction Requirements
- 17.52.200 Performance
- 17.52.210 Traffic Regulations

I. SPACE REQUIREMENTS

- 17.52.010 Generally
 - A. Whenever a structure is erected, converted or structurally altered and where required by this title there shall be provided off-street parking space as set forth in Sections 17.52.020 through 17.52.160.
- 17.52.020 Single-family and Two-family Dwellings, Manufactured Homes and Mobile Homes
 - A. For single-family and two-family dwellings, manufactured homes and mobile homes, one off-street parking space shall be provided for each dwelling unit.
- 17.52.030 Multiple-family Dwelling Units

- A. For multiple-family dwelling units, one off-street parking space per unit shall be provided in the side or rear yard.
- 17.52.040 Home Occupations
- A. For home occupations, two off-street parking spaces shall be provided in the side or rear yard for home occupations. These shall be in addition to those required for dwelling purposes.
- 17.52.050 Schools
- A. Schools shall provide off-street parking spaces as follows.
 1. Elementary School – 2 parking spaces for each classroom
 2. Junior High School – 2 parking spaces for each classroom
 3. High School – 1 parking spaces for each 4 seats
 4. College – 1 parking space for each 2 faculty members plus 1 parking space for each 6 students
- 17.52.060 Churches and Other Places of Public Assembly
- A. For churches and other places of public assembly, one off-street parking space shall be provided for each five seats, based on maximum seating capacity of the main assembly room or sanctuary.
 - B. If no fixed streets, one off-street parking space shall be provided for each 150 square feet.
- 17.52.070 Hospitals, Nursing Homes, Boardinghouses and Lodging Houses
- A. For boardinghouses and lodging houses, one off-street parking space shall be required for each 3 sleeping units.
 - B. For hospitals and nursing homes, one off-street parking space shall be provided for every 3 beds, plus 1 parking space for each 2 employees anticipated to be employed on the largest shift, plus 1 parking space for each staff physician on the largest shift.
- 17.52.080 Dormitory, Fraternity or Sorority House
- A. For dormitory, fraternity or sorority house or other similar use or establishment, one off-street parking space shall be provided for each three sleeping accommodations provided.
- 17.52.090 Business and Professional Offices
- A. For business and professional offices, one off-street parking space shall be provided for each 400 square feet of gross floor area.
- 17.52.100 Eating Establishments
- A. For eating establishments, one off-street parking space for each 100 square feet of gross floor area.
- 17.52.110 Medical, Mental, Dental Health Clinics, Veterinary Clinics, Emergency Clinics and Health Related Offices
- A. One off-street parking space shall be provided for each 200 square feet of gross floor area.
- 17.52.120 Motels and Bed & Breakfast Inns

- A. For motels and Bed & Breakfast Inns, one off-street parking space for each living or sleeping unit, plus 2 additional spaces for the owners or managers.
- 17.52.130 Personal Service Establishments
- A. For personal service establishments, one off-street parking space for each 50 square feet of gross floor area.
- 17.52.140 General Retail Stores and Shops
- A. For retail stores and shops, one off-street parking space shall be required for each 300 hundred square feet of gross floor area.
- 17.52.150 Retail, Furniture, Appliance or Building Material Supply
- A. For retail, furniture, appliance or building material supply, one off-street parking space shall be provided for each 600 hundred square feet of gross floor area.
- 17.52.160 Mobile Home Park and Recreational Vehicle Parks
- A. For mobile home park and recreational vehicle parks, one off-street parking space shall be provided for each mobile home space or recreational vehicle space.
- 17.52.170 Automobile Service or Repair
- A. For automobile service or repair, one off-street parking space shall be provided for each 200 hundred square feet of gross floor area.
- 17.52.180 Automobile Sales
- A. For automobile sales, one off-street parking space shall be provided for each 400 hundred square feet of gross floor area.
- 17.52.190 Banks, Savings and Loans, and Credit Unions
- A. For banks, savings and loans, and credit unions, one off-street parking space shall be provided for each 350 hundred square feet of gross floor area.
- 17.52.200 Bar, Tavern, and Nightclubs
- A. For bar, tavern and nightclubs, one off-street parking space shall be provided for each 100 hundred square feet of gross floor area.
- 17.52.210 Car Wash
- A. For car wash, one off-street parking space shall be provided for each bay or stall.
- 17.52.220 Lumberyard and Nursery
- A. For lumberyards and nurseries, one off-street parking space shall be provided for each 600 hundred square feet of gross floor area, plus one off-street parking space for each 1,000 square feet of outdoor area devoted to display and storage.
- 17.52.230 Mortuary and Funeral Homes

- A. For mortuary and funeral homes, one off-street parking space shall be provided for each 4 seats in the main assembly room.
- 17.52.240 Manufacturing
- A. For manufacturing, one off-street parking space shall be provided for each 1,000 square feet of gross floor area.
- 17.52.250 Warehouse
- A. For warehouses, one off-street parking space shall be provided for each 1,000 square feet of gross floor area.
- 17.52.260 Amusement Park
- A. For amusement parks, 30 off-street parking spaces shall be provided for each acre.
- 17.52.270 Arcade, Game Room
- A. For arcades and game rooms, one off-street parking space shall be provided for each 300 hundred square feet of gross floor area.
- 17.52.280 Bowling Alley
- A. For bowling alleys, there shall be 4 off-street parking spaces provided for each lane.
- 17.52.290 Pool Hall
- A. For pool halls, there shall be 2 off-street parking spaces provided for each table.
- 17.52.300 Golf Course
- A. For golf courses, there shall be 4 off-street parking spaces provided for each hole.
- 17.52.310 Miniature Golf
- A. For miniature golf, there shall be one off-street parking space provided for each hole.
- 17.52.320 Auditorium, Assembly Hall, and Other Places of Public Assembly
- A. For auditorium, assembly halls, and other places of public assembly, one off-street parking space shall be provided for each 5 seats, or if no fixed seats, one off-street parking space shall be provided for each 150 square feet.
- 17.52.330 Theater
- A. For theaters, there shall be one off-street parking space provided for each 4 seats.
- 17.52.340 Daycare Center, Pre-School
- A. For daycare centers and pre-schools, one off-street parking space shall be provided for each 400 square feet of gross floor area.

- 17.52.350 Library
A. For libraries, there shall be one off-street parking spaces provided for each 1,000 square feet of gross floor area.
- 17.52.360 Golf Driving Ranges
A. For golf driving ranges, there shall be one off-street parking space provided for each tee.
- 17.52.370 Race Track
A. For race tracks, there shall be one off-street parking space provided for each 4 seats.
- 17.52.380 Shooting Ranges
A. For shooting ranges, there shall be one off-street parking space provided for each firing lane.
- 17.52.390 Skating Rink
A. For skating rinks, there shall be one off-street parking space provided for each 150 square feet of gross floor area.
- 17.52.400 Athletic Complexes
A. For athletic complexes, there shall be one off-street parking space for each 4 seats.
- 17.52.410 Tennis, Handball, or Racquetball Facilities
A. For tennis, handball, or racquetball facilities, there shall be 3 off-street parking spaces provided for each court.
- 17.52.420 Health Clubs
A. For health clubs, there shall be one off-street parking space for each 150 square feet of gross floor area.
- 17.52.430 Industrial Uses
A. For industrial uses permitted in I-1 and I-2 districts, one off-street parking space for each 1,000 square feet of gross floor area.
- 17.52.440 Change in Building or Use – Mixed Uses
A. Whenever a building or use constructed or established in any district after the effective date of the ordinance codified in this title is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of the ordinance codified in this title is enlarged to the extent of fifty percent or more in floor area or in the area used, the building or use shall then and thereafter comply with the parking requirements set forth in this chapter.
B. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

II. ADDITIONAL REGULATIONS

- 17.52.170 Location of Off-street Parking Lots
- A. Off-street parking lots for single-family or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boardinghouses, lodging houses, dormitories, fraternity or sorority houses shall be located in the side or rear yard.
 - B. Off-street parking spaces for uses permitted in C-S, C-P, C-1, C-2, I-1 and I-2 districts shall be located back of the required front yard line and shall be within 300 feet of the building they serve.
- 17.52.180 Plans and Approval Required
- A. Plans for off-street parking lots, other than single-family dwellings, shall be prepared and submitted to the building official for review and approval prior to issuance of a building permit. Before approving any parking layout, the building official shall satisfy himself that the spaces provided are usable and meet standard design criteria.
 - B. All required off-street parking spaces shall be clearly marked.
- 17.52.190 Construction Requirements
- A. Parking lots for other than single-family dwellings shall be surfaced with asphalt, concrete or similar dust-free surface.
- 17.52.200 Performance
- A. In lieu of construction of the required parking lot, the Governing Body of the City or County may accept a corporate surety bond, cashiers' check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.
- 17.52.210 Traffic Regulations
- A. Plans for the erection or structural alteration of any business use dependent upon vehicles entering onto the business site or parking lot shall be approved by the Governing Body.

The Governing Body may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties and to safeguard adjacent properties.

CHAPTER 17.54

LOADING AND UNLOADING REGULATIONS

SECTIONS

- 17.54.010 Space Requirements
- 17.54.020 Plans and Approval Required
- 17.54.030 Performance

17.54.010 Space Requirements

- A. Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for industrial uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located as to avoid undue interference with public use of streets, alleys and walkways. Such space shall be scaled to delivery vehicles expected to be used and shall be accessible to such vehicles when required off-street parking spaces are filled.
- B. The number of spaces shall be provided as follows:

Number Spaces	of	Gross Floor Area in Square Feet
1		3,000 to 20,000
2		20,000 to 40,000
3		40,000 to 60,000
4		60,000 to 80,000
5		80,000 to 100,000
6		100,000 to 150,000

One additional space shall be provided for each fifty thousand square feet above one hundred fifty thousand square feet.

17.54.020 Plans and Approval Required

- A. Plans showing the layout and design of all required loading and unloading areas shall be submitted and approved by the Building Official prior to issuance of a building or zoning permit.
- B. Before approving the layout, the Building Official shall satisfy himself that all spaces provided are usable and meet standard design criteria and that the complete loading and unloading operation is performed off-street.

17.54.030 Performance

- A. In lieu of actual construction of the required off-street loading and unloading area, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount fixed by the Governing Body and conditioned upon actual construction of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

CHAPTER 17.56

ADDITIONAL HEIGHT, AREA AND USE REGULATIONS

SECTIONS

- 17.56.010 Qualifications and Supplementations to District Regulations
 - 17.56.020 Additional Height for Certain Public Districts
 - 17.56.030 Height Regulation for Chimneys, Towers and Steeples
 - 17.56.040 Accessory Buildings – Proximity to Main Buildings
 - 17.56.050 Accessory Buildings - Construction Prohibited Before Commencement of Construction of Main Building
 - 17.56.060 Determination of Setback Line
 - 17.56.070 Regulations for Fire Escapes, Outside Stairways and Chimney and Flue Projections
 - 17.56.080 Side Yard Regulations for Two-family or Multiple-family Dwelling
 - 17.56.090 Temporary Buildings and Temporary Signs During Construction
 - 17.56.100 Conformance to Yard and Space Requirements with Multiple Principal Uses
 - 17.56.110 Dwelling Units Erected above Commercial or Industrial Structures
 - 17.56.120 Restriction of Number of Employees – Applicability
 - 17.56.130 Radio and Television Towers
 - 17.56.140 Fences
 - 17.56.150 Building Setback Lines
 - 17.56.160 Lots of Record
 - 17.56.170 Canopy and Marquee
 - 17.56.180 Number of Structures on a Lot
 - 17.56.190 Sight Triangle
 - 17.56.200 Temporary uses: Permitted; Applications; Conditions
 - 17.56.210 Home Occupations
 - 17.56.220 Wind Energy Conversion Systems (WECS)
 - 17.56.230 Inoperable Vehicle
 - 17.56.240 Zero Lot Line
 - 17.56.250 Attached Single Family Dwellings, Townhouses and Condominiums
 - 17.56.260 Conversion of a Two-family or Multiple-family Structure to Individually Owned Units
 - 17.56.270 Required Screening for Business-industrial Use
 - 17.56.280 Landscaping Requirements
 - 17.56.290 Gas Pump Canopies
 - 17.56.300 Storm Shelters
- 17.56.010 Qualifications and Supplementations to District Regulations
- A. The regulations set forth in these Sections qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.
- 17.56.020 Additional Height for Certain Public Buildings
- A. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one foot of additional height will be permitted for each one foot of additional building setback provided.
- 17.56.030 Height Regulation for Chimneys, Towers and Steeples
- A. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television

towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty feet.

- 17.56.040 Accessory Building – Proximity to Main Building
- A. Accessory buildings may be built in a rear yard, but such accessory building shall not be nearer than the main building to any side lot line, except that when a detached garage is entered from an alley it shall not be closer than 10 feet from the alley line.
- 17.56.050 Accessory Buildings – Construction Prohibited before Commencement of Construction of Main Building
- A. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- 17.56.060 Determination of Setback Line
- A. The setback line shall be determined by measuring the horizontal distance from the property line to nearest architectural projection of the building (porches and stoops included).
- 17.56.070 Regulations for Fire Escapes, Outside Stairways and Chimney and Flue Projections
- A. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Official for a distance of not more than three and one-half feet and where the same are so placed so as not obstruct light and ventilation.
- 17.56.080 Side Yard Regulations for Two-family or Multiple-family Dwelling
- A. For the purpose of the side yard regulations, a two-family dwelling, or a multiple-family dwelling shall be considered as one building occupying one lot.
- 17.56.090 Temporary Buildings and Temporary Signs during Construction
- A. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction.
- 17.56.100 Conformance to Yard and Space Requirements with Multiple Principal Uses
- A. Where a lot or tract is used for a non-residential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
- 17.56.110 Dwelling Units Erected above Commercial or Industrial Structures
- A. No side yards are required where dwelling units are erected above commercial and industrial structures.

17.56.120 Radio and Television Towers

- A. Radio and television towers shall be permitted in any commercial or industrial district providing the height of the radio or television tower does no conflict with any airport approach or landing zone or with any other ordinance.

17.56.130 Fences

- A. Except as otherwise specifically provided in other codes, ordinances or regulations, the following regulations shall apply to the construction of fences.
 1. No fence, wall, hedge or shrubbery intended as a fence or partition between properties shall exceed 4 feet in height from the front building line extending toward an avenue except that on a corner lot the 4-foot limitation shall be limited pursuant to Subsection (6) below. For the purposes of measuring the height of front yard fences, the measurement shall be the vertical height from the top of curb on the avenue abutting the property. All other fences may not exceed six feet in height.
 2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
 3. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or any fence which shall adversely affect the public health, safety and welfare.
 4. No fence, except fences erected upon public or parochial school grounds or in public parks and public playgrounds, shall be constructed of a height greater than six feet; provided, however, that the Board of Adjustment may, by special permit, authorize the construction of a fence higher than six feet if the Board finds the public welfare is preserved.
 5. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
 6. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision up to a height of 4 feet above the height of the curb head of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection as measured at the curb line. All fencing materials to be used on corner lots must be approved by the City Engineer's office prior to the fence being erected.

17.56.140 Building Setback Lines

- A. Building setback lines are established for all arterial and collector streets, as shown on the approved major street plan.
- B. The setback lines as established in this section shall be held to be the minimum for the purpose of promoting the public health, safety, moral, order, convenience and economy in the process of development and shall conform with the following requirements.
 1. Arterial Streets. No building or structure which fronts or side on an arterial street shall be located nearer to the centerline of the collector street than the sum of the required front yard, in feet, plus forty feet.
 2. Collector Streets. No building or structure which fronts or sides on a

collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard, in feet, plus forty feet.

17.56.150 Lots of Record

- A. A lot or group of lots which were platted and recorded in the office of the County Clerk and Recorder prior to the effective date of the ordinance codified in this title may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Board of Adjustment.

17.56.160 Canopy and Marquee

- A. A canopy or marquee may be permitted to overhang a public way in a commercial district providing that:
 - 1. The canopy or marquee is constructed and maintained in accordance with the City building code and other codes, ordinances and resolutions
 - 2. No portion of the canopy or marquee shall be less than eight feet above the level of the sidewalk or other public way
 - 3. Th canopy or marquee shall not extend beyond a point two feet inside the curb line of a public street.

17.56.170 Number of Structures on a Lot

- A. Where a lot is used for other than a single family or manufactured home, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as condominiums or townhouses.

17.56.180 Temporary Uses: Permitted; Applications; Conditions

- A. Only the following temporary uses may be permitted.
 - 1 Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from a residential zone and for a time period not exceeding two (2) weeks.
 - 2 Christmas tree and fireworks sales lots in a commercial or industrial zone.
 - 3. Contractors office and equipment sheds on the site of a construction project only during the construction period.
- 4. Model homes or development sales offices located within the subdivision or development area to which they apply and to continue only until sale or lease of all units in the development.
 - 5. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do no operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 - 6. Produce stands
 - 7. Seasonal sales of farm or garden produce on an individual's place of residence and raised by the same individual, provided no structure is

- constructed for such use.
8. One manufactured home to be used as a temporary office for any allowable use in an Industrial Zoning District, provided that such manufactured home shall not be used for more than a two (2) year period starting the day the manufactured home is set upon the property.
- B. Persons seeking approval for a temporary use authorized by section A above shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. Such application shall include a site plan showing existing and proposed usage. The Zoning Administrator may issue a Certificate of Temporary use upon finding:
1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
 2. The temporary use will not affect the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.
 3. That adequate off street parking is available for the temporary use and any permanent use on the site.
- C. The following conditions for a temporary use shall apply.
1. Each site used by an authorized temporary use shall be left free of debris, litter and all evidence of such use.
 2. Such use when conducted upon a parking lot of another business shall not occupy more than twenty (20%) percent of the required parking spaces of such uses.
 3. No temporary use shall be located within the required setback of the site.
 4. Any sign used in conjunction with the temporary use shall comply with all requirements of the sign regulations for temporary signs, including the obtaining of a sign permit.

17.56.190 Home Occupations

- A. Home occupations, where permitted, shall be subject to the following restrictions and limitations:
1. Restrictions and Limitations:
 - a. No person shall engage in such home occupations other than a person occupying the dwelling unit as his or her place of residence.
 - b. There shall be no outdoor storage of materials or equipment used in the home occupation.
 - c. No exterior alterations or other construction shall be made to the dwelling, which changes the character or appearance from a residential use.
 - d. No new accessory buildings shall be in conjunction for use in home occupation.
 - e. No sign shall be permitted, unless required by law, and then such required sign shall be mounted flat against the exterior wall of the dwelling unit, and shall be no larger than one square foot and non-illuminated.
 - f. No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary line of the property.

- g. No commodities shall be displayed or sold on the premises, except craft or art articles made by the person operating the home occupation. In no instance shall there be any outside display of articles in connection with the home occupation.
 - h. The area exclusively devoted to all home occupations shall be limited to twenty-five (25) percent of the floor area of the dwelling.
 - i. The giving of lessons of any type shall be limited to no more than three (3) persons at any one time.
 - j. For parking requirements, see Chapter 17.52
- B. Power of Zoning Administrator.
- 1. The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, in addition to others herein granted, the power to:
 - a. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with the provision of this article.
 - b. Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
 - c. Delegate any of his functions and powers under this article to such officer, agents and employees as the Zoning Administrator may designate.
- C. Home Occupations Permitted.
- 1. Home occupations are primarily of a service nature similar to, but not limited to, the following:
 - a. Artists, sculptors, and writers
 - b. Custom dressmaking, tailoring, sewing of fabrics for custom apparel
 - c. Giving of lessons of any type, provided that the provisions of item; subsection 1, above, are complied with.
 - d. Professional office for architects, engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives and contractors, and similar professional offices.
 - e. Fabrication and/or assembly of handicraft or hobby articles.
 - f. Child Care
 - g. Child Care Centers
 - h. Beauty Shop in construction with a single family dwelling
- D. Home Occupations
- 1. Prohibited. Permitted home occupations shall not in any event include the following:
 - a. Antiques-retail or wholesale.
 - b. Animal care of any type
 - c. Funeral homes or services
 - d. Retail sale or rental of goods or products.
 - e. Tourist homes or apartment rental
 - f. Equipment rental
 - g. Automotive sales, repair or service of any type.
 - h. Appliance repairs.

i. Photographic studios

17.56.200 Wind Energy Conversion Systems (WECS)

A. Wind energy conversion systems (WECS) may be permitted subject to the following requirements:

1. The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conversion system shall be established by the following minimum standards:

<u>Rotor Diameter (Feet)</u>	<u>SetbackDistance (Feet)</u>
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated from the above values.

2. The WECS shall not be located in any required yard.
3. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) d.b.a. in a residential zone.
4. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
5. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
6. The WECS shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
7. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.
8. Data pertaining to the WECS safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the City's building code.
9. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.

10. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.
11. The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
12. The owner/operator shall certify that the WECS does not violate any covenants of record.
13. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.

17.56.210 Attached Single Family Dwellings, Townhouses And Condominiums

A. Attached Single Family Dwellings, Townhouses and Condominiums may be built by applying for and building as Planned Unit Development as per Chapter 17.32 of these zoning regulations or upon existing tracts by meeting the following stipulations:

1. Definitions:

- a. Attached Single Family Dwellings. A series of no more than four (4) single family dwelling structures which are joined at one (1) or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
- b. Townhouse. A series of three (3) or more single family residential dwelling structures joined together at one (1) or more side by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
- c. Condominium. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his unit. All owners jointly own all common areas and land.

B. Conditions:

1. Attached Single Family Dwellings, as defined, may be erected within the R-2, Two Family District (Limit 2 units each structure); R-3 and R-4 Multiple Family Dwelling Districts; subject to district regulations and the following conditions:

- a. No individual unit shall have less than twenty-two (22) feet frontage upon a public street.
- b. No individual ownership shall contain less than two thousand two hundred (2,200) square feet.
- c. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
- d. Each unit shall be separated from other units at party walls which are of two (2) hour fire resistive construction.
- e. Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
- f. Parking shall be as required for single family residences in Chapter

17.52.

- g. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branch off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear of side yard utilities.
2. Townhouses, as defined, may be erected within the R-4, Multiple Family Dwelling District and the “PUD”, Planned Unit Development District subject to the District Regulations and the following conditions:
 - a. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - b. Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction.
 - c. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line then branched off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear or side yard utilities.
 - d. All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with the laws of the State of Colorado.
 - e. Parking shall be as required for multiple family residences in Chapter 17.52.
3. Condominiums, as defined, may be erected within the R-4 Multiple Family Dwelling District and the “PUD” Planned Unit Development District subject to the district regulations and the following conditions:
 - a. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - b. Each unit shall be separated from each other as required by the Multiple Family Unit provisions of the Building Code.
 - c. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the

public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each unit. Other utilities serving the structure from the front or street shall be from a private easement arrangement as required for the rear of side yard utilities.

- d. All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with the laws of the State of Colorado.
- e. Parking shall be as required for multiple family residences in Chapter 17.52.

17.56.220 Conversion of a Two-family or Multiple-family Structure to Individually Owned Units

A. Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the following requirements:

1. An application for such unit conversion shall be filed for review and comment by City Staff. Such application shall be accompanied by the following information as a minimum:

- a. A plot plan showing site and structure arrangements and proposed re-platting.
- b. A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
- c. A description of proposed structural and utility alterations to provide for individual services and maintenance.
- d. A description of proposed public access patterns, both vehicular and pedestrian.
- e. A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.
- f. Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.

2. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed.

3. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility

service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.

4. City staff shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utility line would require entry into an individually-owned dwelling unit.
5. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable City codes, including building permit application and inspection procedures.
6. The above procedures and regulations are applicable even where the conversion does not require new construction.

17.56.230 Required Screening for Business-Industrial Use

- A. Commercial or Industrial Use Adjacent to a Residential Zone. Whenever a commercial or industrial zoned tract adjacent to a residential zoning district is used, screening to protect the residential land from the affect of the commercial use shall be required.
- B. Type of Screening Required All required screening shall consist of a wall, fence or evergreen plantings from six (6) to eight (8) feet in height having a visual density of at least ninety (90%) percent. Screens adjacent to the front yard of a residential zone shall not exceed forty-eight (48) inches in height.
- C. Location of Screen. All required screening shall be located within three (3) feet of the property line adjacent to the residential zone.
- D. Evergreen Hedges or Shrubs. Evergreen plantings shall be planted at a height of at least thirty-six (36) inches and shall reach the required height and effective screening within eighteen (18) months.
- E. Maintenance of Screens. All required screens shall be permanently maintained in good and effective condition, and whenever necessary, repaired or replaced.
- F. Installation Prior to Occupancy. Whenever screening is required, it shall be installed before occupancy of the commercial or industrial use is allowed. Where plantings are being used to accomplish the required screening and the season is unsuitable for planting, the owner shall submit a written verification, satisfactory to the Zoning Administrator, of when the required screening shall be planted.

17.56.240 Landscaping Requirements

- A. All property within the zoning jurisdiction of the City of LaJunta shall hereinafter be subject to the following minimum requirements.
 1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all stormwater and shall be free of hazards,

nuisances or unsanitary conditions.

2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
3. No vegetation shall overhang a public street or sidewalk below a height of ten (10) feet, or obstruct views of pedestrian and vehicular movements.
4. Where districts "PUD", "M-P", "M-S", "C-S", "C-1", "I-1", or "I-2" adjoin "R-1", "R-2", "R-3" or "R-4" Districts they shall be appropriately separated by a landscaped area of at least ten (10) feet wide or a decorative architectural screen at least six (6) feet high.
5. Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscape materials or architectural screen shall not exceed four (4) feet in height.

17.56.250 Gas Pump Canopies

- A. Canopies covering gas or other fuel pumps must be located so that no part of the structure is less than ten (10) feet from the front property line. Such structures shall meet all other setback requirements.

17.56.260 Storm Shelters

- A. In zones R-3, R-4, PUD and MP each new development of ten (10) or more dwelling units, or housing spaces shall be provided with properly ventilated and constructed storm shelters located at a central or other convenient location, unless determined otherwise by the Planning Commission and Governing Body. Where storm shelters are required, space shall be provided at the rate of eighteen (18) square feet for each new dwelling unit, manufactured home space, or travel trailer space. Storm shelters shall be built in accordance with the building codes of the City. (Also see definition – 17.12.1430)

CHAPTER 17.58

NON-CONFORMING USES

SECTIONS

I. USES THAT MAY BE CONTINUED

17.58.010 Generally

17.58.020 Lawful Uses of Land

17.58.030 Lawful Uses of Buildings

II. USES THAT MAY NOT BE CONTINUED

17.58.040 Generally

17.58.050 Reversion to a Less Conforming Use Prohibited

17.58.060 Buildings Damaged to More Than Sixty Percent – Appraisal

17.58.070 Building or Premises Used for Dismantling or Wrecking
Automobiles or for Storage of Junk

17.58.080 Business Signs, Bulletin Boards and Billboards

I. USES THAT MAY BE CONTINUED

17.58.010 Generally

- A. Non-conforming uses that may be continued are set forth in Section 17.58.020 and 17.58.030.

17.58.020 Lawful Uses of Land

- A. The following lawful uses of land may be continued:
1. A use of land which existed prior to the effective date of the ordinance codified in this title.
 2. A use of land existing at the time of the annexation of such land to the City.
 3. A use of land existing at the time an amendment is made to the zoning ordinance of the City which changes land to a more restricted district, although any such non-conforming use, or another non-conforming use to which the land may be changed, is discontinued for a period of two years or more, then any future use of the premises shall be only in accordance with the provisions of the zoning ordinance of the City codified in this title.

17.58.030 Lawful Uses of Buildings

- A. The lawful use of a building located upon any land, except as provided in Sections 17.58.040 through 17.58.080, may be continued although such use does not conform with the provisions of the zoning ordinance of the City codified in this title and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted use classifications.

- B. The provisions set forth in subsection A of this section shall also apply to any uses of buildings which may be made non-conforming by any subsequent amendment or change of the zoning ordinance of the City.
- C. Additions or alternations on existing non-confirming buildings shall be reviewed for compliance by the Building Official.

II. USES THAT MAY NOT BE CONTINUED

- 17.58.040 Generally
- A. Non-conforming uses which may not be continued are set forth in Sections 17.58.050 through 17.58.080.
- 17.58.050 Reversion to a Less Conforming Use Prohibited
- A. Whenever a non-conforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
- 17.58.060 Buildings Damaged to More than Sixty Percent
- A. A building which has been damaged to the extent of more than sixty percent of its structural value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the City.
 - B. In the event of a question as to the structural value of such a building, the same shall be determined by three appraisers; one of whom shall be selected by the Mayor, one of whom shall be selected by the Owner of the building, and the third appraiser shall be selected by two first so selected. If the first two appraisers so selected cannot agree on the selection of the third such appraiser, the judge of the appropriate court shall be requested to appoint such third appraiser.
 - C. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned for the purpose of determining whether the damaged property may be restored.
 - D. The cost of such appraisal shall be paid by the owner.
- 17.58.070 Building or Premises Used for Dismantling or Wrecking Automobiles or for Storage of Junk.
- A. The non-conforming use of a building or premises for the purpose of dismantling or wrecking automobiles or other vehicles of any kind, or for the purpose of storing junk, scrap iron and scrap material, including dismantled and wrecked automobiles or other vehicles, or other types of open storage, and which is located in other than I-1 light industrial district, shall be discontinued within five years from the effective date of the ordinance codified in this title, and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located.
- 17.58.080 Business Signs, Bulletin Boards and Billboards
- Where land is used for business signs, bulletin boards or billboards, at the time of passage of the zoning regulations, and are not in conformance with the zoning regulations, the use of such land for the business signs, bulletin boards or billboards

shall be discontinued and the sign removed within five years after the effective date of the zoning ordinance. "Land," as used in this paragraph, means signs on supports on vacant land, as well as signs on buildings.

CHAPTER 17.60

BOARD OF ADJUSTMENT – APPEALS, VARIANCES AND EXCEPTIONS

SECTIONS

I. BOARD OF ADJUSTMENT

- 17.60.010 Established
- 17.60.020 Election of Officers
- 17.60.030 Rules of Procedure
- 17.60.040 Meetings
- 17.60.050 Records
- 17.60.060 Powers and Jurisdictions
- 17.60.070 Appeals – Filing Fee
- 17.60.080 Appeals – Public Hearing and Notice
- 17.60.090 Imposition of Restrictions to Protect Adjoining Property – Bond

II. APPEALS

- 17.60.100 Who May Appeal
- 17.60.110 Filing Notice of Appeal – Payment of Filing Fee
- 17.60.120 Preparation and Submission of Forms
- 17.60.130 Advertisement and Holding of Public Hearing
- 17.60.140 Notice of Decision – Copy to Building Official
- 17.60.150 Dissatisfaction with Determination – Bringing Action to District Court

III. VARIANCES

- 17.60.160 Conditions for Applying
- 17.60.170 Limitation to Yard and Height Regulations
- 17.60.180 Conditions for Granting
- 17.60.190 Powers of the Board
- 17.60.200 Written Finding of Fact to Accompany

IV. EXCEPTIONS

- 17.60.210 Made by Special Use Permit
- 17.60.220 Filing Procedure
- 17.60.230 Plot Plan to Accompany Application
- 17.60.240 Factors for Consideration for Authorization
- 17.60.250 Types Authorized

I. BOARD OF ADJUSTMENT

- 17.60.010 Established
 - A. A Board of Adjustment is created.
 - B. The Board of Adjustment shall consist of five (5) regular members plus one additional member designated as an alternate who shall serve only in the absence of a regular member. The members of the board shall be appointed by the Mayor and confirmed by a majority of the members of the council, and shall be appointed for a term of three (3) years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the un-expired term of

any member whose term becomes vacant in the same manner as in the case of the original appointments. One member only, of the Board of Adjustment, shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the Board of Adjustment.

17.60.020 Election of Officers

- A. The Board shall annually elect one of its members as chairman, and shall appoint a secretary who may be an officer or an employee of the City.

17.60.030 Rules of Procedure

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

17.60.040 Meetings

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

17.60.050 Records

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

17.60.060 Powers and Jurisdictions

- A. The Board of Adjustment shall administer the details of appeals or other matters referred to it regarding the application of the zoning ordinance.
- B. The Board shall have the following specific powers:
 - 1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.
 - 2. To interpret the provisions of this title in such a way as to carry out the intent and purposes of the adopted comprehensive City plan, and as shown upon the zoning district map fixing the several districts accompanying and made a part of this title, where the street layout actually on the ground varies from the street layout as shown on the zoning district map.
 - 3. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this title; the Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.

4. To hear and grant exceptions to district regulations subject to Sections 17.60.210 through 17.60.250.

17.60.070 Appeals – Filing Fee

- A. For the purpose of wholly or partially defraying the cost of the proceedings prescribed in this chapter, including publication costs, the applicant, upon filing an appeal, shall pay to the City Clerk a fee in the amount specified by City Council.
- B. Promptly upon filing the appeal and required filing fee, the City Clerk shall refer the appeal to the secretary of the Board of Adjustment.

17.60.080 Appeals – Public Hearing and Notice

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

17.60.090 Imposition of Restrictions to Protect Adjoining Property - Bond

- A. In making any decision varying or modifying any provision of the zoning ordinance codified in this title or in granting an exception to the district regulations, the Board of Adjustment shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.
- B. In lieu of actual construction of an approved off-street parking lot, the Board of Adjustment may accept, in the name of the City, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the City and conditioned upon actual completion of such improvement, within a specified time, and the Governing Body of the City may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

II. APPEALS

17.60.100 Who May Appeal

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer of the City or any governmental agency or body affected by any decision of the building official administering the provisions of the zoning ordinance.

17.60.110 Filing Notice of Appeal – Payment of Filing Fee

- A. Appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.

17.60.120 Preparation and Submission of Forms

- A. Appeals and requests to the board for variances and exceptions to the zoning ordinance shall be prepared and submitted on forms furnished by the City.
- 17.60.130 Advertisement and Holding of Public Hearing
- A. After filing the required appeal or request and payment of the required fee, the Board of Adjustment shall advertise and hold a public hearing as provided in Section 17.62.080.
- 17.60.140 Notice of Decision – Copy to Building Official
- A. Notice of the decision of the Board of Adjustment shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the building official for action if action is required.
- 17.60.150 Dissatisfaction with Determination – Bring Action to District Court
- A. Any person, official or governing agency dissatisfied with any order or determination of the board may bring action in the District Court of the County, to determine the reasonableness of any such order to determination.

III. VARIANCES

- 17.60.160 Conditions for Applying
- A. The applicant must show that his property was acquired in good faith and where, by reason of exceptional narrowness, shallowness or shape of his specific piece of property at the time of the effective date of the zoning ordinance codified in this title or where, by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances, the strict application of the terms of the zoning ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
- 17.60.170 Limitation to Yard and Height Regulations
- A. Variances shall include yard and height regulations only and are limited to the following
 1. A yard regulation variance may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings; however, the board may grant variances in excess of one-half of the yard regulation in cases of “unnecessary hardship”. Unnecessary hardship can be demonstrated only upon a showing by the applicant that the land in question cannot yield a reasonable return without the increased variances; that the variance is sought by reason of unique circumstances and that the granting of the variance will not alter the essential character of the locality.
 2. Ten feet in height may be allowed for each one foot of building setback in addition to the setback required by the district regulation in which the property is located.
- 17.60.180 Conditions for Granting
- A. In granting a variance, the Board of Adjustment just satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a

clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the Owner.

- B. The Board shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.

17.60.190 Powers of the Board

- A. In exercising the powers set forth in this chapter, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision determination appealed from the building official.
- B. The Board may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers as the building official from whom the appeal is taken.
- C. If the Board approves the variance, it shall notify the building official of its decision and shall instruct him to issue a permit.
- D. A time limit may be specified as a condition for granting the appeal.

17.60.200 Written Finding of Fact to Accompany

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

IV. EXCEPTIONS

17.60.210 Made by Special Use Permit

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

17.60.220 Filing Procedure

- A. Prior to review of the request of an exception by the Board of Adjustment, the applicant shall.
 1. File an application on forms provided by the City
 2. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
 3. File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that the use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

17.60.230 Plot Plan to Accompany Application

- A. A plot plan shall be filed with the application showing:
 1. Legal dimension of the tract to be used.

2. Location of all proposed improvements including curb cut access, off-street parking and other such facilities as the applicant proposes to install.
3. Building setback from all property lines.
4. Front, side and rear elevations of all improvements to be erected.
5. Such perspective drawings of the proposed improvements, in such detail as the Board may require, as will clearly show the finished appearance of the improvements proposed.
6. Location and type of planting, screening or walls.
7. Such other items as the Board shall deem reasonably necessary to properly process the application.

17.60.240 Factors for Consideration for Authorization

- A. In considering any application for an exception under this chapter, the Board of Adjustment shall give consideration to the comprehensive plan of the City, and the health, safety, morals, comfort and general welfare of the inhabitants of the City, including but not limited to, the following factors.
 1. The stability and integrity of the various zoning districts.
 2. Conservation of property values.
 3. Protection against fire and casualties
 4. Observation of general police regulations
 5. Prevention of traffic congestion
 6. Promotion of traffic safety and the orderly parking of motor vehicles
 7. Promotion of the safety of individuals and property
 8. Prevention of overcrowding and excessive intensity of land uses
 9. Provision for public utilities and schools
 10. Invasion by inappropriate uses
 11. Value, type and character of existing or authorized improvements and land uses
 12. Encouragement of improvements and land uses in keeping with overall planning directions
 13. Provision for orderly and proper urban renewal, development and growth

17.60.250 Types Authorized

- A. Those uses listed as requiring a special use permit by the individual zone language.
- B. In districts R-3 and R-4. Public and private parking lots on land adjoining a residential, or commercial zone or a public or semi-public use, providing all of such land lies within three hundred feet of the boundary of the zone, and further providing.
 1. The parking area is paved with concrete, asphalt or similar dust-free surface.
 2. The parking area is enclosed with a fence, wall or landscaped buffer area, as determined by the Board of Adjustment, having a height of not less than four feet nor more than 6 feet. Such fence, wall or other enclosure shall be maintained in good condition by the Owners and shall observe the front and side yard regulations of the district in which it is located.

3. Any lights used to illuminate the parking area shall be so arranged as to reflect light away from adjoining residential districts.
 4. A bond as specified in Section 17.60.090 shall be filed with the City to guarantee to the City that all improvements will be installed. The bond shall be enforceable by or payable to the City in a sum equal to the cost of constructing the off-street parking area, as estimated by the City.
- C. In District I-1
1. Automobile wrecking yards, junkyards and scrap processing yards subject to the following
 - a. Located on a tract of land at least three hundred feet from a residential district zone
 - b. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least six feet in height) and uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
 - c. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - d. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department. Said burning, when permitted, shall be done during daylight hours only.
 2. Stockyards and slaughterhouses
 3. Meatpacking plants
 4. Ready-mix concrete and asphalt mix plants
 5. Storage of bulk oil and gasoline, provided, that such establishments met the requirements of fire department regulations or any other safeguards required by the Fire Department.
 6. Other uses which are not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

CHAPTER 17.62

AMENDMENTS

SECTIONS

- 17.62.010 Power to Amend – Procedure
- 17.62.020 Application
- 17.62.030 Filing Fee
- 17.62.040 Public Hearing and Notice
- 17.62.050 Protest

- 17.62.010 Power to Amend - Procedure
 - A. The Governing Body may from time to time amend, supplement or change the district boundaries or regulations contained in the zoning ordinance.
 - B. A proposal for an amendment or a change may be initiated by the Governing Body or by the planning commission or upon application of the owner of the property affected.
 - C. All such proposed changes shall first be submitted to the City planning commission for recommendation and report.
 - D. Upon the development of tentative recommendations, the planning commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of the proceedings.
- 17.62.020 Applications
 - A. Any party desiring any change in zoning district boundaries or regulations contained in the zoning ordinance as to any lot, tract or area of land, shall file with the City Clerk an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the planning commission.
 - B. At the time of filing the application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all owners of any land located within two hundred feet of the outer limits of the area to which the applicant desires change of zoning.
- 17.62.030 Filing Fee
 - A. For the purpose of wholly or partially defraying the costs of the proceedings prescribed in this chapter, including publication costs, the applicant, upon the filing of the application, shall pay to the City Clerk a fee in the amount specified by City Council.
 - B. Promptly upon the filing of any such application, the City Clerk shall refer the application to the planning commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and that the application has been referred to the planning commission.
- 17.62.040 Public Hearing and Notice

- A. Before the planning commission shall, by proper action, formulate its recommendations to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or planning commission or by others, the planning commission shall hold a public hearing on such proposal.
- B. The secretary of the planning commission shall cause a notice of public hearing to be published once in the official City newspaper and at least fifteen days shall elapse between the date of such publication and the date set for the hearing.
- C. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district and, if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that in addition to such publication notice, written notice of such proposed change shall be mailed to all the owners of property within the area proposed to be changed and those properties immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots.

17.62.050 Protest

If a protest against such amendment is filed in the office of the City Clerk within fifteen days after the date of the conclusion of the public hearing pursuant to the publication notice, the protest being duly signed and acknowledged by the owners of twenty percent, or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto, extending one hundred feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the voting members of the City Council.

CHAPTER 17.64

ENFORCEMENT, VIOLATION AND PENALTY

SECTIONS

- 17.64.010 Administrative and Enforcement Authority
- 17.64.020 Certificate of Occupancy
- 17.64.030 Plats to Accompany Application for Construction Permit
- 17.64.040 Violation – Penalty
- 17.64.050 Additional Remedies

- 17.64.010 Administrative and Enforcement Authority
 - A. The City building official shall administer and enforce the zoning ordinance. Appeal from the decision of the building official may be made to the Board of Adjustment.
- 17.64.020 Certificate of Occupancy
 - A. Subsequent to the effective date of the zoning ordinance, no change in the use or occupancy of land nor any change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the building official. The certificate of occupancy shall state that the land and/or building complies with the provisions of the zoning ordinance.
 - B. A record of all certificates of occupancy shall be kept on file in the office of the building official and copies shall be furnished for two dollars on request by any person having an interest in the land or building affected.
 - C. Buildings used for single-family purposes shall be exempt from this requirement.
- 17.64.030 Plats to Accompany Application for Construction Permit
 - A. Each application for a construction permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this regulation.
 - B. A record of applications and plats shall be kept in the office of the building official. Plats shall be in conformance with requirements of the City.
- 17.64.040 Violation - Penalty
 - A. The owner or agent of a building or premises in or upon which a violation of any provision of this title has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation has been committed or shall exist, shall be punished by a fine not to exceed three hundred dollars.
 - B. Each and every day that such violation continues shall constitute a separate offense.
- 17.64.050 Additional Remedies

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