

APPENDIX B - ZONING

FOOTNOTE(S):

--- (1) ---

Editor's note—Printed herein are zoning regulations of the City of Independence, Kansas, as adopted by Ordinance Number 3525 on March 27, 1987. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference— Planning and zoning commission, § 2-96 et seq.; appeals from the zoning provisions, § 2-115; variances granted by the board of zoning appeals, § 2-116; alcoholic beverages, ch. 6; comprehensive plan, § 82-26 et seq.

State Law reference— Group homes, K.S.A. 12-736; map, K.S.A. 12-753; districts, K.S.A. 12-753; flood regulations, K.S.A. 12-754 et seq., 19-2908, 19-2921; planning and zoning, K.S.A. 12-756 et seq.; board of appeals, K.S.A. 12-759.

ARTICLE I. - TITLE

100.0. - [Title.]

These regulations, including the zoning district map made a part hereof, shall be known, and may be cited and referred to as the Independence Zoning Ordinance.

ARTICLE II. - PURPOSE

200.0. - [Purpose.]

This zoning ordinance, adopted pursuant to the provisions of K.S.A 12-707—12-715, is intended to serve the following purposes:

200.1. To promote the health, safety, morals, comfort and general welfare of the city; and

200.2. To preserve and protect property values throughout the city; and

200.3. To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population; and

200.4. To divide the city into zones and districts; and

200.5. To regulate and restrict the location and use of buildings and land within each district or zone.

ARTICLE III. - GENERAL PROVISIONS

301.0. - Jurisdictional area.

The provision of these regulations shall apply to all structures and land in the incorporated area of the City of Independence, Kansas, and all structures and lands in the unincorporated area of Montgomery County, Kansas, lying within three miles of the city limits of the City of Independence, Kansas.

(Ord. No. 3682, § 1, 4-6-95)

302.0. - Establishment of districts.

The jurisdictional area is hereby divided into 14 zoning districts which are designated as follows:

A-1	Agricultural district
R-1	Large lot single-family dwelling district
R-2	Single-family dwelling district
R-3	Low density multifamily dwelling district
R-4	Medium density multifamily dwelling district
R-5	High density multifamily dwelling district
O&P	Office and professional district

C-1	Neighborhood business district
C-2	Commercial services district
C-3	Central business district
GCI	General and commercial district
M-1	Light industrial district
M-2	Heavy industrial district
FP	Floodplain district

(Ord. No. 3612, §§ 1—11, 5-20-92)

303.0. - Zoning district maps.

The boundaries of the districts are shown on the official zoning district map and flood insurance study map which are filed in the office of the city clerk. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. A duplicate copy of the official zoning district maps shall be kept on file in the office of the building inspector.

304.0. - Rules where uncertainty may arise.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official zoning district map, incorporated herein, the following rules apply:

304.1. The district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.

304.2. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

304.3. Where the district boundaries do not coincide with the location of streets, alleys, waterways, or railroad rights-of-way, the district boundaries shall be determined by the use of the scale shown on the zoning map.

305.0. - Exemptions.

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

305.1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or surface water operated or maintained by a public utility, but not including substations located on or above the surface of the ground.

305.2. Railroad track, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

305.3 The use of land in the unincorporated area of Montgomery County for agricultural purposes, or for the erection or maintenance of buildings thereon for such purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

(Ord. No. 3682, § 2, 4-6-95)

306.0. - Application of district regulations.

306.1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the use regulations herein specified for the district in which it is located.

306.2. No building or structure shall hereafter be erected or altered:

- a. To exceed height and bulk regulations.

[307.0. - Lot size exception.]

307.1. *General exception to lot size requirements:* If at the time of passage of this ordinance, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension which does not meet the lot size requirements of a district in which the property is located, the lot or aggregate holdings may be occupied by any use permitted in the district in compliance with this zoning ordinance, providing the lots or land parcels have previously had

a structure located on it which was in compliance with the ordinance in effect at the time of its construction, and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

[308.0. - Effect of annexation.]

308.1 Zoning of areas brought within the jurisdiction of these regulations: All lands hereafter brought within the jurisdiction of the zoning regulations of the City of Independence, Kansas, shall be zoned in accordance with zoning amendment procedures set forth in article XVI of these regulations.

(Ord. No. 3682, § 3, 4-6-95)

[309.0. - Lesser change table.]

Each of the following listed zoning districts is considered a lesser change than those appearing below it on the table. When considering a change in zoning classification, the planning and zoning commission may recommend a zoning classification which appears on the table above the classification set forth in the public notice for such change.

A-1	Agricultural district
R-1	Large lot single-family dwelling district
R-2	Single-family dwelling district
R-3	Low density multifamily dwelling district
R-4	Medium density multifamily dwelling district
R-5	High density multifamily dwelling district
O&P	Office and professional district
C-1	Neighborhood business district
C-2	Commercial services district
C-3	Central business district
C-4	Highway commercial district
GCI	General and commercial district
M-1	Light industrial district
M-2	Heavy industrial district
Conditional Uses in any Zoning District*	

*When considering a change in zoning classification, the planning and zoning commission may recommend that the proposed use of the property be classified as a conditional use pursuant to Section 901 of these zoning regulations without republication or remailing of the legal notice or rehearing of the rezoning application.

(Ord. No. 3864, § 1, 12-20-01)

ARTICLE IV. - RULES AND DEFINITIONS

401.0. - Rules and interpretation.

401.1. Rules:

- a. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
 - 1. Words used in the present tense shall include the future.
 - 2. Words in the singular number include the plural number, and words in the plural number include the singular number.
 - 3. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

4. The word "shall" is mandatory.
 5. The word "may" is permissive.
 6. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 7. Unless otherwise specified, all distances shall be measured horizontally.
 8. The word "city" means City of Independence, Kansas.
 9. The abbreviation N/A means not applicable.
- b. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

401.2. Interpretation:

- a. *Minimum requirements:* In their interpretation, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- b. *Overlapping or contradictory regulations:* Where the conditions imposed by any provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
- c. *Private agreements:* These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards of requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- d. *Unlawful uses:* No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

402.0. - Separability.

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

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

403.0. - Definitions.

403.1. For the purpose of this zoning ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory building: A subordinate building which serves a function customarily incidental to that of the main building which is located on the same lot as the main building. Customary accessory buildings include garages, carports, and small storage sheds.

Accessory use: A subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces.

Accessory use/Communication Tower: A subordinate use which serves an incidental function to that of the main use of the premises which is located on the same lot as the main use. An accessory use/communication tower shall be limited to a communication antenna installed, maintained and used by governmental units, public schools and public colleges on property owned by such entities and for purpose of supporting related uses and/or the principle activity of such entities. The placement of the communication tower or communication antenna shall comply with the submission requirements and performance standards otherwise applicable to such use as set forth in Section 1014.0 of the Code.

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. The operation of commercial feedlots or pens, sales yards and auction yards for cattle or hogs shall be deemed an industrial and not an agricultural use.

Apartment house: See *Dwelling, multifamily*.

Alley: A dedicated public right-of-way, other than a street, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

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

Area, project:

1. *Gross project area:* Total project area.

2. *Net project area*: Total project area less land allocated to public street right-of-way, private streets, parking areas and any land allocated to specified nonproject uses such as schools and churches when determining the "net residential project area" to be used as a basis for calculating the number of permitted dwelling units for a planned unit development.

Area of shallow flooding: Means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel [does not exist, where the path of flooding] is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: Is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Attention-attracting device: Any flasher, blinker, animation, banner or other object designed or intended to attract the attention of the public to an establishment or to a sign, except that any sign whereon the primary use is current time, temperature and/or community service information is indicated by intermittent lighting shall not be deemed as an attention-attracting device.

Awning: A structure made of cloth, metal or other material affixed to a building in such a manner that the structure may be raised or retracted to a position against the building.

Banner: A sign intended to be hung with or without a frame, possessing character[s,] letters or illustrations applied to paper, plastic or fabric of any kind excluding flags, emblems and insignia or political, professional, religious, education, or corporate organizations and which are displayed for noncommercial purposes.

Base flood: Means the flood having one-percent chance of being equalled or exceeded in any given year.

Basement: A portion of a building which is wholly or partly below grade, the ceiling of which is less than four feet above grade, which shall not be included as a story for the purpose of height regulations.

Bed and breakfast: An owner-occupied residence furnishing accommodations to overnight guests including a breakfast meal.

Billboard: See *Sign*.

Board of zoning appeals: That board which has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulations.

Buffer strip: A strip of land located between incompatible land uses which is subject to private use restrictions, or a negative easement, or is dedicated to public use as open space, for the purpose of protecting the built environment of a subdivision or to enhance a street right-of-way, or both.

Building, accessory: See *Accessory building*.

Canopy: A structure other than an awning, made of cloth, metal or other material with frames affixed to a building and carried by a frame (which may be supported by the ground).

City or community: The City of Independence, Kansas.

Common open space: 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, 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 common open space.

Communication antenna: An antenna or array of antennas at one location intended to broadcast and receive signals as part of a wide-area, communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short-wave radio antennas operated primarily as a hobby.

Communication facility: A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. communication facility shall include structures or communication towers, antennas, associated structures and accessory buildings.

Communication tower: A ground mounted or self-supported, guyed, lattice or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, constructed to support one or more antennas; provided that, for purposes of this ordinance, the term "communication tower" shall not include any tower that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

1. *Guyed tower*: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
2. *Lattice tower*: A guyed or self-supporting three or four sided, open, steel frame communication tower.
3. *Monopole tower*: A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

Communication tower height: The vertical distance measured from the base of the communication tower at grade to the highest point of the communication tower. If the communication tower is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the communication tower height.

Comprehensive plan: The official adopted comprehensive plan for future growth of Independence, Kansas, and any amendments relating thereto.

Conditional use: A use that is permitted, but only by application to the building inspector as designated in each specific instance, and after a determination by the planning commission and city commission that all regulations and standards of this ordinance applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the city commission may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses, the neighborhood, and/or in order to improve the public health.

Condominium dwelling house: A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the State of Kansas.

Day care facility: Any place, home or institution which receives four or more children under the age of 18 years for any part of the 24-hour day for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of the state, custody of children fixed by a court of competent jurisdiction, children related by blood or marriage, to the day care provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

Dedication: Intentional transfer by the developer to the public of ownership of or an interest in land for a public purpose. Dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of the State of Kansas.

District: A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.

Dog: Any canine species over six months of age.

Drive-in establishment: Any restaurant, financial institution or product-vending enterprise where the patron does not enter and remain within a building during the transaction of his business. Food vending establishments, where the food is not normally consumed within a building or where facilities are provided for eating outside a building, shall be included in this definition.

Dwelling: A building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes.

Dwelling, condominium: See *Condominium dwelling house*.

Dwelling, single-family: A residential building having accommodations for and occupied exclusively by one family.

Dwelling, two-family: A residential building having accommodations for and occupied exclusively by two families independently.

Dwelling, three-family: A residential building having accommodations for and occupied exclusively by three families independently.

Dwelling, multiple: A residential building having accommodations for and occupied exclusively by more than one family, independently.

Dwelling, elderly: A residential building having accommodations for and occupied exclusively by residents who are at least 62 years old.

Dwelling unit: A separate, independent living quarter consisting of one or more connected rooms with permanently installed bathroom and kitchen facilities, occupied by a family group or single person (or vacant quarters normally so occupied).

Employees: All persons, including proprietors, working on the premises during the largest shift at peak season.

Engineer: A professional engineer registered in the State of Kansas.

Family: 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, usual domestic servants. A family shall under no circumstances be construed as a boardinghouse, fraternity, or sorority house, club, lodginghouse, motel or commune.

Feedlot: See *Agriculture*.

Fence, sight-obscuring: A fence or evergreen planting arranged in such a way as to obstruct vision.

Flood insurance rate map (FIRM): Means an official map of a community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study: Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodway or regulatory floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe: Is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one-percent chance of flood occurrence in any one year).

Floor area: For commercial business and industrial building or buildings containing mixed uses, the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, but not including:

1. Attic space providing headroom of less than seven feet;
2. Easement space not used for retailing;
3. Accessory water and cooling towers.

For residential buildings, the gross horizontal areas of the several floors of a dwelling exclusive of garages, basements and open porches measured from the external faces of the exterior walls.

Freestanding building: A single building not sharing a common wall.

Freestanding sign: A sign standing on the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts on similar uprights with or without braces.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Garage, private: An accessory building or portion of a main building used for the parking or temporary storage of vehicles or used by occupants of the main building.

Garage, public: A building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

Gas pressure control station: A facility commonly known as a "town border station." This term shall not include isolated regulator valves.

Gasoline service station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul. For the purposes of this definition any business that sells or dispenses retail motor vehicle fuels shall be considered a service station.

Governing body: The mayor and city commission of Independence, Kansas.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Height of buildings and structures: The height of a building or structure shall be the vertical distance measured from a ground reference point (as described below) to the highest point of any permanent part of the structure. The ground reference point for said measurement shall be the highest of any of the following levels:

1. The street curb level.
2. The established or mean street grade in case the curb has not been constructed.
3. The average finished ground elevation across the front of the building (measured at the front building wall) where the building or structure sets back from the street.

The height of buildings shall be measured to the level of the highest point of the roof beams of flat roofs or roofs including not more than one inch to the foot and to the highest point of the roof of a building for other roofs, excluding chimneys, antennas and other appurtenances.

The height of buildings when measured by stories shall include:

1. That part of a building included between [the surface of a floor and] the surface of the floor next above, or if there is no floor above, that part of the building which is between the surface of a floor and the ceiling next above.
2. An attic shall be considered as a story when the main line of the eaves is above the middle of the interior height of such story.
3. The first story shall be considered as a half story when 50 percent or more of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air and, in the case of multiple-family dwellings, may be occupied by a resident.
4. When less than 50 percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multiple-family dwellings may not be occupied as a resident by other than a caretaker or manager.

Home occupation: An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residence character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Homes association: An incorporated nonprofit organization operating under recorded land agreements through which (a) each lot or home owner in a planned district or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

Hotel: A building or portion thereof, or a group of buildings, used as a transient abiding place which may or may not serve meals regardless of whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Kennel: A lot or building in which four or more dogs or cats at least four months of age are kept commercially for board, propagation, or sale.

Loading space: A space within the main building or on the same lot, providing for the loading or unloading of trucks, with a minimum of 14 by 50 feet and a vertical clearance of 18 feet.

Lot: A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tract or tracts as conveyed, or parts thereof.

Lot, corner: A lot abutting upon two or more streets at their intersection.

Lot coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percentage of lot coverage shall be computed as follows:

Percent of lot coverage	=	Square feet of ground coverage of all principal and accessory buildings divided by total square feet of lot area
-------------------------	---	--

Lot, depth of: The mean horizontal distance between the front and the rear lot lines.

Lot, double frontage: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior: A lot whose sidelines do not abut upon any street.

Lot lines: The line bounding a lot as defined herein.

Lot line, front: The boundary between a lot and the street on which it fronts.

Lot line, rear: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or a side street line.

Lot of record: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the register of deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the register of deeds prior to the original adoption of subdivision regulations by the city.

Lot width: The horizontal distance between sidelines measured at the front building line.

Lot, zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots or record, one or more portions of a lot or lots of record, or any combination thereof.

Machine shop: A workshop, including tool and die shops, that turns, shapes, planes, mills or otherwise reduces or finishes by machine-operated tools.

Marquee: A permanent roof-like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal, glass or other fire retardant material.

Medical clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

Mobile home: A detached single-family dwelling unit designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like and needing no further installation of a heating system or materials. Provided further, that this ordinance shall not apply to those prefabricated or "modular units" transported over highway only for location at a permanent construction site. In no instance shall a "travel trailer," as defined in this ordinance, be considered as a mobile home.

Mobile home park: Any plot of ground containing four acres or more which is equipped as required for support of mobile homes and used or intended to be used by four or more occupied mobile homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

Mobile home space: A plot of ground within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewerage, and electricity.

Motel: A building or group of buildings on the same parcel of ground containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connection [sic] rooms, with or without cooking facilities, for rental to transients.

Nightclub: See *Tavern*.

Nonconforming use, building or yard: A use, building or yard existing legally at the time of the passage of this ordinance or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

Nursery school: A prekindergarten school for children primarily between the ages of three and five.

Nursing homes or convalescent homes: An institution 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.

Overlay district: Is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Parking space, off-street: A permanently surfaced dust free area (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed, to store one automobile, to which an automobile has direct access from a permanently surfaced drive. Such parking space shall meet the minimum "off-street parking standards" contained in article VII of this ordinance. (See also *Vehicle storage lot*).

Planned development: A tract of land under single ownership or control which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established by the zoning district map.

Planning commission: The Independence, Kansas, planning commission.

Private club: A profit or nonprofit association of persons who are bona fide members paying annual dues. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

Public utility: Any firm or organization duly authorized to furnish to the public, under state or municipal regulations, electricity, gas, steam, communications, telegraph, transportation or water.

Residential design manufactured homes: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403, and which has a minimum dimension of 22 feet of body width, a pitched roof and siding and roofing materials which are customarily used on site-built homes. Residential design manufactured homes are subject to the standards set forth in section 611.0 of these zoning regulations.

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

Restaurant, drive-in: An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments 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.

Right-of-way: The land opened, reserved, or dedicated for a street, sewer, water line, walk, drainage course or other public purpose.

Roominghouse: A roominghouse is a building other than a hotel where lodging is provided for three or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

Screening: See *Fence, sight-obscuring*.

Setback: Farthest projection of a structure from the property line.

Shopping center: A group of retail stores, planned and developed for the site upon which they are built and owned and managed as a unit with off-street parking provided on the property.

Sign: Any words, numerals, figures, devices, designs, or trademarks by which information is made known to the public outside a building and including, but not limited to, the following:

1. *Detached sign:* Any sign located on the ground or on a structure located on the ground and not attached to a building. Multiple signs on one detached structure not attached to a building shall be considered one sign.
2. *Electronic sign:*
 - a. *LED/Reader Board (Electronic Changeable Copy) Sign:* A sign in which the copy is changed electronically, uses changing lights to form the message or text form wherein the sequence of messages and rate of change is electronically programmed and modified.
 - b.

Electronic Display Center (Video Display Sign): A sign that displays an electronic image or video, which may or may not include text. This definition includes television screens, plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.

3. *Illuminated sign:* Any sign which has characters, letters, figures, designs, or outlines illuminated directly, such as spotlights, or by electric lights or luminous tubes as a part of the sign proper.
4. *Nonilluminated sign:* Any sign which is lighted by natural sunlight only.
5. *Marquee sign:* Any sign attached flat against a marquee.
6. *Portable sign:* A sign not permanently affixed to the ground or to a building or structure, such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or to the ground.
7. *Poster panel or billboard:* An illustration of approximate dimension of 12 feet by 24 feet or multiples thereof mounted on a semipermanent structure and depicting information not directly related to the property upon which it is placed.
8. *Projecting sign:* Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of the building shall be included in the definition.
9. *Roof sign:* Any sign erected, constructed and maintained wholly upon or over the roof of a building and having the roof as a principal means of support.
10. *Temporary sign:* Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a short period of time, not to exceed 30 days.
11. *Wall sign:* Any sign attached to and erected parallel to and within one foot of the face or wall of a building, including signs painted on the walls of buildings.

Sign area: That area within a line including the outer extremities of all letters, figures, characters and delineations or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon, or a building or part thereof, shall not be included as a part of the sign area.

Storefront beam: The structural beam that supports the upper facade.

Story: See *Height*.

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

Street network:

1. *Principal arterial:* A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
2. *Minor arterial:* A street which provides for through traffic movement between and around areas, with restricted access to abutting property and subject to necessary control of entrances and exits.
3. *Collector:* A street which provides for traffic movement between thoroughfares and residential streets, with direct access to abutting property.
4. *Local:* A street which provides access to abutting land and local traffic movement in residential areas.

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

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

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

Structures: Anything constructed or erected on the ground or which is attached to something on the ground. Structures include buildings, radio and TV towers and receiving disks, sheds and permanent signs. Excluded are wing walls attached to and extending from the building where use of such wing walls is for decorative or landscaping purpose and provided said wing walls are not used to support roof structures. Also excluded are sidewalks, pavement, fences and public improvements such as utility poles, streetlight fixtures and street signs.

Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and nightclubs.

Townhouse: A single-family dwelling unit attached by common walls (usually sidewalls) to other dwelling units to form a "row house" arrangement with no other dwelling units located above or below. Townhouses usually have at least one walkup floor above grade.

Trailer: See *Travel trailers* or *Mobile home*.

Transom: The opening above the doors or windows of the storefront. Normally the upper portion of the ground floor.

Travel trailers: Including automobile tent trailers, recreational vehicles, or house cars, designed to provide temporary mobile housing for highway and recreational travelers. Such use shall be considered equivalent to a hotel, tourist court or motel for zoning purposes.

Variance: The granting of permission by the board of zoning appeals to allow the development of a lot or tract for uses allowed within the zoning district in a manner which exceeds maximum limits or is less than minimum limits established by these regulations and where such limits prohibit use of the land in a manner equivalent to the abutting similarly zoned properties.

Vehicle storage lot: An area for the overnight storage or longterm warehousing of vehicles under one ownership. Vehicle storage lots shall be exempt from the minimum off-street parking regulations and landscaping requirements contained in this ordinance as they apply to the interior of said lot. However, vehicle storage lots shall meet all exterior setback and screening requirements of the district in which they are located.

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

Yard, front: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the street right-of-way and the main building or structure.

Yard, rear: A yard extending across the full width of the lot, the depth of which is the minimum distance allowed between the rear lot line and the main building or structure.

Yard, side: A yard extending from the front yard, or front lot lines where no front yard is required, to the rear yard, the width of which shall be the minimum distance allowed between the side property line and the main building or structure.

Zero lot line dwelling unit: A development approach in which a freestanding building is sited on one or more lot lines with no yard on the zero lot line side in order to increase the amount of usable open space on the remaining area of the lot. Zero lot line dwellings are designed with no windows facing the zero lot line side and are internally oriented to an enclosed, private courtyard or patio.

Zone or district: A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

Zoning administrator: The person or persons authorized and empowered by the city manager having jurisdiction to administer the requirements of these zoning regulations.

Zoning area: The area to be zoned as set out on the official zoning map filed of record.

Zoning regulations: The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

Yard Regulations

(Ord. No. 3693, § 1, 5-4-95; Ord. No. 3919, § 1, 4-8-04; Ord. No. 4004, § 1, 1-24-08; Ord. No. 4009, § 1, 5-15-08)

Cross reference— Definitions generally, § 1-2

ARTICLE V. - DISTRICT REGULATIONS

FOOTNOTE(S):

--- (2) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116; historic sites and districts, § 50-61 et seq.; zoning requirements for historic districts and sites, § 50-73.

501.0. - A-1, agricultural district.

501.1. Intent: It is intent of this district to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot, but is designed to accommodate agricultural operations on substantial acreages. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the premise that they are no more offensive than normal agricultural uses.

501.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

501.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

501.4. Intensity of use regulations:

a. *Minimum lot area:* Three acres.

Exception: Where a lot has less than three acres and is under separate ownership on the effective date of this ordinance, this regulation shall not prohibit the erection of a single-family dwelling.

b. *Minimum lot width:* No limit.

c. *Maximum lot coverage:* No limit.

501.5. Height regulations:

a. *Maximum structure height:* No limit.

501.6. Yard regulations:

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yards:*

1. Interior yards: Eight feet.
2. Where a side yard fronts on a street, the minimum front yard setback shall be provided.

c. *Minimum rear yard:* 30 feet

501.7. Parking regulations:

a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

501.8. Use limitations:

- a. A building permit for a residential or nonagricultural building in this district will not be issued until a plot plan showing the proposed building and the land areas to be set aside to accommodate it is submitted and approved by the building inspector. Such plot plan may delineate a tract of land which is part of a larger ownership without the filing of a plat, provided the delineated tract is accurately tied to a section or quarter-section corner, and has access to a public street, road or highway. This delineated tract shall be entered on the official zoning map of the City of Independence and shall be considered the same as a platted lot for purposes of regulating permits on adjacent land. The owners of tracts abutting an existing road, street or highway which has less than city standard width shall present a warranty deed to the city for that amount of additional right-of-way necessary to comply with said city standards prior to the issuance of the building permit.
- b. Any building, structure or yard for the raising, feeding, pasturing, housing or sale of livestock or poultry shall be located at least 100 feet from a residential district.

(Ord. No. 3682, § 4, 4-6-95)

502.0. - R-1, large lot single-family dwelling district.

502.1. Intent: The purpose of this district is to provide for large lot single-family residential development of low population density and relatively spacious character together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

502.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

502.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

502.4. Intensity of use regulations:

a. *Minimum lot area:* Single-family dwellings—10,000 square feet.

Exception: Where a use is not connected to a public sewer, lot area shall be increased to area determined as adequate by the city engineer to meet current health standards, as provided for in the city's subdivision regulations.

b. *Minimum lot width:* 80 feet at the front building line, except cul-de-sac lots may have 35 feet at the building line.

c. *Maximum lot coverage:* 30 percent.

502.5. Height regulations:

- a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

*502.6. Yard regulations:*a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth from the front lot line.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yards:*

1. Interior side yards: Eight feet.
2. Where the side yard fronts on a street, the minimum front yard shall be provided.

c. *Minimum rear yard:* Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and a perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall equal at least ten feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

502.7. Parking regulations:

- a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

503.0. - R-2, single-family dwelling district.

503.1. Intent: The purpose of this district is to provide for single-family residential development of low population density together with such public buildings, schools, churches, public recreational facilities and accessory uses, as may be necessary or are normally compatible with residential surroundings.

503.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

503.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

503.4. Intensity of use regulations:

- a. *Minimum lot area:* Single-family dwellings—7,200 square feet

Exception: Where a use is not connected to a public sewer, lot area shall be increased to area determined as adequate by the city engineer to meet current health standards.

- b. *Minimum lot width:* 50 feet at the front building line, except cul-de-sac lots may be 35 feet at the front building setback line.

- c. *Maximum lot coverage:* 30 percent.

503.5. Height regulations:

- a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

*503.6. Yard regulations:*a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
2. Where lots have a double frontage, the required front yard shall be provided on both streets.

b. *Minimum side yard:*

1. Interior side yards: Eight feet.
2. Where the side yard fronts on a street, the minimum front yard shall be provided.

c. *Minimum rear yard:* Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and the perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall equal at least ten feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

503.7. Parking regulations:

- a. *Off-street parking:* Two spaces for each single-family dwelling. (See article VII for additional parking requirements.)

504.0. - R-3, low density multifamily dwelling district.

504.1. Intent: The intent of this district is to provide for areas [of] moderate density residential development that would provide a transition between low density single-family and high density multifamily areas. The principal use of land is for two-family and three-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced residential area.

504.2. *Permitted uses:* The listing of permitted uses is set out in appendix "A" of these regulations.

504.3. *Conditional uses:* The listing of conditional uses is set out in appendix "A" of these regulations.

504.4. *Intensity of use regulations:*

a. *Minimum lot area:*

Single-family—7,200 square feet.

Two-family—4,000 square feet per family.

Three-family—3,000 square feet per family.

b. *Minimum lot width:* N/A.

c. *Maximum lot coverage:* 35 percent.

504.5. *Height regulations:*

a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

504.6. *Yard regulations:*

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.

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

b. *Minimum side yards:*

1. Interior side yards: Eight feet.

2. Where the side yard fronts on a street, the minimum front yard setback shall be provided.

c. *Minimum rear yard:* Ten feet.

Exception: On lots of irregular rear property lines or when residence is located on the lot at an angle, rear yard dimensions shall be taken at each end of building parallel to the sides and a perpendicular measurement taken from the rear of building to the furthest point of the lot. The average of these three measurements shall be equal [to] at least 25 feet. However, in no case shall the building or structure be located less than eight feet perpendicular from any property line.

504.7. *Parking regulations:*

a. *Off-street parking:* Two spaces for each dwelling unit. (See article VII for additional parking requirements.)

505.0. - R-4, medium density multifamily dwelling district.

505.1. *Intent:* District R-4 is intended primarily to accommodate nonelevator residential development at a medium density. The principal use of land is for townhouses and garden apartment buildings in convenient relation to outlying major thoroughfares and business centers. This district would also include recreational, religious and educational uses necessary to provide a balanced residential area.

505.2. *Permitted uses:* The listing of permitted uses is set out in appendix "A" of these regulations.

505.3. *Conditional uses:* The listing of conditional uses is set out in appendix "A" of these regulations.

505.4. *Intensity of use regulations:*

a. *Minimum lot area:*

Single-family—7,200 square feet per family.

Two-family—4,000 square feet per family (8,000 square feet minimum lot size).

Three-family—3,000 square feet per family (9,000 square feet minimum lot size).

Low-rise multifamily (2½ story building maximum height)—2,000 square feet per family (9,000 square feet minimum lot size).

b. *Minimum lot width:* No requirement.

c. *Maximum lot coverage:* 40 percent.

505.5. *Height regulations:*

a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

505.6. *Yard regulations:*

a. *Minimum front yard:*

1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
 2. Where lots have a double frontage, the required front yard shall be provided on both streets.
- b. *Minimum side yards:*
1. Interior side yards: Eight feet.
 2. Where the side yard fronts on a street, the required front yard setback shall be provided.
- c. *Minimum rear yard:* Ten feet.

505.7. *Parking regulations:* Two off-street parking spaces shall be provided for each multifamily dwelling unit. (See article VII for additional parking requirements.)

506.0. - R-5, high density multifamily dwelling district.

506.1. *Intent:* This is a residential district to provide for residential development at a high density. The principal use of the land is for medium to high-rise apartment buildings requiring elevators. This district should generally be located in or adjacent to the central area of the city in proximity to principal areas of commercial activity. Recreational and religious uses normally located to service residential areas are also permitted to provide the basic elements of convenient, balanced and attractive living areas.

506.2. *Permitted uses:* The listing of permitted uses is set out in appendix "A" of these regulations.

506.3. *Conditional uses:* The listing of conditional uses is set out in appendix "A" of these regulations.

506.4. *Intensity of the regulations:*

- a. *Minimum lot area per dwelling unit:*
- Single-family—7,200 square feet per family.
- Two-family—4,000 square feet per family (8,000 square feet minimum lot size).
- Three-family—3,000 square feet per family (9,000 square feet minimum lot size).
- Low-rise multifamily unit—2,000 square feet per family (buildings of 2½ stories or less) (9,000 square feet minimum lot size).
- High-rise multifamily units (elevator buildings more than 2½ stories)—900 square feet per family.
- b. *Minimum lot width:* No requirement.
- c. *Maximum lot coverage:* 40 percent.

506.5. *Height regulations:*

- a. *Maximum structure height:* No limit. However, all buildings exceeding 2½ stories shall be equipped with elevators.

506.6. *Yard regulations:*

- a. *Minimum front yard:*
1. The front yard shall be a minimum of 25 feet in depth measured from the front lot line.
 2. Where lots have a double frontage, the required front yard shall be provided on both streets.
- b. *Minimum side yards:*
1. Interior side yards: 15 feet or 20 percent of building height (whichever is greater).
 2. Where the side yard fronts on a street, the required front yard setback shall be provided.
- c. *Minimum rear yard:* Ten feet or 20 percent of building height (whichever is greater).

506.7. *Parking regulations:*

- a. *Off-street parking:* 1½ spaces for each dwelling unit. (See article VII for additional parking requirements.)

507.0. - Residential planned unit developments.

507.1. *Intent:* In accordance with K.S.A. 12-725 et seq., the residential planned unit development is intended to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, than would otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the type of living environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
- f. An environment of stable character in harmony with surrounding development.
- g. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A residential planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements shall be equal to those in the corresponding district R-1 to R-5 inclusive. The uses permitted shall also be the same as in the equivalent district R-1 to R-5 inclusive.

Variations and departures from normal practice may, however, be permitted provided that the city finds that such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, each building need not face on a public street and more than one main building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum lot size requirements where other adjacent permanent open space is provided. Buildings may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

507.2. Design standards and conditions for residential planned unit developments:

- a. *Location:* A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change. The residential PUD shall be designated as follows:

Planned Unit Development	Corresponding District
R-1/PUD	R-1 large lot single-family district
R-2/PUD	R-2 single-family district
R-3/PUD	R-3 low density multifamily district
R-4/PUD	R-4 medium density multifamily district
R-5/PUD	R-5 high density multifamily district

- b. *Permitted uses:* The uses permitted by right in a residential PUD shall be only those designated in the corresponding districts R-1, R-2, R-3, R-4 and R-5 as set out in appendix "A" of these regulations.
- c. *Conditional uses:* The uses conditionally permitted shall only be those designated in the corresponding districts R-1 to R-5 inclusive, as set out in appendix "A" of these regulations.
- d. *Minimum PUD size:* Two acres. However, the city commission may vary said minimum area where such an alteration would not have a negative impact on adjacent property.
- e. *Height limitations:* The height limitations for structures in residential PUDs shall be the same as those for corresponding residential districts. However, the city commission may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD shall not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Off-street parking:* The minimum off-street parking requirements set forth in article VII of this ordinance shall be complied with.
- h. *Number of permitted dwelling units:* The number and type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents provided necessary setback be maintained to allow emergency access in case of fire or natural disaster. The maximum number of permitted dwelling units within a residential planned unit development (PUD) shall be computed as follows:

Permitted dwelling units	=	Residential area of the PUD divided by minimum average land area per dwelling unit permitted in the applicable PUD.
--------------------------	---	---

- 1. *Residential area:* The residential area for the purposes of the above-described computation shall be the gross area of the PUD less the area of nonresidential land.

Nonresidential land shall include street pavement, parking lot pavement, and land allocated to schools, churches, accessory commercial development and other nonresidential uses.

Residential area shall include land allocated to dwellings, accessory buildings, recreational community facilities serving the homeowners and open space.

2. *Minimum land area:* The minimum average land area for the purposes of the described compilation shall be:

MINIMUM AVERAGE LAND AREA BY UNIT TYPE AND PUD DISTRICT

Dwelling Unit Type	PUD District				
	R-1/PUD	R-2/PUD	R-3/PUD	R-4/PUD	R-5/PUD
Single-family	10,000 sf	7,200 sf			
Two-family			4,000 sf	4,000 sf	4,000 sf
Three-family			3,000 sf	3,000 sf	3,000 sf
Low-rise multifamily				2,000 sf	2,000 sf
High-rise multifamily					900 sf

- i. *Common open space:* Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. Such open space shall be owned and maintained in common by the residents through a homeowners' association. The residential PUD shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to ensure its continuity, care, conservation and maintenance, and to ensure that remedial measures will be available to the city if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned unit development or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.
- j. *Staged development:* The residential PUD may be developed in stages. In such case, the owner of the planned development shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - (1) The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the residents of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties;
 - (2) The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over [to] the established PUD homes association.
- k. *Landscaping and screening requirements:* The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
- l. *Homes association:* The developer shall provide for a homes association for improving, operating and maintaining common facilities including streets, drives, service and parking areas, and recreation areas. Such homes association shall be established in the initial phase of development.
- m. *Financial guarantees:* The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may 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.

507.3. *Application for approval of residential PUDs:* Processing procedures for residential PUDs are set forth in article XIV of this ordinance.

508.0. - O&P, office and professional district.

508.1. *Intent:* District O&P is intended to provide areas for public, semipublic, institutional, professional and office types of uses. Land space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. Residential development is permitted in this district.

508.2. *Permitted uses:* The listing of permitted uses is set out in appendix "A" of these regulations.

508.3. *Conditional uses:* The listing of conditional uses is set out in appendix "A" of these regulations.

508.4. *Intensity of use regulations:*

- a. *Minimum lot area:*
- Single-family dwelling—7,200 square feet per family.
 - Two-family dwelling—4,000 square feet per family.
 - Three-family dwelling—3,000 square feet per family.
 - Low-rise multifamily—2,000 square feet per family.
 - High-rise multifamily—900 square feet per family.

- b. *Maximum lot coverage:* 40 percent.

508.5. *Height regulations:* 35 feet or 2½ stories.

508.6. *Yard regulations:*

- a. *Minimum side yard:* 25 feet measured from property line.
- b. *Minimum side yard:* Eight feet except when abutting street or R zone—15 feet or 40 percent of height.
- c. *Minimum rear yard:* Ten feet except when abutting R zone—25 feet.

508.7. *Parking and loading regulations:* See article VII.

508.8. *Use limitations:*

- a. Residential development is permitted in the O&P district if it can be shown that such development will be compatible with surrounding uses.
- b. Existing residential structures may be altered, remodeled or improved subject to any restrictions and regulations which would be applicable to residences located in the corresponding residential district.
- c. No merchandise shall be handled or displayed and no equipment or vehicle, other than motor passenger cars, shall be stored outside a building in this district for more than 24 hours in a 30-day period.
- d. A pharmacy wherein retail sale only of prescription medicines, drugs, pharmaceuticals or orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building provided not less than five physicians occupy offices within the building.
- e. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district.

509.0. - C-1, neighborhood business district.

509.1. *Intent:* The intent of this district is to provide commercial locations for small areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential.

509.2. *Permitted uses:* The listing of permitted uses is set out in appendix "A" of these regulations.

509.3. *Conditional uses:* The listing of conditional uses is set out in appendix "A" of these regulations.

509.4. *Intensity of use regulations:*

- a. *Maximum lot coverage:* 50 percent.

509.5. *Height regulations:*

- a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

509.6. *Yard regulations:*

- a. *Minimum front yard:* 25 feet measured from property line.
- b. *Minimum side yard:* None.
Exception: 15 feet where abutting a side street or residential zone.

- c. *Minimum rear yard:* Ten feet.
Exception: 25 feet where abutting a residential zone.

509.7. *Parking and loading regulations:* See article VII.

509.8. *Use limitations:*

- a. No separate business establishment shall occupy more than 5,000 square feet of floor space. Each separate business establishment shall operate independently from adjacent business establishments.
- b. No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises.
- c. All business establishments shall be retail or service establishments dealing directly with customers.

- d. All business, servicing, storage and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed structures.
- e. No business establishments shall offer goods or services, other than motor fuels, directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked vehicles.
- f. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district.

510.0. - C-2, commercial services district.

510.1. Intent: District C-2 is intended primarily for general trades and commercial services located at specific points on major thoroughfares outside of central or neighborhood business districts. This district is particularly appropriate adjoining a major highway. Such an area draws highway trade uses such as restaurants, service stations, and motels which are not totally compatible with shopping center developments but which may be grouped together quite advantageously as highway service centers.

510.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

510.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

510.4. Intensity of use regulations:

- a. *Maximum lot coverage:* 50 percent.

510.5. Height regulations:

- a. *Maximum structure height:* 35 feet or 2½ stories (whichever is smaller).

510.6. Yard regulations:

- a. *Minimum front yard:* 35 feet measured from property line.
- b. *Minimum side yard:* None.

Exception: Ten feet where abutting a side street; 15 feet where abutting a C-1 or O&P zone; 25 feet where abutting a residential zone.

- c. *Minimum rear yard:* Ten feet.

Exception: 25 feet where abutting a residential zone.

510.7. Parking and loading regulations: See article VII.

510.8. Use limitations:

- a. Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located within the front yard but not less than 12 feet from the front lot line.
- b. No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises, except that accommodations may be offered to transient public by motels and hotels.
- c. Exterior lighting fixtures shall be shaded where necessary to avoid casting direct light on any property located in a residential district.

(Ord. No. 3824, 5-12-00; Ord. No. 3845, § 1, 11-27-00)

511.0. - C-3, central business district.

511.1. Intent: District C-3 is intended primarily for major business services and retail business activity related to the core of the central business district serving the metropolitan trade area. Because this district is a major employment and shopping area within the community, relatively large building volumes and high residential density is permitted for transient and apartment accommodations. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

511.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

511.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

511.4. Intensity of use regulations:

- a. *Minimum lot area:*

- 1. *Minimum lot area for each dwelling unit:*

- (a) Low-rise apartments—2,000 SF/DU (walkup buildings with maximum height of 2½ stories).
- (b) High-rise apartments—900 SF/DU (elevator buildings more than 2½ stories).

- 2. *Minimum lot area for other uses:* No limit.

- b. *Maximum lot coverage:* 100 percent.

511.5. Height regulations:

- a. *Maximum structure height:* No limit.

511.6. Yard regulations:

- a. *Minimum front yard:* None.
- b. *Minimum side yard:* None.
Exceptions: 25 feet or 50 percent of height (whichever is greater) where abutting a residential zone; 15 feet when abutting C-1 or O&P zone.
- c. *Minimum rear yard:* None.
Exception: 25 feet where abutting a residential zone; ten feet where abutting C-1 and office and professional zone.

511.7. Parking and loading regulations: See article VII.*511.8. Use regulations:*

- a. All business establishments shall be retail or service establishments dealing directly with consumers.
- b. No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.
- c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
- d. Marquees and awnings may project over public right-of-way as provided by these regulations.

[511A.0. - C-4, highway commercial district.]

511A.1. Intent: District C-4 is intended primarily for large lot retail uses that cannot be accommodated in the central business district and for businesses catering to the motoring public including service stations, convenience stores, restaurants.

511A.2. Permitted uses: Same as the existing C-2 zoning district.

511A.3. Conditional uses: Same as the existing C-2 zoning district.

511A.4. Intensity of use regulations:

- a. *Maximum lot coverage:* 50 percent.
- b. *Minimum tenant space:* 5,000 square feet, which may be non-contiguous as long as it is within the same building. Each commercial space intended to be occupied by a single commercial user or each commercial space which has separate doorway access from the exterior of the building or from an interior corridor of an enclosed mall shall be considered to be a tenant space.
Exception: Businesses catering to the motoring public shall be exempt from the minimum tenant space requirement. Automobile service stations, convenience stores, restaurants, and financial institutions with drive-up or drive-through facilities shall be deemed to be "businesses catering to the motoring public." The determination whether any business constitutes a "business catering to the motoring public" shall be made by the city planner, whose determination shall be appealable to the board of zoning appeals.

511A.5. Height regulations:

- a. *Maximum height structure:* 35 feet or 2½ stories (whichever is smaller).

511A.6. Yard regulations:

- a. *Minimum front yard:* 35 feet measured from the property line.
- b. *Minimum side yard:* None.
Exception: Ten feet where abutting a side street; 15 feet where abutting a C-1 or O&P zone; 25 feet where abutting a residential zone.
- c. *Minimum rear yard:* 10 feet.
Exception: Twenty-five feet where abutting a residential zone.

511A.7. Parking and loading regulations: See Article VII.*511A.8. Use limitations:*

- a. Gasoline pumps, air and water service, and other fixtures used in connection with automobile service stations may be located within the front yard, but not less than 12 feet from the front line.
- b. No structure shall be used for residential purposes except by the owner, owner's agent, or the operator of the business located on the premises, except that accommodations may be offered to transient public by motels and hotels.
- c. Exterior lighting fixtures shall be shaded where necessary to avoid casting direct light on any property located in a residential district.

511A.9. Landscape standards:

- a. *Landscaping defined:* For purposes of this section, landscaping shall mean the improving of property by means of grass, shrubs, trees, woodchips, decorative rock, or other similar vegetation or materials. Nonliving materials may not exceed 25 percent of any landscaping requirement.
- b.

Frontage strip: A 10-foot wide grass frontage strip shall be maintained averaging at least one tree for every 50 feet. At least 25 percent of the trees are to be of the ornamental type as approved by the zoning administrator. Existing grass in the adjacent right-of-way may be used to meet the frontage strip requirement.

- c. *Parking lot perimeter:* Fifty percent of the perimeter of the parking lot shall be landscaped with an average of at least one tree for every 50 feet. If the frontage strip is adjacent to the parking lot, the frontage strip may be used to comply with this requirement.
- d. *Parking lot interior:* At least 5 percent of the interior of the parking lot must be landscaped if the parking lot has more than 60 parking spaces.
- e. *Existing trees:* Existing trees on the property and right of way may be used to meet tree requirements.
- f. *Tree size:* All new trees planted to meet requirements of this section shall measure two inches in diameter when measured one foot from ground level.
- g. *Variance:* The zoning administrator shall have authority to allow a ten percent variance in the number of trees or shrubs to be planted based upon the individual site and the maturity of the existing trees.

511A.10. Front facade: The front facade of any building must be 50 percent brick or masonry, excluding windows.

(Ord. No. 3838, §§ 1—10, 8-31-00; Ord. No. 3981, § 1, 1-25-07; Ord. No. 4091, § 1, 5-12-11)

512.0. - Commercial planned unit developments.

512.1. Intent: In accordance with K.S.A. 12-725 et seq., the commercial PUD is intended to encourage the innovative grouping of buildings into centers in keeping with the modern concepts of office center, service center and shopping center design. The commercial PUD is not intended to permit a greater average density or uses different from those set forth in the regulations or the district in which the development is located, but the intent is to provide for a greater flexibility in the design of buildings, yards, courts and circulation than would otherwise be possible through the strict application of district regulations in order to provide the opportunity for:

- a. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- b. A creative approach to the use of land and related physical development.
- c. An efficient use of land resulting in smaller networks [of] utilities and streets and thereby lower building costs.
- d. An environment of stable character in harmony with surrounding development.
- e. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

A commercial planned unit development shall function as an "overlay district" which acts in conjunction with the underlying zoning district. As such, the commercial PUD may be established in any commercial district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population, and parking requirements shall be equal to those in the corresponding district O&P, C-1, C-2 and C-3. The uses permitted shall also be the same as in the equivalent district O&P to C-3 inclusive.

Variations and departures from the normal individual lot development, however, may be permitted provided that the city finds such modifications will create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example, buildings and parking may be combined to provide a "center" type development for shops and offices. Buildings may be clustered around a common mall or courtyard area and buildings need not face on public streets but may be served by private drives. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

512.2. Design standards and conditions for commercial planned unit developments:

- a. *Location:* A commercial PUD shall be permitted as an overlay district to any commercial district and shall not require a zoning change. The commercial PUD shall be designated as follows:

Planned Unit Development	Corresponding District
O&P/PUD	O&P office and professional district
C-1/PUD	C-1 neighborhood commercial district
C-2/PUD	C-2 general business district
C-3/PUD	C-3 central business district

- b. *Permitted uses:* Uses permitted by right shall be only those designated in the corresponding district, O&P, C-1, C-2, and C-3, as set out in appendix "A" of these regulations. Residential uses (except detached single-family) are permitted only if they can be shown to be an integral part of the development.
- c. *Conditional uses:* The uses conditionally permitted shall be only those designated in the corresponding districts, O&P to C-3 inclusive as set out in appendix "A" of these regulations.
- d. *Minimum site size:* One acre. However, the governing body may vary the minimum area where such alternation would not have a detrimental impact upon adjacent property.

- e. *Height limitations:* The height limitations for structures in the commercial PUDs shall be the same as those for the corresponding commercial districts. However, the governing body may vary said maximum building height where such an alteration would not be detrimental to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the commercial PUD district may provide for modification of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the perimeter of the PUD shall normally not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Streets, off-street parking and loading:* The minimum off-street parking and loading requirements set forth in article VII of this ordinance shall be complied with except that departure from normal practice may be permitted as described below.
 - 1. Buildings need not face on or abut public streets, but may be served by private roadways. Standards of design and construction for roadways, both public and private, within business PUDs may be modified as is deemed appropriate by the governing body after receiving recommendations by the city engineer. Right-of-way width and street roadway widths may be reduced as deemed appropriate by the governing body especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities.

If the owners in the future should request that the private streets be changed to public streets, they shall fully agree that, before acceptance of such streets by the local government body, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance. Finally, the owners also agree that these streets shall be dedicated to public use without compensation to the owners.
 - 2. Two or more uses may combine to provide the required parking space jointly; however, the parking space so provided shall equal the total space required if each use were to provide parking space separately, except as provided in subsection 3 below. A written agreement, among the owners, of the various properties involved, thereby assuring the retention of such parking spaces for their specified purpose, shall be properly drawn and executed by the parties concerned, approved as to form, and executed by the city attorney, after the plans for such joint parking are approved by the governing body. Such written agreement shall be filed with the application for a building permit.
 - 3. In combining uses to provide the required parking space jointly, the following may apply:
 - (a) Up to 50 percent of the parking spaces required for theaters, bowling alleys, dancehalls or nightclubs and up to 100 percent of the parking spaces required for a church or school auditorium may be provided and used by banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used, or operated during the same hours as those listed above; provided, however, that written agreement thereto is properly executed and filed as specified in subsection 2 above.
- h. *Staged development:* The commercial PUD may be developed in stages. In such case, the owner of the project shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the tenants of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 - 1. The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the tenants of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties.
 - 2. The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over to the established PUD improvement association.
- i. *Landscaping and screening requirements:* Specific landscaping requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular PUD.
- j. *Improvement association:* The developer shall provide a commercial district improvement association for improving, operating and maintaining common facilities including private streets, drives, service areas, parking areas and open space areas. Such improvement association shall be established in the initial phase of development.
- k. *Financial guarantee:* The developer shall be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined 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.

512.3. *Application for approval of business PUDs:* Processing procedures for commercial PUDs are set forth in article XII [XIV] of this ordinance.

[512A.0. - GCI, general commercial and industrial district.]

[512A.1.] *Intent:* This district is intended to accommodate the use and adaptive reuse of large tracts of land that have been or can appropriately be developed as general trades or business and/or light manufacturing. This district can be applied to land that is undeveloped or that has been partially or totally developed in general commercial or light manufacturing uses. General commercial and light manufacturing uses may also be combined on the same tract. Placement of property into this district will occur only when the following conditions are met:

- a. Consistency with the adopted comprehensive plan; and

- b. A pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion; and
- c. A creative approach to the use of land and related physical development; and
- d. An environment of stable character in harmony with surrounding development; and
- e. A more desirable environment than would be possible through rezoning into either the C-2 or M-1 zoning district; and
- f. A tract of land in excess of five acres.

Commercial uses are intended to encompass general trades and commercial services located at specific points on major thoroughfares outside the central business district or neighborhood business district. Commercial uses which are highway service centers adjoining a major highway are appropriate to this district.

Manufacturing uses are intended primarily for light manufacturing and warehousing which create a minimum amount of nuisance outside the plant and are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise or vibrations beyond the confines of the building. Manufacturing uses are to be confined within the building. There will be no outside material storage and the effect of the production process upon the surrounding area is formally that of the traffic generated by receipt of goods and materials.

[512A.2.] Standards and conditions for general commercial and industrial developments:

- a. Any lot or tract of land zoned GCI may have as its primary use either commercial or industrial. The owner shall state whether the primary use is commercial or industrial and shall notify the city prior to the primary use being established. The initial and ongoing use of such land will determine the primary use. Prior to approving the alternate use, an application for such use shall be filed with the planning commission who shall recommend approval or denial of the use, and the governing body shall either approve or deny such use.
- b. A primary commercial use shall be treated as a permitted commercial use.
- c. A primary industrial use shall be treated as a permitted industrial use.
- d. No residential use is allowed in this district.
- e. Any proposed use other than the primary use which is consistent with the intent of the district may be permitted after preparation of a final plan, consistent with section 1404.2b of this zoning ordinance, and approval of such plan consistent with section 1404.3 of this zoning ordinance.

[512A.3.] Permitted uses:

- a. A permitted commercial use shall have the same permitted uses as set out for a C-2 district in appendix "A" of these regulations except that no residential development is allowed.
- b. A permitted industrial use shall have the same permitted uses as set out for an M-1 district in appendix "A" of these regulations, except that no residential development is allowed.

[512A.4.] Conditional uses:

- a. A permitted commercial use shall have the same conditional uses as set out for a C-2 district in appendix "A" of these regulations, except that no residential development is allowed.
- b. A permitted industrial use shall have the same conditional uses as set out for an M-1 district in appendix "A" of these regulations, except that no residential development is allowed.

[512A.5.] Intensity of use regulations:

- a. Permitted commercial uses shall meet the requirements as stated in the C-2 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.
- b. Permitted industrial uses shall meet the requirements as stated in the M-1 district unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

[512A.6.] Height regulations:

- a. Permitted commercial uses shall meet the requirements as stated in the C-2 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.
- b. Permitted industrial uses shall meet the requirements as stated in the M-1 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

[512A.7.] Yard regulations:

- a. Permitted commercial uses shall meet the requirements as stated in the C-2 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.
- b. Permitted industrial uses shall meet the requirements as stated in the M-1 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

[512A.8.] Parking and loading regulations:

- a. Permitted commercial uses shall meet the requirements as stated in the C-2 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

- b. Permitted industrial uses shall meet the requirements as stated in the M-1 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

[512A.9.] Use regulations:

- a. Permitted commercial uses shall meet the requirements as stated in the C-2 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.
- b. Permitted industrial uses shall meet the requirements as stated in the M-1 district, unless the governing body has determined that a stricter standard would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.
- c. A single tract may be used for both primary and nonprimary use provided that the standards contained in section 512A.3 through 512A.9 of this zoning ordinance are followed for both the primary and nonprimary use. When approving the final plan required under section 512A.2e of this zoning ordinance, the governing body may provide stricter standards if it determines that such action would preserve the public health, safety and welfare and where the lack of such stricter standard would be detrimental to adjacent property.

[512A.10.] Landscaping and screening requirements:

- a. Specific landscaping requirements may be contained in the conditions in each ordinance or final plan authorizing the establishment of the particular GCI use on a particular piece of property.

[512A.11.] Financial guarantee:

- a. The applicant shall be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the governing body to be reasonably required to assure performance in accordance with the final plan and to protect the public interest in the event of abandonment of said plan before completion.

(Ord. No. 3612, §§ 1—11, 5-20-92)

513.0. - M-1, light industrial district.

513.1. Intent: District M-1 is intended primarily for light manufacturing, warehousing and other limited industrial uses which create a minimum amount of nuisance outside the plant and are not noxious or offensive by reason of emission of smoke, dust, fumes, odors, noise, or vibrations beyond the confines of buildings. Light industrial uses generally require little or no outside material storage and the effect of the production process upon surrounding areas is normally that of the traffic generated by the receipt and delivery of goods and materials. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended light industrial purpose.

513.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

513.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

513.4. Intensity of use regulations:

- a. *Minimum lot area:* Five acres unless the proposed project abuts an existing industrial or commercial zone.
- b. *Minimum lot width:* No requirement.
- c. *Maximum lot coverage:* 60 percent.

513.5. Height limitations:

- a. *Maximum height of structure:* 45 feet or three stories (whichever is smaller).
Exception: Grain elevator may exceed height limitation provided in this section as a conditional use (article IX).

513.6. Yard regulations:

- a. *Minimum front yard:* 25 feet measured from property line.
- b. *Minimum side yard:* 15 feet for any building or structure.
Exception: 25 feet when abutting a street; 30 feet when abutting any "R" district.
- c. *Minimum rear yard:* Ten feet.
Exception: 80 feet when abutting any "R" district.

513.7. Parking and loading regulations: See article VII.

513.8. Use limitations:

- a. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
- b. No retail sales or service shall be permitted except when incidental or accessory to a permitted use.
- c. No building shall be used for residential purposes except that a watchman may reside on the premises.

514.0. - M-2, heavy industrial district.

514.1. Intent: District M-2 is intended primarily for major basic manufacturing industries and related industrial activities. Heavy industrial uses characteristically create a large amount of noise, glare, odor, dust, vibration, air and water pollution and other harmful or obnoxious matter. Many of these industries characteristically store large quantities of raw or scrap material for processing operations. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended heavy industrial purpose.

514.2. Permitted uses: The listing of permitted uses is set out in appendix "A" of these regulations.

514.3. Conditional uses: The listing of conditional uses is set out in appendix "A" of these regulations.

514.4. Intensity of use regulations:

- a. *Minimum lot area:* Five acres unless the proposed project abuts an existing industrial zone.
- b. *Minimum lot width:* No requirement.
- c. *Maximum lot coverage:* 60 percent.

514.5. Height regulations:

- a. *Maximum structure height:* 60 feet or four stories (whichever is smaller).
Exception: Grain elevator may exceed height limitation provided in this section as a conditional use (article IX).

514.6. Yard regulations:

- a. *Minimum front yard:* 30 feet measured from property line.
- b. *Minimum side yard:* 20 feet.
Exceptions: 30 feet when abutting a street or any commercial zone; 50 feet when abutting any "R" district.
- c. *Minimum rear yard:* 30 feet.
Exceptions: 80 feet when abutting any C-1 or O&P district; 100 feet when abutting any "R" district.

514.7. Parking and loading regulations: See article VII.

[514.8. Reserved.]

514.9. Use limitations:

- a. No retail sales or services shall be permitted, except as are incidental or accessory to a permitted use.
- b. No building shall be used for residential purposes except that a watchman may reside on the premises.

515.0. - Industrial planned unit developments.

515.1. Intent: In accordance with K.S.A. 12-725 et seq., the industrial PUD is designed to encourage the innovative grouping of industrial buildings into centers in keeping with the modern concepts of industrial center design. The industrial PUD is not intended to permit a greater average density or uses different from those set forth in the regulations of the district in which the development is located, but the intent is to provide for a greater flexibility in the design of buildings, yards, and circulation than would otherwise be possible through the strict application of the district regulations in order to provide the opportunity for:

- a. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- b. A creative approach to the use of land and related physical development.
- c. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower building costs.
- d. An environment of stable character in harmony with surrounding development.
- e. A more desirable environment than would be possible through the strict application of other sections of this ordinance.

An industrial planned unit development shall function as an "overlay district" which acts in conjunction with underlying zoning district. As such, the industrial PUD may be established in any industrial district and will not require a zoning change.

In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population, and parking requirements shall be equal to those in the corresponding districts M-1 and M-2. The uses permitted shall also be the same as in the equivalent industrial districts.

Variations and departures from the normal individual lot development, however, may be permitted provided that the city finds such modifications will create an environment that is equal or superior to the development obtainable under existing zoning regulations. For example, buildings and parking may be combined to provide an industrial center-type development. Buildings may be clustered around common space and buildings need not face on public streets but may be served by private drives. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

The PUD shall be developed in accordance with a plan which shall be approved by the governing body of the city. (See article XII [XIV], Processing Procedures for PUDs.)

515.2. Design standards and conditions for industrial planned unit developments:

- a. *Location:* An industrial PUD shall be permitted as an overlay district to any industrial district and shall not require a zoning change. The industrial PUD shall be designated as follows:

PUD	Corresponding District
M-1/PUD	M-1 light industrial district
M-2/PUD	M-2 heavy industrial district

- b. *Permitted uses:* Uses permitted by right shall be only those designated in the corresponding district, M-1 and M-2 and as set out in appendix "A" of these regulations.
- c. *Conditional use:* The uses conditionally permitted shall be only those designated in the corresponding districts, M-1 and M-2, as set out in appendix "A" of these regulations.
- d. *Minimum site size:* Five acres. However, the governing body may vary the minimum area where such alternation would not have a detrimental impact upon adjacent property.
- e. *Height limitations:* The height limitations for structures in the industrial PUDs shall be the same as those for the corresponding industrial districts. However, the governing body may vary said maximum building height where such an alteration would not be detrimental to adjacent property and where the public health, safety and welfare will be preserved.
- f. *Yard regulations:* The design of the industrial PUD district may provide for modification of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the perimeter of the PUD shall normally not be reduced and shall meet the yard setback requirements of the corresponding zoning district. However, the governing body may vary said perimeter setback requirement where such an alteration will not be detrimental to adjacent property.
- g. *Streets, off-street parking and loading:* The minimum off-street parking and loading requirements set forth in article VII of this ordinance shall be complied with except that departure from normal practice may be permitted as described below.
 1. Buildings need not face on or abut public streets, but may be served by private roadways. Standards of design and construction for roadways, both public and private, within industrial PUDs may be modified as is deemed appropriate by the governing body especially where it is found that the plan for the PUD provides for the separation of vehicular and pedestrian circulation patterns and provides for adequate off-street parking facilities. If the owners in the future should request that the private streets be changed to public streets, they shall fully agree that, before acceptance of such streets by the local government body, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable at that time for public streets, prior to dedication and acceptance. Finally, the owners shall also agree that these streets shall be dedicated to public use without compensation to the owners.
 2. Two or more uses may combine to provide the required parking space jointly; however, the parking space so provided shall equal the total space required if each use were to provide parking space separately. A written agreement, among the owners, of the various properties involved, thereby assuring the retention of such parking spaces for their specified purpose, shall be properly drawn and executed by the parties concerned, approved as to form, and executed by the city attorney, after the plans for such joint parking are approved by the governing body. Such written agreement shall be filed with the application for a building permit.
- h. *Staged development:* The industrial PUD may be developed in stages. In such case, the owner of the project shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence of development for each such unit. Each stage of development shall normally be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intense use, leaving the underdeveloped stages of the PUD in depleted density and open space. In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the tenants of the PUD and the city. In such case, the developer shall be required to execute a deed running in favor of the city granting it the following rights:
 1. The right, in the event that development of the planned unit is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the tenants of the developed portion of the sites—such location to be established only after a public hearing given to all interested parties.
 2. The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over to the established PUD improvement association.
- i. *Landscaping and screening requirements:* Specific landscaping requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular PUD.
- j. *Improvement association:* The developer shall provide an industrial district improvement association for improving, operating and maintaining common facilities including private streets, drives, service areas, parking areas and open space areas. Such improvement association shall be established in the initial phase of development.
- k.

Financial guarantee: The developer shall be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined 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.

515.3. Application for approval of industrial PUDs: Processing procedures for industrial PUDs are set forth in [article] XII [XIV] of this ordinance.

516.0. - FP, floodplain district.

516.1. Statutory authorization: The legislature of the State of Kansas has in K.S.A. 12-704 et seq. delegated the responsibility to local governmental units to adopt zoning regulations designed to protect floodprone areas in compliance with the Federal Disaster Protection Act of 1973 and as amended.

516.2. Findings of fact:

- a. The flood hazard areas as designated in the flood insurance study for the City of Independence are subject to periodic inundation which may result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

516.3. Statement of purpose: It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a. To protect human life and health;
- b. To minimize expenditure of public money for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- f. To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- g. To ensure that potential homebuyers are notified that property is in a flood area; and
- h. To ensure that those who occupy those areas of special flood hazard assume responsibility for their actions.

516.4. Methods of reducing flood losses: In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities.
- b. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- d. Controlling filling, grading, dredging, and other development which may increase erosion or flood damage.
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert floodway waters or which may increase flood hazards in other areas.

516.5. Special definitions for floodplain regulations: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application:

Actuarial or risk premium rates means those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with section 1307 of the act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

Appeal means a request for a review of the building inspector's interpretation of any provision of this ordinance or a request for a variance.

Area of special flood hazard is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Base flood means the flood having one percent chance of being equalled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Existing construction means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) are completed before the effective date of floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of additional facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the flood insurance study has delineated the flood hazard boundaries and the zones establishing insurance rates applicable to the community.

Flood insurance study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway fringe is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structures.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the FIRM.

Start of construction, for other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building that is principally aboveground, as well as a manufactured home, and a gas or liquid storage tank that is principally aboveground.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Variance is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

516.6. *General provisions:*

- a. *Lands to which ordinance applies:* This ordinance shall apply to all lands within the jurisdiction of the City of Independence, Kansas, identified on the flood insurance rate map (FIRM) as numbered and unnumbered A zones and within the zoning districts FW and FF established in section 516.8 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the city commission or its duly designated representative under such safeguards and restrictions as the city commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in sections 516.8, 516.9, 516.10 and 516.11.
- b. *Rules for interpretation of district boundaries:* The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map or on the flood insurance rate map or floodway map. Where interpretation is needed [as] to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the enforcement officer shall make the necessary interpretation. In such cases where the interpretation is contested, the board of zoning appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence, if he so desires.
- c. *Compliance:* No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
- d. *Abrogation and greater restrictions:* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes more stringent restrictions shall prevail.
- e. *Interpretation:* In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- f. *Warning and disclaimer of liability:* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Independence or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made thereunder.

516.7. Administration:

- a. *Establishment of a development permit:* A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 516.6. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in 516.5. Application for a development permit shall be made on forms furnished by the building inspector and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:
 1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
 2. Elevation in relation to mean sea level to which any nonresidential structure is to be floodproofed.
 3. Certification from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in 516.11b.1(b).
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- b. *Designation of the building inspector:* The building inspector is hereby appointed to administer and implement the provisions of this ordinance, by granting or denying development permit applications in accordance with its provisions.
- c. *Duties and responsibilities of the building inspector:* Duties of the building inspector shall include, but not be limited to:
 1. Review all development permits to ensure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 2. Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 3. When base flood elevation data has not been provided in accordance with 516.6, then the building inspector shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a federal, state or other source, in order to administer the provisions of 516.8, 516.9, 516.10, 516.11 and 516.12.
 4. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 5. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
 6. When floodproofing is utilized for a particular structure, the building inspector shall obtain certification from a registered professional engineer or architect.
 7. Notify adjacent communities and the state water office prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
 8. Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - 9.

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article [section].

d. *Variance procedures:*

1. The board of zoning appeals as established by the City of Independence shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The board of zoning appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decision, or determination made by the building inspector in the enforcement or administration of this ordinance.
3. Any person aggrieved by the decision of the board of zoning appeals or any taxpayer may appeal such decision to the district court of Montgomery County, Kansas, as provided in K.S.A. 60-2101.
4. In passing upon such applications, the board of zoning appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of proposed facility and its contents to flood damage and effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility to a waterfront location, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Conditions for variances:
 - (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b)—(f) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (e) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (f) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

516.8. Establishment of zoning districts: The mapped floodplain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) identified in the flood insurance study and accompanying map(s). Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A zones as on the official FIRM and identified in the flood insurance study provided by the Federal Emergency Management Agency.

516.9. General standards for the floodway overlay district and the floodway fringe overlay district:

- a. All new construction including manufactured homes and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including these effects of buoyancy.
- b. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- c. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- d.

All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

- e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- f. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- h. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- i. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

516.10. Standards for subdivision proposals:

- a. All subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), which is greater than either 50 lots or five acres.

516.11. Floodway fringe overlay district:

- a. *Permitted uses:* Any use permitted in the floodway overlay district, section 516.12, shall be permitted in the floodway fringe overlay district. No use shall be permitted in the district unless the standards of section 516.11 are met.
- b. *Standards for the floodway fringe overlay district:*
 1. *Specific standards:* In all areas of special flood hazards where base flood elevation data has been provided as set forth in 516.6 (zones A-30 and AE) the following provisions are required:
 - (a) *Residential construction:* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation.
 - (b) *Nonresidential construction:* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation, or together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in 516.7c.6.
 - (c) *Required for all new construction and substantial improvements:* That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (d) *Manufactured homes:*
 1. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - (b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - (c) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - (d) Any additions to the manufactured home be similarly anchored.
 2. Require that all manufactured homes be placed or substantially improved within zones A-30 and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of 516.11b.1(d)1. This paragraph applies

to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

516.12. Floodway overlay district:

- a. Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of 516.9, 516.10 and 516.11.
 - 1. Agricultural uses such as general farming, pasture, nurseries, forestry.
 - 2. Residential uses such as lawns, gardens, parking and play areas.
 - 3. Nonresidential areas such as loading areas, parking, airport landing strips, streets and railroads.
 - 4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. Placement of manufactured homes is prohibited in the floodway, except in existing manufactured home parks and existing manufactured home subdivisions.

516.13. Nonconforming use:

- a. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - 1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - 2. If such use is discontinued for 12 months, any future use of the building premises shall conform to this ordinance. The utility department shall notify the building inspector in writing of instances of nonconforming uses where utility services have been discontinued for a period of six months.
 - 3. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

516.14. Penalties for violation: Penalties shall be as established in section 1705 of this ordinance.

516.15. Amendments: The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973 (after compliance with K.S.A. 12-734); provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the city of Independence. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program regulations.

(Ord. No. 3534, § 1(516.0—516.15), 9-16-87)

[517.0. - Summary of district regulations.]

District	Intensity of Use			Maximum Height		Minimum Yard Requirements		
	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Feet	Stories	Front Yard	Side Yard	Rear Yard
A-1	10 acres	No limit	No limit	No limit		25'	8' Abutting street, 25'	30'
R-1	10,000 sf	80' Except cul-de-sac lots, 35'	30%	35'	2.5	25'	8' Abutting street, 25'	10'
R-2	7,200 sf/du	50' Except cul-de-	30%	35'	2.5	25'	8' Abutting street, 25'	10'

		sac lots, 35'						
R-3	1 fam., 7,200 sf/du 2 fam., 4,000 sf/du 3 fam., 3,000 sf/du	None	35%	35'	2.5	25'	8' Abutting street, 25'	10'
R-4	1 fam., 7,200 sf/du 2 fam., 4,000 sf/du 3 fam., 3,000 sf/du Low MF, 2,000 sf/du	None	40%	35'	2.5	25'	8' Abutting street, 25'	10'
R-5	1 fam., 7,200 sf/du 2 fam., 4,000 sf/du 3 fam., 3,000 sf/du Low MF, 2,000 sf/du High MF, 900 sf/du	None	40%	No limit		25'	15' or 20% of ht. Abutting street, 25'	10' or 20% of ht.
O&P	1 fam., 7,200 sf/du 2 fam., 4,000 sf/du 3 fam., 3,000 sf/du Low MF, 2,000 sf/du High MF, 900 sf/du	None	40%	35'	2.5	25'	8' When abutting street or R zone, 15' or 40% of ht.	10' When abutting R zone, 25'
C-1	None	None	50%	35'	2.5	25'	None Except when abutting street or R zone, 15'	10' When abutting R zone, 25'
C-2	None	None	50%	45'	3	35'	None Except when abutting street, 10' Abutting C-1 or O&P zone, 15' Abutting R zone, 25'	10' Except when abutting C-1 or O&P zone, 15' Abutting R zone, 25'
C-3	None Exception: multifamily dwelling unit	None	100%	No limit		None	None Except when abutting R zone, 25' or 50% of ht. Abutting C-1 or O&P zone, 15' Abutting street, 10'	None Except when abutting R zone, 25' Abutting C-1 or O&P zone, 10'
M-1	None Except 5A if spot zone	None	60%	45'	3	25'	15' Except when abutting R zone, 30' Abutting street, 25'	10' Except when abutting

								R zone, 80'
M-2	None Except 5A if spot zone	None	60%	60'	4	30'	20' Except when abutting street or commercial zone, 30' Abutting R zone, 50'	30' Except when abutting C-1 or O&P zone, 80' Abutting R zone, 100'

Note: See district regulations for additional use limitations.

(Ord. No. 3612, 5-20-92)

ARTICLE VI. - SUPPLEMENTARY DISTRICT REGULATIONS

FOOTNOTE(S):

--- (3) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116; possession of open containers of alcoholic beverages on city streets, sidewalks or alleys prohibited, § 6-34; walls, fences and other structures, § 18-381 et seq.; environment, ch. 42; property maintenance standards, § 42-61 et seq.; historic preservation, ch. 50; historic sites and districts, § 50-61 et seq.; zoning requirements for historic districts and sites, § 50-73; oil and gas drilling regulations, § 62-191 et seq.

600.0. - Application.

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this ordinance. These general regulations supplement in this ordinance.

601.0. - Height regulations.

601.1. Structural projections: 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, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than 15 percent, except as indicated below.

- a. Structural projections exceeding the above height limitations shall be considered as conditional uses and shall be processed in accordance with article IX of this ordinance, except in no event shall a radio aerial or television antenna support extend more than 25 feet above the ridge of a roof in any residential district.

601.2. Accessory buildings: In a residential district, any accessory building shall not exceed more than 12 feet or one story in height unless said accessory building is located within the main building setback area permitted under this ordinance. (See also section 602.6.)

602.0. - Yard and setback regulations.

602.1. Determination of building setback line: The building setback line shall be determined by measuring the horizontal distance between the property line and the nearest exterior structural wall of the existing or proposed structure.

602.2. Architectural projections:

- a. In any district, the ordinary projection of skylights, parapets, window sills, belt courses, chimneys, foundations, buttresses, eaves and other architectural or ornamental features may extend not more than two feet into any required yard provided that a minimum setback of eight feet shall be maintained between such extension and the property line.
- b. Fire escapes may extend into such required yard by no more than 30 percent of the required yard dimensions provided that a minimum of eight feet shall be maintained between such extension and the property line.
- c. Steps, walks, fences, walls (including wing walls), balustrades, landscape or garden ornaments shall be permitted to project into the required yards subject to any other controls affecting such features.

602.3. Industrial rear yards: No rear yard shall be required in industrial districts on any lot, where the rear lot line adjoins a railway right-of-way or which has a rear railway track connection as long as sufficient access for firefighting equipment is available. Access to be approved by the fire chief prior to issuance of any permit.

602.4. Sight triangle: On a corner lot in any district, development shall conform to the requirements of the sight triangle in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and eight feet above the grades at the back of the curb of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points ten feet from their point of intersection or at equivalent points on private streets, except that the sight triangle shall be increased to 25 feet for certain uses when deemed necessary for traffic safety by the building inspector. (See illustration as follows.)

PU diagram mp 2261

602.5. Exceptions to yard requirements: The following exception to the front yard requirement for a dwelling is authorized for a lot in any district. If there are dwellings on both abutting lots with front yards of less than the required depth for the district, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lots and the required front yard depth.

602.6. Accessory structures: No accessory structures shall be erected in any required front or side yard, and no detached accessory structure shall be erected closer than five feet to any other structure. Accessory structures may be located in the rear yard, but shall not be closer than ten feet to the rear lot line and shall not be closer to the side lot line than the required minimum side yard setback of the district except that if the structure is a parking garage with a vehicular alley entrance, the sum of the width of the alley and the setback of the structure shall not be less than 25 feet.

602.7. Conflicting requirements: Yard and setback requirements are subject to the provisions of any setback building lines adopted by the governing body, before or after the adoption of this ordinance, and in the event of conflict, the setback adopted by the governing body shall control.

603.0. - Area regulations.

603.1. Maximum lot coverage calculations: In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.

603.2. Business and dwelling joint use: For any building used jointly for business and dwelling purposes, the number of dwelling units permitted (by the lot area requirements per dwelling unit) shall be reduced in the same proportion as the floor area devoted to business bears to the entire floor area of the building, provided that floor area below the first floor of such building shall not be included in any calculation under this provision.

603.3. Hotel and apartment joint use: For any building providing jointly for hotel and apartment house uses, the number of dwelling units permitted in apartments by the lot area requirements per dwelling unit shall be reduced in the same proportion as the total floor area devoted to hotel or nonhousekeeping rooms bears to the total area devoted to both uses.

603.4. Number of structures and uses on a zoning lot: Where a lot or tract is used or zoned for other than a single-family dwelling, more than one principal use may be located upon the lot or tract. However, a zoning lot shall not contain more than one principal building or structure except as provided under the planned unit development sections of this ordinance.

604.0. - Access regulations.

604.1. Access to business and industrial districts: No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a planned district development.

604.2. Street access: All lots shall abut a street other than an alley for a width of at least 35 feet.

605.0. - Home occupations.

605.1. Restrictions and limitations: Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this section.

- a. A permit for a home occupation is required which shall be issued for the calendar year and may be renewed every 12 months thereafter, provided that at the end of each period, the planning commission finds the home occupation not in conflict with any ordinance and, in the opinion of the planning commission, is not jeopardizing the health, safety and welfare of the citizens in the area.
- b. The home occupation shall be located in the main residential building, shall be incidental and subordinate to the principal use of the premises and shall not occupy more than 15 percent of the total floor area of the main residential building. Exception: Homes where child care is provided shall be excluded from the 15-percent requirement.
- c. No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence.
- [d. Reserved.]
- e. No outdoor storage of materials or equipment used in the home occupation shall be permitted.
- f. There shall be no visible evidence of the operation, except for one sign not larger than 18 inches by 36 inches and placed not less than 15 feet from the property line.

- g. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.
- h. No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, dust or electrical interference.
- i. Parking generated by the conduct of a home occupation shall be provided off street.
- j. No commodities shall be displayed or sold outside of the main residential building.
- k. A home occupation permit shall be issued only to the owner or authorized tenant who occupy a dwelling as their residence. As such, home occupation permits shall not be transferrable and shall terminate upon sale or transfer of the property to a new owner, or when the authorized tenant no longer occupies the property as a residence.
- l. Home occupation permits prior to the adoption of this ordinance may be continued by the current holder of the permit, under the provisions under which it was originally issued.

(Ord. No. 4160, § 1, 12-19-13)

606.0. - Recreational vehicles.

606.1 Storage of recreational vehicles: Major recreational equipment such as boats, boat trailers, travel trailers, pickup campers or coaches, camping buses or converted trucks and tent trailers shall be stored at the rear of the premises, then such recreational vehicles may be stored at the side of the residence so long as they do not protrude beyond the front of the residence. Temporary storage not to exceed 72 hours is permitted in a private driveway located anywhere on private property. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours. Four purposes of this section, the 72 hour permissible temporary storage or parking shall be calculated as consisting of 72 hours over a 30-day period.

(Ord. No. 4147, § 2, 5-23-13)

Cross reference— Offstreet parking requirements for certain mobile homes, § 66-4

607.0. - Accessory uses.

Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

607.1. Definitions: An accessory use is a structure or use which shall conform to all of the below:

- a. Is subordinate to and serves a principal building and principal use;
- b. Is subordinate in area, extent or purpose to the principal building or buildings served;
- c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
- d. Is located on the same lot or contiguous lot as the principal building or principal use served.

607.2. Permitted accessory uses: Any structure or use that complies with the definition of section 607.1 may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following list of examples:

- a. Private garages or carports, not to exceed the following capacity:
 - 1. For single-family residence: Four cars.
 - 2. For multifamily residence: Two cars per dwelling unit.
- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area.
Exception: Parking garages.
- c. A child's playhouse.
- d. A private swimming pool and bathhouse.
- e. A guesthouse or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
- f. Statuary, arbors, trellises, barbecue stoves, wood piles for home use, flagpoles, fences, walls, hedges and radio and television antennas.
- g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
- h. Signs.
- i. Off-street parking and loading spaces as regulated by article VII of these regulations.
- j. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, shall be at the rear of the premises if there is access thereto, or if there is not access to the rear premises, then such recreational vehicles may be parked in the private driveway of the premises, at the side thereof, or at some other inconspicuous location thereon. In no event, however, shall such recreational vehicles be parked on public property, streets, or thoroughfares for longer than 72 hours.
- k. Restaurants, drugstores, gift shops, swimming pools, tennis courts, clubs and lounges and newsstands when located in a permitted hotel, motel or office building.
- l. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
- m. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
- n. Retail sales for permitted industrial uses when located on the same site as the industrial use.
- o. The storage of retail merchandise when located within the same building as the principal retail business.

- p. Any wholesale or retail sales activity may also include accessory service or repair activity for goods which are sold on the premises.
- q. A hobby shop may be operated as an accessory use by the occupant of the premises for personal equipment, amusement or recreation; provided that articles produced or constructed are not sold on the premises.
- r. Accessory uses for any agriculturally oriented activity, which is subordinate and incidental to the principal permitted agricultural activity, shall be permitted in the A-1 district.

607.3. [Storage of trucks, trailers or buses:] Outdoor storage or overnight parking on any public streets in any residential district of trucks, trailers or buses having a hauling capacity of more than one ton is prohibited. Trucks, trailers or buses having a hauling capacity of more than one ton shall only be permitted to be parked on private property in residential districts when there is adequate space on such private property and if the vehicle, truck or trailer does not contain volatile, noxious or hazardous materials and when such vehicle is parked so as not to create a nuisance to adjoining property owners.

607.4. Accessory uses permitted by conditional use: The following accessory uses shall only be permitted upon approval of a conditional use application:

- a. Television receiving tower exceeding district height limitations (see section 601.1).
- b. Amateur radio tower exceeding district height limitations (see section 601.1).
- c. Salvage storage yards, scrap and waste material storage yards when provided as an accessory use for any manufacturing or wholesale use (see additional requirements in section 1010.0).

607.5. Height, yard and area requirements for accessory uses: See sections 601, 602 and 603.

608.0. - Screening and buffering regulations.

608.1. Restrictions and limitations: In all commercial and industrial districts, the following restrictions and limitations shall apply:

- a. All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by a sight-obscuring fence permanently maintained at least six feet in height.
- b. Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse effects on residential properties.
- c. Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided in section 608.1.a.
- d. Parking lot screening requirements: (See off-street parking and loading regulations, section 705.2.)

Cross reference— Screening of junked, wrecked and abandoned vehicles, § 42-131; tree trimmer licensing requirements and regulations, § 62-306 et seq.; landscaping in rights-of-way, § 94-61 et seq.

609.0. - Zoning performance standards.

609.1. General: No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises, provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

609.2. Fire hazard: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such activities shall comply with all city-approved fire prevention.

- a. *Location:* Such fire hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

609.3. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

609.4. Noise: Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernible at lot lines in excess of the average intensity of street and traffic noise at the lot lines.

Exception: Tornado sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

609.5. Air pollution: All uses shall be so operated that no smoke, odor, dust or other form of particulate matter shall be emitted that exceeds the regulations established by the State of Kansas department of health and environment.

- a. *Location:* Such uses shall be located in such a manner that prevailing winds will carry such air pollution away from areas of greatest concentration of persons. Also, such uses shall be kept removed from adjacent activities to a distance which is compatible with the potential nuisance or hazard involved.

610.0. - Family day care homes.

610.1. Definition: A "family day care home" shall be defined as any facility for the care of four or more children, but no more than ten children, including the homeowner's or resident's children, on a professional basis, and subject to state licensing, which is operated out of the residence in which the owner resides.

610.2. [Home occupation license:] Each family day care home must obtain a home occupation license and comply with the restrictions, limitations and requirements contained in 605.0 except as modified herein:

- a. Said facility shall be allowed one sign, not to exceed 18 inches by 36 inches in dimension, which shall be attached to the house.
- b. Outdoor storage of materials shall be permitted insofar as such materials or equipment are utilized as part of the day care operation.
- c. The primary resident of the dwelling must operate the facility, who need not be an owner of the dwelling.
- d. Said facility shall be exempt from all off-street parking requirements included in 701.0
- e. Children at play on the exterior of the house shall not be considered visible evidence of the business as provided by section 605.1 f.

610.3. Special conditions:

- a. No day care home may operate in an apartment or duplex.
- b. Each applicant for a home occupation license under this section shall be licensed or registered by the State of Kansas prior to receiving such home occupation license.
- c. Any family day care home or facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

(Ord. No. 3536, § 1, 10-14-87)

611.0. - Residential design manufactured homes.

Residential design manufactured homes are permitted in the agricultural and single-family residential districts subject to the following architectural and aesthetic standards so as to ensure their compatibility with site-built housing in those districts:

[611.1.] R-1 Large lot single-family dwelling districts lying in the unincorporated area of Montgomery within three miles of the city limits of the City of Independence, and A-1 Agricultural districts and R-2 Single-family dwelling districts: All residential design manufactured homes shall have:

- (A) Minimum dimensions of 22 feet of body width.
- (B) A minimum roof pitch of 2.5 inches in height to 12 running inches.
- (C) Siding material shall be wood, masonry, composition board or finished aluminum lap siding, or other materials normally found on site-built homes.
- (D) Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile or slate.
- (E) The home shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.

[611.2.] R-1 Large lot single-family dwelling districts lying within the city limits of the City of Independence: All residential design manufactured homes shall have:

- (A) Minimum dimensions of 26 feet in body width.
- (B) A minimum roof pitch of three inches in height to 12 running inches.
- (C) Siding material shall be wood, masonry, composition board, finished aluminum lap siding or other material normally found on site-built homes. Not less than 40 percent of the front facade of the home shall be faced with brick or stone.
- (D) Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile or slate.
- (E) The home shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.
- (F) On level sites the main floor shall be no greater than 20 inches above finished grade at the foundation. On sloping or irregular sites the side nearest the grade level shall not be greater than 20 inches above finished grade at the foundation.
- (G) A garage constructed in compliance with the Independence Building Code shall [be] attached to the residential design manufactured home.

(Ord. No. 3693, § 2, 5-4-95)

ARTICLE VII. - OFF-STREET PARKING AND LOADING REGULATIONS

FOOTNOTE(S):

--- (4) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116; offstreet parking requirements for certain mobile homes, § 66-4

701.0. - Applicability.

At the time of erection of a new structure, or at the time of enlargement to the extent of 25 percent or more, or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided as in this section, unless the city commission deems it in the public interest to waive or modify this requirement. Parking shall be adequate to meet the demand in all cases. The following guidelines are offered but may be adjusted if sufficient evidence is presented to justify a change.

The C-3 central business district shall be exempt from complying with the following off-street parking and loading requirements.

702.0. - Off-street parking spaces required.

702.1. Dwelling and lodging uses:

Use	Parking Spaces Required
-----	-------------------------

Children's homes		One for each 6 beds.
Dormitories		One for each 2 beds plus 1 for each 100 square feet of usable floor area.
Dwellings:		
	One- and two-family dwellings	Two spaces per dwelling unit.
	Multifamily dwellings containing three or more dwelling units	Two spaces per dwelling unit.
	Multifamily dwelling for the elderly	1.5 spaces per dwelling unit.
Fraternity and sorority houses		One for each 2 members or residents.
Mobile home or house trailer		Two for each dwelling unit.
<i>702.2. Commercial residential uses:</i>		
Club, lodge		Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Motel/hotel		One space per guestroom or suite plus 1 additional space for owner or manager; 1 space for every 2 employees.
Roominghouses		One for each guestroom, but not less than 2 in any case.
Tourist homes and boardinghouses		One for each transient offered tourist accommodation in addition to parking spaces required for permanent residents of the building.
<i>702.3. Institutional uses:</i>		
Convalescent, hospital, nursing home, sanitarium rest home, home for aged		One space per 3 beds for patients or inmates, plus 1 space for every 2 employees.
Hospital		One space per 4 beds, plus 1 space for each staff doctor, plus 1 space for each 3 employees (including nurses), plus adequate area for parking of emergency vehicles.
Welfare or correctional institution		One space per 5 beds for patients or inmates, plus 1 space for every 2 employees.
<i>702.4. Places of public assembly:</i>		
Auditoriums, meeting rooms		One space per 4 seats or 8 feet of bench length.
Church		One space per 4 seats or 8 feet of bench length in the main auditorium.
College, commercial school for adults		One space per 5 students enrolled in school, plus 1 space per 2 faculty members.
Elementary, junior high or middle school		Two spaces per classroom, or 1 space per 5 seats or

	8 feet of bench length in auditorium or assembly room, whichever is greater.
High school	Two spaces per classroom, plus 1 space for each 4 students, or 1 space for 4 seats or 8 feet of bench length in auditorium, whichever is greater.
Library, reading room	One space per 400 feet of floor area, plus 1 space for every 2 employees.
Preschool nursery, kindergarten	Two spaces per teacher.
<i>702.5. Commercial recreation:</i>	
Bowling alley	Five spaces per alley, plus 1 space per 2 employees.
Clubs, country, golf or private	One for every 4 members or the requirements of any facility such as a restaurant or nightclub (whichever is greater).
Pool and billiard halls	One for each 100 square feet of usable floor area.
Skating rink	One space per 100 feet of floor area, plus 1 space per 2 employees.
Stadium, arena, outdoor theater	One space per 4 seats or 8 feet of bench length.
<i>702.6. Commercial uses:</i>	
Auction houses	One space per each 2 employees, plus 1 space per 4 seats or 8 feet of bench length, plus 1 space per each 75 square feet of patron standing area provided in the main sales area of the auction house.
Automobile salvage yards	One parking space for each employee, plus 1 parking space for each 10,000 square feet of storage area.
Automobile service station	One for each lubrication stall or area and 1 for each 2 gasoline pumps.
Automobile, truck, recreational vehicle, and mobile home sales lots, and farm equipment sales and service	One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus 1 parking space for each employee.
Auto wash, self-service	Two holding spaces for each car washing stall plus 2 drying spaces for each car washing stall.
Auto wash (mechanical assembly line service)	Ten spaces minimum for customers awaiting service.
Auto repair garage	One for each 500 square feet of floor area; minimum 5 spaces.
Banks or savings and loan office (for drive-in type see "drive-in establishments")	One for each 300 square feet of floor area, plus 1 space per 2 employees.
Barber and beauty shop	Two for each shop operator.
Clubs, night	One for each 75 square feet of floor area.

Dance or music studios	One for each 200 square feet of floor area.
Dancehalls or ballrooms	One for each 100 square feet of floor area used for dancing.
Day care centers	One for each 10 pupils plus 1 for each employee.
Dental clinics or offices	Four spaces per staff dentist plus 2 spaces for each 3 employees, or 1 space for every 190 square feet of gross floor area, whichever is greater.
Drive-in eating place with service to automobile	Twelve plus 1 for each 50 square feet of building floor area.
Drive-in establishment, general	One for each 50 square feet of floor area.
Dry cleaning shops (automatic services)	One for each 2 dry cleaning machines.
Funeral homes	One space for 4 seats or 8 feet of bench length in chapels, plus 1 space for every 2 employees.
Health center	One for each 200 square feet of gross floor area.
Laundromats	One for each 2 washing machines.
Machinery sales, indoor	One for each 500 square feet of floor area, minimum 5 spaces.
Maintenance shops, in building	One for each 400 square feet of floor area.
Medical clinics or offices	Seven spaces per staff physician plus 2 spaces for each 3 employees, or 1 space for every 120 square feet of gross floor area, whichever is greater.
Ministorage area	Service drive requirement 25 feet nonfacing doors, or 30 feet with facing doors.
Motor vehicle sales, indoors	One for each 400 square feet of usable floor areas of sales room and 1 for each auto service stall in the service area.
Nurseries, open or enclosed retail sales area	One for each 600 square feet of sales area.
Office buildings and offices, general	One for each 300 square feet of floor area exclusive of basement or other interior space used for mechanical services and areas within the building used for parking cars.
Personal service establishments (see also barber and beauty parlors)	One for each 200 square feet of floor area.
Repair shop	One for each 400 square feet of floor area.
Research and testing laboratories	One for each 2 employees computed on the basis of the greatest number of persons employed at any 1 period during the day or night.
Restaurants having less than 4,000 square feet of floor area	One for each 200 square of feet floor area.
Restaurants having more than 4,000 square feet of floor area	Twenty plus 1 for each 100 square feet of floor area in excess of 4,000 square feet.

Retail shops, under 2,000 square feet of floor area	One for each 200 square feet of floor area.
Retail shops, 2,000 square feet of floor area or over	Ten plus 1 for each 400 square feet of floor area in excess of the first 2,000 square feet of floor area.
Shopping centers	5.5 parking spaces for each 1,000 square feet gross leasable floor area.
Theater	One for each 4 seats.
Veterinary clinic	One for each 300 square feet of floor area.
<i>702.7. Industrial uses:</i>	
Storage of: gravel, petroleum products, sand, etc., in open	One for each 2,000 square feet of total site area.
Storage warehouse, manufacturing establishment, air, rail or trucking freight terminal	One space per employee, plus 1 space per 400 square feet of patron serving area.
<i>702.8. Ministorage facilities:</i>	
a. Storage facility—doors not facing	25 feet hard-surfaced service and maneuvering area.
b. Storage facility—doors facing	30 feet hard-surfaced service and maneuvering area.

703.0. - Off-street loading regulations.

703.1. *Schools:* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

703.2. *Merchandise, materials, or supplies:* Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

704.0. - General provisions.

704.1. *Determination of required number of spaces:*

- a. *Fractional spaces:* When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
- b. *Floor area:* Floor area, when used as a measurement for determining the number of parking spaces for office, merchandising or service uses, shall mean the gross floor area used or intended to be used for service to the public as patrons or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for nonpublic purposes such as storage, processing or packaging of merchandise, show windows, or restrooms or utilities, dressing, fitting or alteration rooms.
- c. *Beds:* Bassinets shall not be counted as beds in determining the number of parking spaces based upon the number of beds.
- d. *Places of assembly:* In stadiums, sports areas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for determining the number of off-street parking spaces required.
- e. *Mixed uses:* When a building or development contains mixed uses, the off-street parking requirement shall be calculated for each individual use and the total parking requirement shall be the sum of the individual parking requirements.
- f. *Employees:* Employees, when used as a measurement for determining the number of parking spaces for a new or established expanding business, shall be estimated in a manner approved by the governing body.
- g. *Unlisted uses:* Requirements for types of buildings and uses not specifically listed herein shall be determined by the governing body, after a report and recommendation from the planning commission, based upon the requirements of comparable uses listed.

704.2. *Parking for multiple uses:* In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

704.3. Joint parking: Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the zoning administrator, in the form of deeds, leases, or contracts, to establish the joint use.

704.4. Use of required parking spaces: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.

704.5. Location of parking and loading spaces:

- a. Off-street parking spaces for dwellings shall be located on the same lot or lots with the dwelling. Other required parking spaces shall be located no farther than 500 feet from the building they are required to serve, measured in a straight line from the building's nearest point to the nearest point of the off-street parking area. Provided, any off-street parking spaces not located on the same lot, as permitted by this ordinance, must be located in the same zone as required for the building or facility it serves.
- b. Unless otherwise provided, required parking and loading spaces shall be located in a required front yard, but may be located within a required side or rear yard provided that a four-foot setback be maintained from any property line under separate ownership. (See 705.2, Screening and Buffer Required.)

Exceptions: Parking in conventional residential driveways connecting from the street to private garages or carports may be permitted. Also, shortterm parking may be permitted on loop driveway located in the front yard of any public school.

Parking in conventional residential areas shall not be permitted on unimproved areas of the front yard, and will only be permitted when meeting the requirements of this ordinance.

- c. Parking space provided in an enclosure or semienclosed structure shall not project beyond any required building line, except as provided in section 602.6, "Accessory Buildings."

704.6. Plan required: A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:

- a. Delineation of individual parking and loading spaces by adequate striping.
- b. Circulation area necessary to serve spaces.
- c. Access to streets and property to be served.
- d. Curb cuts.
- e. Dimensions, continuity, and substance of required screening.
- f. Grading, drainage, surfacing, and subgrading details.
- g. Delineation of obstacles to parking and circulation in finished parking area.
- h. Specification as to signs and bumper guards.
- i. Other pertinent details.

704.7. Completion time for parking lots: Required parking spaces shall be improved as required, and made available for use before the final inspection is completed by the building inspector.

705.0. - Design requirements.

705.1 Surface material: Areas used for standing or maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-sealed surfaces, maintained adequately for all weather use, and so drained as to avoid flow of water across sidewalks.

Exception: Vehicle storage lots for the overnight storage or long-term warehousing of vehicles under one ownership.

705.2. Screening and buffer setback required:

- a. Except for parking to serve one- or two-family residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required.
- b. No off-street parking will be permitted within less than four feet of a property line under separate ownership.

705.3. Lighting: Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.

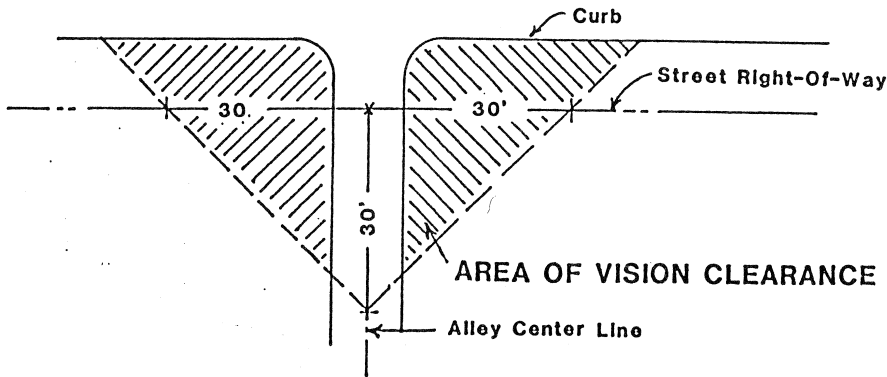
705.4. Service drives:

- a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width, nor less than 25 feet for

two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.

Exception: Residential service drives connecting from the street to private garages, carports or parking spaces [shall not exceed 24 feet unless approved by the city engineer].

- b. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.



- c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.

705.5. Minimum parking space dimensions:

- a. If 90-degree parking space,
stall depth—19' 0"
stall width—9' 0"
aisle width—25' 0"
- b. If 60-degree parking space,
stall depth—19' 0"
stall width—9' 0"
aisle width—18' 6"
- c. If 45-degree parking space,
stall depth—19' 6"
stall width—9' 0"
aisle width—13' 6"
- d. If 30-degree parking space,
stall depth—19' 0"
stall width—9' 0"
aisle width—11' 0"
- e. If parallel parking space,
stall depth—8' 0"
curb length—23' 0"
aisle width—12' 0", or if adjacent to angle parking, use largest width

705.6. Striping required: Open parking spaces for dwellings (containing three or more dwelling units) shall be delineated by pavement striping and must meet minimal parking stall sizes as described above in section 705.5.

(Ord. No. 4147, § 3, 5-23-13)

ARTICLE VIII. - SIGN REGULATIONS

FOOTNOTE(S):

--- (5) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116; posting of advertising in parks prohibited, § 74-29; circus and public entertainment posters, § 94-2

801.0. - Applicability and authority.

801.1. Applicability: Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except within the stipulated districts listed in the sign use regulations specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed. After the effective date of this regulation, no permanent or portable sign shall be erected, enlarged, constructed located or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this sign regulation and with the city Code. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial. Scale drawings of the sign and manner of supports shall be furnished to the zoning administrator in application for a sign permit for all signs.

801.2. Intent and purpose: Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Independence without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, it is the intention of this ordinance to establish regulations governing the display of signs which will:

- a. Promote and protect the public health, safety, comfort, morals and convenience;
- b. Enhance the economy and the business and industry of the city by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public;
- c. Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
- d. Reduce conflict among signs and light between public and private information systems; and
- e. Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.

801.3. Authority: The city zoning administrator shall have authority to approve sign applications subject to such additional requirements as may be deemed necessary by the planning commission or governing body to promote the purpose of this ordinance.

801.4. Removal of signs: Removal of certain signs. If the business ceases operation for a period of time in excess of 60 days, the sign owner shall immediately remove any sign identifying or advertising said business or any product sold thereby; provided, however, this requirement shall not apply where under the provisions of this chapter [article] an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within 60 days. Upon failure of the sign owner or lessee, or property owner, to comply with this section, the city zoning administrator shall issue a written notice to the sign owner and any lessee and to the property owner, which notice shall state that such sign shall be removed within 30 days. If the sign owner or lessee, or property owner, fails to comply with such written notice to remove, the building inspector is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property.

802.0. - District sign regulations.

802.1. A-1, agricultural district:

- a. *Home occupation sign:* One nonilluminated sign, not larger than five square feet, mounted on the building indicating a permitted home occupation.
- b. *Identification sign:* Each farm or agricultural establishment shall be permitted not more than one nonilluminated or illuminated detached identification sign located at the main entrance to the farm or establishment. Such sign shall not exceed 20 square feet in area.

802.2. Residential districts including R-1, R-2, R-3, R-4 and R-5:

- a. *Developed project identification signs:* For any one ownership containing a multifamily use, there shall be permitted only one nonilluminated or illuminated detached sign for each 20,000 square feet of land area, identifying the use and ownership, not more than 20 square feet in area and not more than six feet high overall, and such sign shall be located no closer than ten feet to any property line. Such signs shall bear no advertising.
- b. *Church signs:*
 - (1) One illuminated or nonilluminated detached sign per church, no more than 16 square feet in area, on church premises, indicating activities and services therein provided. Source of illumination shall be so shielded as to not be visible from residential areas.
 - (2) One illuminated or nonilluminated detached sign per church, no more than 40 square feet in area, on church premises abutting United States Highways 160 and 75, indicating activities and services therein provided. Source of illumination shall be so shielded as to not be visible from residential areas.
- c. *Construction signs:* One nonilluminated sign per building, not more than 32 square feet in area, showing names of architects, engineers, builders, or contractors on the premises of a building being constructed, at a minimum distance of ten feet from the property line, provided such sign shall be removed upon completion of the building and provided further that such sign shall carry no other advertising. The mounting of said sign be

prohibited on any vehicle or portion of any vehicle.

- d. *For sale/rent signs:* There shall be allowed one nonilluminated temporary "for sale" or "for rent" sign per lot, not to exceed eight square feet in area. (See section 803.3, "Temporary Signs," for additional requirements.)

802.3. O&P, office and professional district:

- a. *Project identification signs:* Not more than two nonilluminated or illuminated wall signs shall be permitted on each office building, provided such signs shall indicate only the name of the building or establishments housed therein. No such sign shall have an overall area exceeding five percent of the area of the wall upon which it is mounted.
- b. *Shielding:* The source of light for any illuminated signs shall be so shielded as to not be visible from residential areas.

802.4. District C-1, neighborhood commercial district:

- a. *Wall signs:* Each business or commercial establishment shall be permitted not more than two nonilluminated or illuminated wall signs, not more than one on a facade, provided the area of each sign shall not exceed five percent of the total area of the facade upon which it is placed. In lieu of one of the above wall signs, one projecting sign of the same type of illumination and same area shall be permitted, provided no projecting sign shall extend more than three feet from the face of the building. In addition, one nonilluminated wall sign, not more than nine square feet in area, may be placed at each major entrance to the building. Such signs shall not extend above the height of the wall upon which they are mounted and any signs painted directly upon wall surfaces shall not be larger than ten square feet in area.
- b. *Shielding:* The source of light for any illuminated signs shall be shielded as to not be visible from residential areas.

802.5. District C-2, general business district and District C-4, highway commercial district:

- a. *Wall and marquee sign:* Each business or commercial establishment shall be permitted not more than three illuminated or nonilluminated wall or marquee signs, not more than one on a facade, the total area of which sign shall not exceed 20 percent of the total area of the facade upon which it is placed. Such signs shall not extend above the average roof level of a one-story building more than five feet, and shall not extend above the average level of a two or more story building. Any signs painted directly upon wall surfaces shall not exceed 20 square feet in area.
- b. *Projecting and detached sign:* In lieu of one of the above attached signs, one projecting sign or one detached sign shall be permitted for each establishment, provided such projecting sign shall not exceed the area or height requirements of paragraph "a." above; and such detached sign shall not exceed 30 feet in height, nor shall it exceed 150 square feet in area per face nor more than 300 square feet total of all faces. Such detached and projecting signs shall be located not less than three feet from the property line providing it does not interfere with traffic view or other signs as might be obstructed from view. In the case of a shopping center, only one detached sign shall be allowed for the center, and one detached sign will be allowed for any service station which is part of the center.
- c. *Electronic sign:* Electronic signs consisting of LED/Reader board electronic changeable copy) or electronic display center (video display sign) as defined in this ordinance are permitted and must meet the following requirements:
1. *Detached sign:* The sign must be a detached sign and the electronic portion may not exceed more than 20 percent of the allowable square footage per face of said detached sign.
 2. *Duration:* Any portion of the message or image must have a minimum duration of eight seconds.
 3. *Off-premises advertising:* All messages displayed shall be directly related to the business for which the sign was constructed.
 4. *Setback:* The leading edge of the sign must be a minimum of 100 feet from an abutting residential district boundary.
 5. LED/Reader board (electronic changeable copy) signs shall have the following additional restrictions:
 - i. *Limited text:* The text of the sign must be limited to ten words to allow passing motorists to read the entire copy with minimal distraction.
 6. Electronic display center (video display) signs shall have the following additional restrictions:
 - i. *Brightness:* The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 500 nits (candelas per square meter) between dusk and dawn.
 - ii. *Dimmer control:* The sign must have an automatic dimmer control to produce a distinct illumination change as required.
 - iii. *Audio or pyrotechnics:* Audio speakers or any form of pyrotechnics are prohibited.
- d. *Billboards:* Poster panels and billboards as defined in this ordinance are permitted and must meet the following requirements:
1. *Conditional use permit required:* Poster panels and billboards as defined in this ordinance shall be permitted only upon issuance of a conditional use permit.
 2. *Setback from residential:* Poster panels and billboards shall not be permitted if less than 1,000 feet from a residential district.
 3. *Separation requirement:* Poster panels and billboards must be a minimum of 1,000 feet from any other poster panel or billboard.

802.6. District C-3, central commercial district:

- a. *Permitted signs:*
1. *[Generally:]* Signs permitted in the C-3 district shall be illuminated signs, nonilluminated signs, marquee signs, temporary signs, wall signs and projecting signs with the exception that no sign shall be mounted, painted or affixed to any surface extending above the transom or storefront beam whichever is higher.
 2. *Wall signs:* One sign per face of building not to exceed 50 square feet or five percent of the total area, whichever is smaller.
 3. *Corner buildings:* One sign equal to standards above for each wall.

4. *Multiuse signs:* Total sign area for all uses not to exceed above standards.
 5. *[Signs hanging from awnings or mounted to storefronts:]* Signs hanging from awnings or mounted to storefronts may not exceed five square feet per face.
 6. *[Freestanding buildings:]* Freestanding buildings shall be permitted one freestanding sign not to exceed 80 square feet per face or 160 square feet total of all faces in the sign area. The top of the sign shall not be higher than 25 feet above ground level.
 7. *Historical restorations or reproductions:* Historically significant or reproduced signs shall be referred to the Main Street Committee for recommendation to the city commission who may authorize such installation.
 8. *[Rear wall signs:]* One rear wall mounted sign not to exceed 18 inches by 36 inches for business identification.
- b. *[Poster panels and billboards:]* Poster panels and billboards shall not be permitted in the C-3 zone.
- c. *Signs on awnings, canopies, and marquees:*
1. There shall not be more than one sign exceeding an aggregate gross surface area of such awning, canopy or marquee of ten percent of the gross area for each principal building.
 2. The gross surface area of a sign shall not exceed 50 percent of the gross surface area of the awning, canopy or marquee to which the sign is fixed.
- d. *General standards:*
1. Any awning, canopy, marquee or projecting sign shall not be less than seven feet above the surface of the grade of any street or sidewalk.
 2. Awnings and canopies shall be no closer than four feet from the public street curb and in no case extend more than 12 feet from the property line.
 3. Marquees shall be no closer than two feet from the property line.

802.7. District M-1 and M-2, light and heavy industrial districts:

- a. *[Permitted signs:]* Signs shall be permitted as provided in district C-2.
- b. *Projecting, marquee, detached and roof signs:* In addition, industrial establishments having one or more permanent buildings may provide illuminated or nonilluminated signs, including projecting, marquee, detached or roof types, in any location on the premises or on the building, providing such signs shall not exceed height or yard requirements as set out herein for buildings in that district.
- c. *Billboards:* Poster panels and billboards as defined in this ordinance shall be permitted in an industrial district only upon issuance of a conditional use permit.

(Ord. No. 3567, § 1, 2-15-89; Ord. No. 3684, § 1, 2-23-95; Ord. No. 4009, § 1, 5-15-08; Ord. No. 4180, §§ 1—3, 8-13-14)

Editor's note— Ord. No. 4180, §§ 1—3, adopted August 13, 2014, set out the following provisions imposing a moratorium on the enforcement of the city's sign permit fee:

"A moratorium is hereby imposed on the enforcement of the city's sign permit fee. During the moratorium, the city will not charge a sign permit fee for signs hanging from storefronts or awnings in the C-3 zone.

The moratorium imposed by this ordinance shall expire 12 months from the effective date of this ordinance.

Upon expiration of the moratorium, a sign permit fee will be required."

803.0. - Additional sign regulations.

803.1. Signs for traffic control on private property: Signs indicating directional traffic movement, vehicular control, parking restrictions and specific instructions for the control of vehicles or pedestrians will be permitted within all zoning districts.

803.2. Project announcement and promotional signs:

- a. *Undeveloped project identification signs:* One nonilluminated or illuminated sign displaying information pertinent to an undeveloped subdivision, apartment project, office building complex, shopping center or industrial district shall be permitted within that ownership, provided that no such sign shall be closer than 200 feet to an occupied dwelling. Such signs shall be permitted on undeveloped tracts of at least ten acres in area and shall not exceed 300 square feet for ten acres plus 150 square feet for each additional ten acres in the development site.
- b. *Bulletin boards:* Outdoor bulletin boards not over six square feet in area for the promotion of a civic, welfare or charitable purpose, when the same are located on the premises of said institutions, will be permitted when specifically authorized by the governing body. They shall not be erected for more than a period of seven days, and shall be the responsibility of the organization for the removal of the sign, and shall have no commercial advertising on the sign.
- c. *Monument signs:* Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material, will be permitted in any zoning district.

803.3. Temporary signs: All political signs, real estate signs, garage sale signs, or other signs of a temporary nature for a personal gain shall conform with the following requirements:

- a. No temporary signs of any nature shall be attached to any public utility pole or shall be installed within the right-of-way of a public road or street.
- b. It shall be the responsibility of the owner of the property on which the temporary sign is located to see that the sign is removed after the event occurs to which it pertains.

- c. Temporary signs shall not exceed eight square feet in face area.
- d. Temporary signs shall be located at least ten feet from any property line.

Cross reference— Signs on poles prohibited, § 94-3

803.4. *[Banners:]* Banners advertising civic functions of nonprofit groups may be hung over street rights-of-way upon approval of the city manager.

803.5. *Portable signs:*

- a. Portable signs shall include all signs not permanently affixed to the ground or to a building or structure such as signs mounted on vehicles, wheels, or any type of support not permanently attached to a structure or the ground.
- b. Portable signs shall be considered a "detached sign" and shall meet all size, location and illumination standards pertaining to detached signs within the zoning district in which it is located.
- c. All illuminated portable signs shall meet city electrical code requirements.

803.6. *Attention-attracting devices:*

- a. Any attention-attracting device, as defined in section 403.0, Definitions, of this ordinance, is hereby prohibited from use except for the following:
 1. Signs designating time, date, temperature, community service and similar information when approved by the city commission.
 2. Electronic signs as defined in section 403.0, Definitions, following all requirements and standards designated for their use in the C-2 and C-4 districts only as stated in section 802.5 of the District Sign Regulations.

803.7. *Obscene matter prohibited:*

- a. It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter.

803.8. *Signs not to constitute a traffic hazard:*

- a. No sign or other advertising structure as regulated by this ordinance shall be erected within the ten-foot sight triangle of any street intersection (see section 602.4) in such a manner as to obstruct free and clear vision, or at any location where, by reason of the intensity, position, shape, or color, it may interfere with, obstruct the view, or be confused with any traffic sign, signal or device; or which makes use of the words "stop," "look," "drive-in," "danger," or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- b. No part of any detached or temporary sign shall be located less than ten feet from a side or rear property line.

803.9. *Structural quality and information required:*

- a. All permanent signs shall be of sound structural quality, be maintained in good repair, have a clean and neat appearance, and shall relate to and be compatible with, rather than obscure and disrupt, the design elements of the buildings to which they are attached. Land adjacent to such signs shall be kept free from debris, weeds and trash.
- b. Every permanent sign or other advertising structure hereafter erected shall have painted in the lower righthand corner, in letters not less than one inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- c. All signs as permitted above shall be so constructed and installed as to be satisfactory to the building inspector.

803.10. *Permits:*

- a. *[Required:]* No permanent or portable sign shall be installed, erected, or set in place until a sign permit has been issued therefor by the City of Independence. The city zoning administrator will review, approve and issue sign permits, after payment of permit fee which shall be deposited in the city's general fund.
- b. *[Application:]* Application for a sign permit shall be made upon forms provided by the zoning administrator, and unless specifically waived by the zoning administrator, shall contain, or have attached thereto, the following information:
 1. Name, address, and telephone number of the applicant.
 2. Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be erected.
 3. Position of the sign in relation to nearby buildings or structures.
 4. One set of scale drawings and specifications showing the proposed structure and the method of construction and attachment to the building or in the ground.
 5. Copy of the stress and design calculations (if applicable) showing the structure is designed for adequate dead load and wind pressure in any direction.
 6. The name of the person, firm, corporation, or association erecting the structure.
 7. Evidence that the electrical system for the sign complies with the National Electrical Code, as revised.
 8. Such other information as the zoning administrator shall require to show full compliance with this and all other laws and ordinances of the city.
 9. It shall be the duty of the zoning administrator after having issued the permit, to follow up on the structure. If the work authorized under the permit has not been started within three months of date of issuance, the said permit shall become null and void.
- c. *Licensing of sign hangers:* Commercial sign hanging businesses shall be licensed to be sure that these businesses are familiar with the local ordinances. All fees derived from such licensing shall be deposited in the city's general fund.

803.11. Nonconforming existing signs: Every sign or other advertising structure lawfully in existence at the adoption of this ordinance shall not be replaced or altered, except in a manner which complies with requirements of this ordinance.

(Ord. No. 4009, § 1, 5-15-08)

ARTICLE IX. - PROCESSING PROCEDURES FOR CONDITIONAL USES

901.0. - Purpose and authority.

901.1. Purpose: Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community but which by their nature or operation have (1) a tendency to generate excessive traffic, (2) a potential for attracting a large number of persons to the area of the use, thus creating noise or other pollutants, (3) a detrimental effect upon the value of or potential development of other properties in the neighborhood, or (4) an extraordinary potential for accidents or danger to the public health or safety.

Such conditional uses cannot be allowed to locate as a "right" on any parcel of land within certain districts without consideration of existing conditions at the proposed location and of properties neighboring upon the specific site considered, nor without adequate and sufficient safeguards, when necessary, to lessen the impact of adverse factors.

901.2. Authority to grant permits: The governing body shall have the authority to grant conditional use permits, subject to such conditions of design and operation safeguards and time limitations as it may determine for all conditional uses specified in appendix "A" of this ordinance and for all permitted uses for which the planning and zoning commission has found that by their nature or in their operation have characteristics listed in clauses (1), (2), (3) and (4) of section 901.1 of this article, **provided, however, that said conditional use permits for permitted uses shall not establish standards or conditions that are less restrictive than those set out in the district regulations for the district in which said use is located.**

(Ord. No. 3863, § 1, 12-20-01)

902.0. - Processing procedure.

902.1. Application of conditional use permit: Application for conditional uses, as designated in appendix "A" of this ordinance shall be on forms obtained from the city clerk's office. The application and five copies of the preliminary development plan shall be filed with the zoning administrator at least 20 days prior to the regular city planning and zoning commission meeting at which the proposed conditional use will be considered. The application shall include, but not limited to, the below information:

- a. Statement of intended use of the property.
- b. Site plan, drawn at appropriate scale, showing existing and proposed building location, parking areas, interior drives, and location and type of outdoor lighting.
- c. Existing and proposed topography, drawn at appropriate contour intervals as specified by the zoning administrator.
- d. Location of, and proposed connections to, existing water supply and sanitary sewer systems.
- e. Description of architecture and exterior materials to be utilized.
- f. Names of the landowner, developer and firm preparing the plan.
- g. Legal description of the tract.
- h. North point, scale and date.

902.2. Action by the planning commission: Upon receiving the application for conditional use permit from the zoning administrator, the planning commission shall publish notice and hold public hearing on the proposal. Procedures for public hearings shall be handled the same as a zoning amendment as described in section [article] XIV [XVI] of this ordinance. The decision of the planning commission to recommend approval or denial of the proposed conditional use shall be based on the following criteria:

- a. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitation.
- b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
- c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls and fences on the site, and
 2. The nature and extent of landscaping and screening on the site.
- e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations (article VII).
- f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- g. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

902.3. Additional requirements: In consideration of requests for any conditional use permits the planning commission shall recommend to the governing body such conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance. These additional requirements shall include, but not be limited to, those special provisions applying the miscellaneous conditional uses, specified in article X.

A violation of a requirement, condition, or safeguard shall be considered a violation of this ordinance, and grounds for the zoning administrator to terminate and cancel such conditional use permit.

902.4. Time limit: The planning commission may recommend to the governing body a time limitation on the conditional uses specified in appendix "A" of this ordinance. Said conditional use permit shall be renewable at the discretion of the governing body.

902.5. Action by the governing body: Upon hearing and consideration of the proposed conditional use, the planning commission shall at the earliest date possible, submit its recommendation and endorsed copy of the plans to the governing body for final action. Within 30 days of receipt of the report from the planning commission, the governing body shall adopt, modify or deny the planning commission recommendation. The action of the governing body shall be final.

902.6. [Reserved:]

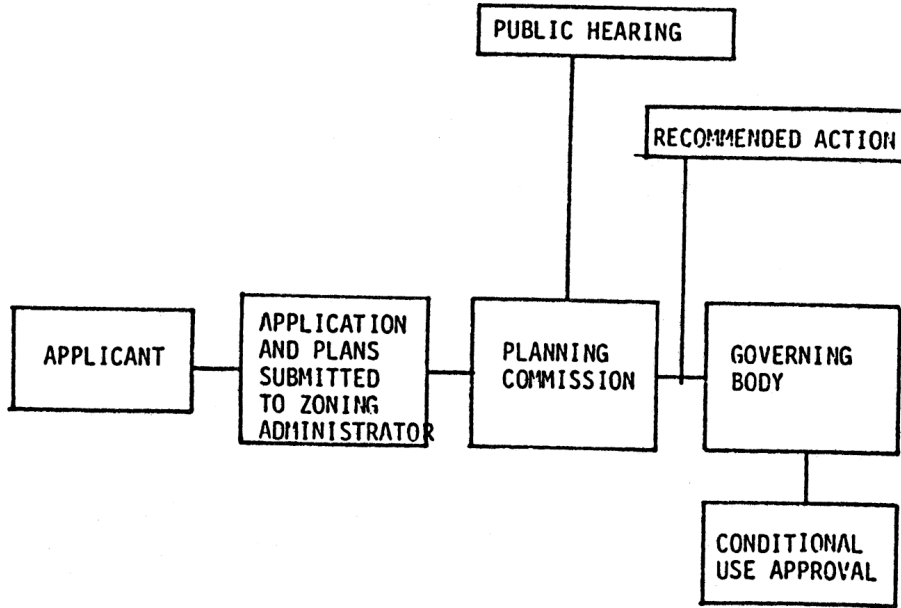
902.7. Final plan approval: All final plans shall be approved by the city engineer prior to the issuance of a conditional use permit and building permit by the zoning administrator.

(Ord. No. 3613, §§ 1, 2, 5-20-92)

PROCESSING PROCEDURES FOR CONDITIONAL USE PERMIT

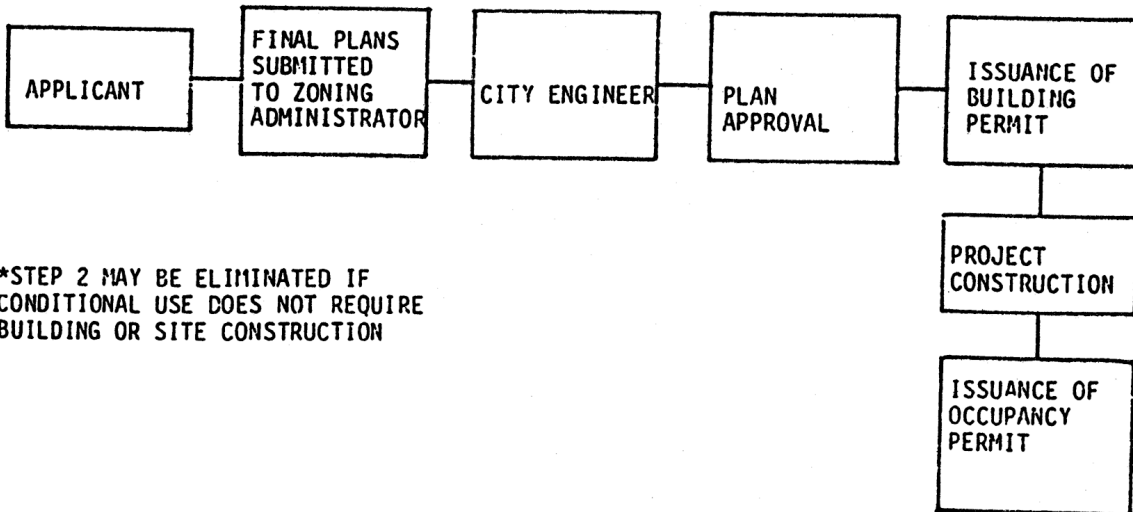
STEP 1

PRELIMINARY PLAN APPROVAL



STEP 2*

FINAL PLAN APPROVAL



*STEP 2 MAY BE ELIMINATED IF
CONDITIONAL USE DOES NOT REQUIRE
BUILDING OR SITE CONSTRUCTION

Conditional Use Permit

ARTICLE X. - SPECIAL PROVISIONS APPLYING TO MISCELLANEOUS CONDITIONAL USES

1001.0. - Purpose.

1001.1. Purpose: In granting a conditional use, the city may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Any lessening or subverting of those limitations and requirements constitutes a variance and must be treated accordingly. The following additional conditions shall be a requirement for the approval of the following conditional uses.

1002.0. - Churches.

1002.1. Special conditions:

- a. *Entrances:* Churches designed to accommodate a total seating of 150 persons or more in the main assembly room (including auxiliary rooms which adjoin and open into the main assembly room and would increase to [the] total seating capacity thereof) shall provide main entrances on thoroughfares or collector streets only with ingress and egress so designed as to minimize traffic congestion.
- b. *Bus parking:* Any parking area used for the overnight parking of buses and vehicles used for the transportation of church members shall not be less than 100 feet from a residential building.

1003.0. - Day care facilities for more than four children.

1003.1. Special conditions: Day care facilities for more than four children shall meet the following provisions when authorized as a conditional use in any residential district:

- a. *City, county and state standards:* All day care facilities shall be licensed by the state and shall meet all city, county and state health department requirements pertaining to facilities, equipment and other features.
- b. *Loading zone:* A loading zone capable of accommodating one car for every ten children shall be provided in addition to the required parking area in order to provide for easy pickup and discharge of passengers.
- c. *Operation:* Any day care facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- d. *Screening required:* Any day care facility located in a building other than a residential dwelling or any residential dwelling used for a day care facility for seven or more children shall provide a visual screen along all property lines abutting any residential use.

1004.0. - Drugs, retail and pharmacies.

1004.1. Special conditions: A pharmacy wherein retail sale only of prescription medicines, drugs, pharmaceuticals or orthopedic devices, customarily incident to the practice of medicine, shall be allowed as an accessory use in an office building located within an O&P district provided not less than five physicians occupy offices within the building. No direct exterior entrance to the pharmacy and no exterior sign or advertising relative to the pharmacy shall be permitted.

1005.0. - Farm animals.

1005.1 Special conditions: The raising of farm animals and livestock may be permitted as a conditional use, subject to the following requirements:

- a. The residential lot or tract shall contain a minimum of three acres. However, said minimum lot size may be reduced by the governing body if it can be shown that the use shall not constitute a nuisance or a hazard to adjoining property or uses.
- b. Any building or structure for the raising, feeding or housing of livestock or any enclosure or yard used to confine or feed poultry shall be located at least 100 feet from any property line abutting a residential zone.
- c. County and state health code standards shall be complied with.

Cross reference— Restrictions on keeping livestock in the city, § 10-102

1006.0. - Golf driving ranges.

1006.1 Special conditions:

- a. *Location:* All golf driving ranges shall be located on major thoroughfares or nonresidential streets. The golf driving platform shall be not less than 200 feet from any adjacent "R" district or existing dwelling.
- b. *Lighting:* Floodlights used to illuminate the premises shall be so directed and shielded to minimize glare to motorists on public streets and residents of residential property.
- c. *Screening required:* Along all property lines abutting any "R" district there shall be provided a visual screen.

1007.0. - Hospitals.

1007.1. Special conditions:

- a. *Entrances:* Hospitals and charitable institutions shall provide main entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion.
- b. *Screening required:* A visual screen shall be provided along all property lines abutting any residential district. Loading facilities shall be screened from adjoining properties, and insofar as practical, from the view of patients from their rooms.

1008.0. - Kennels—breeding and boarding.

1008.1. Special conditions:

- a. *Minimum lot size:* Two acres.

- b. *Setback:* No kennel buildings or runs shall be located nearer than 75 feet to any property line.
- c. *Screening required:* All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs.
- d. *[County and state health code standards:]* County and state health code standards shall be compiled with.

Cross reference— Animals, ch. 10

1009.0. - Mobile homes and mobile home parks.

1009.1. *Where permitted:* Except as provided in the city Code as a "temporary use," a mobile home may be permitted in the jurisdictional area of these regulations only in an approved mobile home park as defined in section 403.0.

1009.2. *Minimum standards relating to mobile home parks design:* Mobile home parks shall comply with the below minimum standards:

- a. *Intensity of use regulations:*
 - 1. *Minimum lot area:* Four acres.
 - 2. *Maximum mobile home park average density:* Eight mobile homes per gross acre (including roads and parking areas).
- b. *Perimeter setback requirements:*
 - 1. All mobile homes, parking and building structures shall be set back at least 20 feet from the perimeter property line.
Exception: When abutting a residential district, the minimum property line setback shall be increased to 30 feet.
 - 2. Minimum setback from any public street right-of-way shall be the same as that required in the district [in which] the mobile home park is located.
- c. *Street and parking requirements:*
 - 1. *Private streets:* On-site driveways or undedicated streets may be developed when approved by the governing body [and] shall meet the below requirements:
 - (a) *Design standards:* Undedicated streets shall meet the design standards for pavement width, design and construction contained in the subdivision ordinance of Independence.
 - (b) *Street signs:* Street signs shall be provided on all undedicated streets and shall include street name and traffic signs. Such street signs shall meet city standards and shall be approved by the city engineer prior to installation.
 - 2. *Parking:* Two parking spaces shall be provided for each mobile home dwelling unit. At least one of the two required parking spaces shall be located on or adjacent to each mobile home space.
Head-in parking bays may be permitted on private streets but shall be limited to cul-de-sac bays or other minor streets where fast moving traffic will not be a hazard.

All common parking areas shall be paved in accordance with city standards, including parking spaces located on individual mobile home spaces.
- d. *Recreation space required:* A recreation space of at least 300 square feet per mobile home site in the park shall be developed and maintained by the management. This area shall not be less than 100 feet in its smallest dimension and its boundary no further than 500 feet from any mobile home site served. Streets, sidewalks, parking areas and accessory buildings are not to be included as recreation space in computing the necessary area. A minimum of 50 percent of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75 percent developed.
- e. *Storage facilities:* Each mobile home park shall include similarly designed enclosed storage structure or structures suitable for storage of goods and the usual effects of the inhabitants of such park; such storage space should not be less than 150 cubic feet for each mobile home site or in common structure with individual lockers.
- f. *Walkways:* Walkways shall be required on one side of all interior streets and shall provide connections between mobile home units and common areas such as recreational areas and laundry facilities. Walkways shall meet the design and construction requirements of the subdivision regulations of Independence.
- g. *Water supply:*
 - 1. All mobile home parks shall be connected to a public water supply.
 - 2. The individual water service connections shall be provided at each mobile home space and the size, location and installation of water lines shall be in accordance with the requirements of the city plumbing code.
- h. *Sewage disposal:* Individual sewer connections shall be provided for each mobile home space and shall be installed in accordance with the city plumbing code. All mobile home parks shall be connected to a public sewer system.
- i. *Storm drainage facilities:* Shall be so constructed as to protect those that will reside in the mobile home park, as well as the property owners adjacent to the park. Such facilities shall be of such capacity to ensure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park and shall meet the requirements of the subdivision ordinance and other pertinent ordinances.
- j. *Fire extinguishing equipment:* Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park to satisfy regulations of the state fire marshal and the city fire chief.
- k.

Flammable liquid storage: The use of individual fuel oil or propane gas storage tanks to supply each mobile home separately is prohibited. Any fuel oil and/or gas storage shall be centrally located in underground tanks, at a safe distance from any mobile home site. All fuel lines leading to [the] park and to mobile home sites shall be underground and so designed as to conform to the city building code and any state code that is applicable. When separate meters are installed, each shall be located in a uniform manner.

- l. *Disposal of garbage and trash:* All garbage and trash containers should be placed in a conveniently located, similarly designed, enclosed structure(s). The removal of trash shall take place not less than once a week. Individual incinerators shall be prohibited.
- m. *Perimeter screening and landscaping requirements:* A buffer of trees and shrubs shall be provided and maintained along all boundaries of each park except at established entrances and exits serving such park. When deemed necessary by the planning commission and governing body a fence may also be required to separate the park from adjacent property.

1009.3. Minimum standards for mobile homes and mobile home spaces: Mobile homes and spaces, when located within a mobile home park shall comply with the below standards.

- a. *Intensity of use regulations:*
 - 1. *Minimum mobile home space area:* 3,000 square feet per unit.
 - 2. *Minimum mobile home space width:* 40 feet.
- b. *Access:* Each space shall have access to a paved interior roadway. In no case shall access to mobile home spaces be provided from abutting property.
- c. *Clearance:* Each space shall be designed so that at least ten feet of clearance will be maintained between mobile home units and other structures located in the park.
- d. *Street setbacks:* Mobile home units shall be located so that a 50-foot setback is maintained from the centerline of any private interior roadway. Zoning district setback requirements shall be maintained on all public street frontages for mobile homes as well as buildings.
- e. *Skirting:* Uniform skirting of each mobile home base shall be required, within 30 days after initial placement, such skirting shall be of 26-gauge solid sheetmetal, aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to this mobile home so as to deter and prevent entry of rodents and insects. Storage of goods and articles underneath any mobile home or out-of-doors at any mobile home site shall be prohibited.
- f. *Stands:* Each mobile home site shall be provided with a stand consisting of a solid concrete pad not less than four inches thick, and not more or less than the length and width of the mobile home that will use this site. This pad shall be so constructed, graded, and placed to be durable and adequate for the support of the maximum anticipated load during all seasons.
- g. *Outdoor patio:* An all-weather, hard-surfaced outdoor patio area of not less than 180 square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home.
- h. *Canopies and awnings:* Canopies and awnings may be attached to any mobile home and may be enclosed and used for recreation or sunroom purposes. When enclosed for living purposes, such shall be considered as part of the mobile home and a permit required, issued by the chief building official, before such enclosure can be used for living purposes.
- i. *Utility hookup:* Each space shall have hookup facilities for water, sewer, electricity, telephone and cable TV service. All occupied mobile homes shall have and use sanitary facilities contained wholly within the mobile home.

(Ord. No. 3682, § 5, 4-6-95)

Cross reference— Mobile homes and mobile home parks, ch. 66

1010.0. - Salvage yards, scrap and waste material yards, auto wrecking and junkyards.

1010.1. Special conditions:

- a. *Setback:* All such uses shall be located on a tract of land at least 300 feet from a residential district zone.
- b. *Screening required:* The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least eight feet high. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to ensure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.
- c. *Loading/unloading:* No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

Cross reference— Screening of junked, wrecked and abandoned vehicles, § 42-131; junk and secondhand dealers, § 62-141 et seq.

1011.0. - Theaters, outdoor motion picture.

1011.1. Special conditions:

- a. *Location:* All drive-in theaters shall be located on major thoroughfares with ingress and egress so designed to minimize traffic congestion. Drive-in theaters shall be located not less than 300 feet from any "R" district or existing dwelling.
- b. *Picture screen orientation:* Outdoor motion picture theater screens shall be so located or screened that the view of projected images is not visible from the road.
- c. *Screening required:* A visual screen shall be provided along all property lines abutting any "R" district.

- d. *Lighting:* Lighted signs and floodlights used to illuminate the premises shall be so directed and shielded to minimize glare to motorists or public streets and residents or residential property.

1012.0. - Quarries and sand and gravel pits.

1012.1. *Special conditions:* The removal of soil, including topsoil, sand, gravel, stone and other earth materials shall be subject to the following conditions:

- a. *Entrances:* There shall be not more than one entranceway from a public road to said lot for each 660 feet of front lot line.
- b. *Time of operation:* Such removal shall not take place before sunrise or after sunset.
- c. *Setback:* No digging or excavating on said lot shall take place closer than 100 feet to any lot line.
- d. *Paved surfaces required:* On said lot all roads, driveways, parking lots and loading and unloading areas within 100 feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
- e. *Air pollution:* Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating or processing operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- f. *Water pollution:* Such removal shall not be conducted as to cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located.
- g. *Soil erosion:* Such removal shall not cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines, and that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- h. *Vibration:* No vibration shall be permitted which is discernible without instruments on any adjoining lots or property.
- i. *Equipment location:* All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any residential zoning district, but that in the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to residential use subsequent to the operation of such equipment or machinery [it] may continue henceforth but in no case less than 100 feet from any lot line.
- j. *Fences:* There shall be erected a fence of not less than six feet in height around the periphery of the area being excavated. Fences shall be adequate to prevent trespass and shall contain warning signs adequately spaced to be visible along the entire length of said fence.

[1013.0. - Supplementary parking.]

[1013.1. *Conditional use of off-street parking:*] Off-street parking for buildings and facilities used for public assembly, commercial, industrial or institutional purposes may be permitted in any zone as a conditional use. The purpose of providing such off-street parking may be to comply with Ordinance No. 3525 [this appendix], article VII, or to meet supplemental off-street parking needs.

[1013.2. *Minimum standards:*] All off-street parking lots permitted under the provisions of this ordinance must meet the following minimum standards, unless the city commission deems it in the public good to waive such requirements:

- A. All requests for off-street parking to comply with the provisions of article VII of the zoning ordinance shall meet all provisions of article VII.
- B. All requests for supplemental off-street parking not required by article VII of the city zoning ordinance shall comply with the following minimum design criteria:
 1. *Surface material:* Areas used for standing and maneuvering of vehicles shall have concrete, asphalt concrete, or asphalt double-seal surfaces maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.
 2. *Screening and buffer setback required:*
 - a. Parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet nor more than six feet in height, except where vision clearance is required, in lieu of such sight-obscuring fence, shrubs, trees or hedges may be substituted as approved by the conditional use permit.
 - b. No off-street parking will be permitted within less than four feet of the property line under separate ownership.
 3. *Lighting:* Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district, on any adjacent dwelling, or create glare for oncoming traffic on city streets.
 4. *Service drives:*
 - a. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than 30 feet in width, nor less than 25 feet for two-way drives, nor less than 16 feet for one-way drives. In the case of a corner lot, service drives shall be located not closer than 30 feet to the intersecting street line. Service drives shall be located not closer than four feet to a side lot line, except that a common service drive of two adjacent properties with width not exceeding 30 feet may be provided at the common lot line.
 - b. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.
 - c. Service drives shall be from the street to the parking and shall have concrete, asphalt concrete, or asphalt double-seal surfaces, maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks.

5.

[Facilities overlapping zones:] All off-street parking facilities permitted to be located in a zone other than the zone required for the building or facility it serves shall be immediately adjacent or touching such lots on which such building or facility is located, excluding public rights-of-way.

[1013.3. Approval process for conditional use permit; application:] The approval process for a conditional use permit allowed for under this section will be processed following the procedures enumerated in article II [IX], sections 901.0—901.2, 902.2—902.7. The application for a conditional use permit shall be filed with the zoning administrator at least 20 days prior to the regular city planning and zoning commission meeting. The application shall include but not be limited to the below information:

- a. A diagram of surrounding land uses, including location of buildings or structures.
- b. A plan drawn to scale showing the following:
 1. Delineation of individual parking and loading spaces by adequate striping.
 2. Circulation area necessary to serve spaces.
 3. Access to streets and property to be served.
 4. Curb cuts.
 5. Dimensions, continuity, and substance of required screening.
 6. Grading, drainage, surfacing and subgrading details.
 7. Delineation of obstacles to parking and circulation in finished parking area.
 8. Specification as to signs and bumper guards.
 9. The nature and extent of landscaping and screening on the site.
- c. Name of the landowner, and firm preparing the plan.
- d. Legal description of the tract.
- e. Zone in which the parking will be located.

(Ord. No. 3546, §§ 1—3, 6-8-88)

1014.0. - Communication antenna or communication towers.

(a) *Conditional use application-submission requirements.*

1. The following items shall be submitted in support of an application for a conditional use permit request pursuant to article IX of appendix B of the Code of the City of Independence.
 - a. Legal description of the property that is covered by the application for a conditional use permit.
 - b. Written authorization from the property owner of the host tower site unless the site is owned by the applicant.
 - c. A statement of the reasons why the conditional use permit is being requested.
 - d. A site plan or preliminary development plan, whichever is in the opinion of the zoning administrator necessary in order for the city staff, planning commission and governing body to properly evaluate the application. If a preliminary development plan is not required the zoning administrator shall specify in writing the information to be included in the required site plan. notwithstanding a determination by the zoning administrator that only a site plan is required, the planning commission or governing body may require the submission of a preliminary development plan prior to taking action on the application. If required the development plan shall include, but not limited to, the following:
 - i. A site plan drawn to a scale of one inch equals 30' or larger and identifying the site boundary, tower location, guide wire anchors, existing and proposed structures, existing vegetation and proposed landscaping and use, structures and land use designations on the site and the abutting parcels.
 - ii. Location of access roads, fencing and type, parking area.
 - iii. Proposed lighting and exterior lighting specifications.
 - iv. Land elevation contours.
 - v. Details of any proposed building, its elevations and proposed use of the building.
 - e. A statement that alternate sites or communication towers within ½ mile radius of the subject site are not available for one or more of the following reasons when such reasons are applicable.
 - i. Unwillingness of the owners of the alternate sites or owners of existing or approved communication towers or structures capable of accommodating applicant's planned equipment to entertain applicant's communication facility proposal.
 - ii. Topographic limitation of alternate sites.
 - iii. Impediments adjacent to existing or approved communication towers that would obstruct adequate communication tower transmission.
 - iv. Physical site constraints that would preclude the construction of a communication tower.
 - v. Technical limitation of the communication transmission system.
 - vi. The applicant's planned equipment would exceed the structural capacity of existing and approved towers, facilities and structures, generally capable of accommodating a communication transmission system, considering existing and planned use of such communication towers and facilities and structures.
 - vii. The applicant's planned equipment would cause radio or frequency interference with other existing or planned communication towers or facilities, which cannot be reasonably prevented.
 - viii.

Existing or approved communication towers or facilities do not have space on which applicant's planned equipment can be placed so it can function effectively and reasonably.

- ix. That the applicant demonstrates that there are other limiting factors that render existing communication towers, facilities and structures unsuitable.
 - x. The owner's facilities and transmission demands on structures.
 - f. Assurance of adequate public facilities.
2. Each application for a conditional use permit for a communication tower shall be accompanied by the following information:
- a. A preliminary development plan as required above in section 1.d.i.
 - b. A report from a licensed professional engineer that describes the communication tower's proposed capacity, including the number and type of communication antennas it can accommodate.
 - c. A study comparing all potential host sites within an approximate ½ mile radius of the subject site. Potential sites shall include existing structures and communication towers in excess of 100' and properties on which communication towers are permitted by right or by conditional use permit. The zoning administrator, the planning commission or the governing body may require the review of additional sites pending review of the initial study. The study shall include a description of the surrounding sites, a discussion of the ability or inability of the site to host a communication facility and the reason why the site was excluded from consideration.
 - d. A photo simulation of the proposed facility of a type and quality as determined by the city to be appropriate.
 - e. A map identifying the service area of the proposed tower and an explanation of the need for the tower to maintain the integrity of the system.
 - f. A signed statement from the applicant indicating its intention to share space on the communication tower with other providers at reasonable cost and its acknowledgment that the conditional use permit shall be issued subject to the condition that the applicant make good faith efforts to offer space on the communication tower at reasonable cost and that the governing body shall have the right to revoke the conditional use permit if it determines at a public hearing that offers to share space at a reasonable cost are not made.
 - g. An engineer certification that anticipated levels of electromagnetic radiation to be generated by the communication facilities on the site including the effective radiated power (ERP) or the communication's antenna shall be within the guidelines established by the Federal Communications Commission.
3. The following performance standards shall apply to all communication towers allowed by a conditional use permit:
- a. The maximum communication tower height that may be approved is 175'. A lightning rod, not to exceed ten feet shall not be included within the height limitations. All new communication towers in excess of 100' shall be designed to accommodate at least two additional providers. The location of additional communication antennas on a legally existing communication tower shall not require additional approval from the planning commission or governing body.
 - b. All communication towers shall maintain a galvanized finish to be painted gray or light blue unless otherwise required by the governing body or if other standards are required by the Federal Aviation Administration. All communication towers and facilities shall be sited to have the least practical adverse affect on the surrounding environment. In addition, communication towers should be designed to avoid whenever possible, the application of the Federal Aviation Administration lighting and painting requirements.
 - c. Site location development should preserve the preexisting character of the site as much as possible. Existing vegetation should be preserved or improved and disturbance of the existing topography of the site should be minimized unless such disturbance would result in less visual impact on the site on the surrounding area.
 - d. The area covered by the application for a communication tower special use permit shall be sufficient to accommodate all communication facilities that can be accommodated on the proposed communication tower.
 - e. Communication towers and accessory buildings shall meet the setback requirements of the zoning district in which they are located, unless greater setbacks are required by the governing body. The setback requirements for communication towers locating on or adjoining residentially zoned property shall be determined at the time at the consideration of the conditional use permit. All communication towers, except those designed as an architecturally compatible elements in terms of material design and height of the existing or proposed use of the property shall be set back a minimum of 200' from any surrounding property that is zoned for single family residences, duplex residences or multifamily residences. Provided however that the distance may be reduced or waived by the governing body.
 - f. All communication towers except those designed as an architecturally compatible element in terms of material, design and height of the existing or proposed use of the property shall comply with the following separation requirements:

Towers in Excess of 100'	1,500'
Towers 100' or Less	750'

- g. The governing body may grant a deviation from the height, setback and/or separation requirements. In support of a request for a deviation from the separation requirements the applicant shall submit a technical study acceptable to the city which confirms that there are no other suitable sites available within the separation requirements. A deviation shall only be granted if the governing body determines that the deviation will not undermine the spirit and intent of this ordinance.
- h.

All parking areas and drives associated with the communication facility shall comply with article VII of the zoning ordinance and shall meet all provisions of article VII of the zoning ordinance.

- i. Mobile or immobile equipment not used in direct support of a communication facility shall not be stored or parked on the site unless repairs to the communication facility are being made.
 - j. Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas or other similar uses not necessary for the transmission function. All accessory buildings shall be constructed of building materials consistent with the primary use of the site, if the site has a primary use other than a communication tower and shall be subject to site plan approval. The site plan requirements shall contain the information as required in this ordinance.
 - k. Communication towers shall only be illuminated as required by the Federal Communication Commission and/or the Federal Aviation Administration. Security lighting around the base of the communication tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way.
 - l. All communication towers must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal government with the authority to regulate communication towers and antennas. As such standards and regulations change the owners of such towers and antennas governed by this ordinance shall bring such towers and communication antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of such tower or antennas at the owner's expense.
 - m. In areas of the city where the cables, wires and other facilities of public utilities exist underground or are required by the city to be placed underground, the applicant shall also place all cables, wires and other facilities associated with the communication facility underground.
 - n. The base of the communication tower shall be screened from view with a solid screening fence a minimum of six inches in height. The materials of the fence, including any proposed razor wire or other security wire, shall be subject to the review of the planning commission and approval of the governing body. The governing body may waive the required screening if the design of the accessory building is architecturally compatible with the primary use of the property.
 - o. A landscape plan shall be required which will provide a continuous landscaped area around the perimeter of the accessory building or screening wall. All plant materials shall include a mixture of deciduous and coniferous planting materials. Drought tolerant plant materials are encouraged. The visual impact of the equipment building would be minimal, the landscaping requirement may be reduced or waived by the governing body.
 - p. Any communication antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such communication antenna or tower shall remove the same within 90 days of receipt of notice notifying the owner of such abandonment. If such communication antenna or tower is not removed within 90 days the city may remove such communication antenna or tower at the owner's expense. If there are two or more users on a single communication tower then this provision shall not become effective until all users cease using the communication tower.
 - q. To ensure the structural integrity of communication towers, the owners of the communication tower shall ensure that it is constructed and maintained in compliance with the standards contained in applicable and local building codes and the applicable standards for towers that are imposed by the Electronics Industries Association as amended from time to time. If, upon inspection, the building inspector concludes that the communication tower fails to comply with such codes and standards and constitute a danger to persons or property, then upon notice being provided to the owner of the communication tower, the owner shall have 30 days to bring such communication tower into compliance with such standards. If the owner fails to bring such communication tower into compliance within the 30 days the city may cause removal of such communication tower at the owner's expense.
 - r. At least every 12 months the communication tower shall be inspected by an expert who is regularly involved in the maintenance, inspection and/or erection of communication towers as approved by the city. At a minimum this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronic Industries Association (EIA) Standard 222; "Structural Standards for Steel Antennas Towers and Antenna Support Structures". A copy of such inspection record shall be provided to the city.
 - s. In the case of any disturbance to a street or other public property, caused by an applicant during the course of constructing or maintaining this communication facility the applicant shall at its own expense, replace or restore all paving, sidewalk, driveway, landscaping, or surface of any street or other public property damaged to as good or better condition as before the disturbance and in accordance with applicable federal, state and local laws, rules, regulations or administrative decisions. The duty to restore the street or public property shall include the repair of any area identified by the city as being weakened or damaged as a result of cutting or other invasion of the pavement of a street or other public property.
4. Every communication tower shall be subject to administrative review by the city after three years regardless of the approved term (if any) of the conditional use permit or the date such communication tower was installed. Reviews will subsequently be required every three years or thereafter. At the time of this review the holder of the conditional use permit shall demonstrate to the satisfaction of the city that:
 - a. The general appearance of the communication tower has been adequately maintained. This shall include landscaping, fencing, surfacing, communication tower appearance, etc.
 - b. The structural integrity of the communication tower is uncompromised. A report from a licensed professional engineer shall be submitted by the holder of the conditional use permit certifying such structural integrity.
 - c. A good faith effort has been made to cooperate with other providers to establish co-location at the tower site. A good faith effort shall include, but is not limited to, a timely response to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location.

- d. The city may request that the holder of the conditional use permit hire a qualified third party to prepare a report providing measurements of radio frequency radiation emissions and certifying compliance with all applicable regulations.
5. A tower permit may not be sold, transferred, leased nor assigned by any other person without the prior notification of the governing body.
6. In addition to the factors for consideration of a conditional use permit application under section 902.2 of the zoning ordinance, the planning commission may recommend approval of the conditional use permit, and the governing body may approve such permit for a communications tower, utilizing, but not limited to, the following factors as guidelines:
 - a. Whether approval of the conditional use would be consistent with the intent and purpose of, and meets the requirements of, these regulations.
 - b. The aesthetic impact of the proposed communication tower on the surrounding neighborhood.
 - c. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed upon the applicant by not granting the permit.
 - d. Whether the positions of the applicant and/or the opponents are substantiated by substantial competent evidence or rather generalized concerns or unsubstantiated claims are made to the planning and zoning commission and/or city commission.
 - e. Whether an F.C.C. license has been granted to the applicant authorizing provision of wireless services to the community and whether radio frequency emissions will comply with F.C.C. regulations.
 - f. Whether there is an existing tower upon which the applicant can co-locate and if so, what substantiated efforts have been made by applicant for co-location and upon what basis were any such towers deemed unacceptable by the applicant.
 - g. Will the tower adversely impact adjoining property values, present a hazard to air space, negatively impact the environment, traffic or in any other manner create negative impacts upon the neighborhood or community.
 - h. The recommendation of professional planning staff.
 - i. The expert testimony presented on behalf of and in opposition to the application.
 - j. Such other factors as may be relevant to the facts and evidence presented in the application.

Failure to adequately demonstrate adequate compliance on any one of these items shall subject the holder of the permit to revocation of the conditional use permit. The determination of whether or not to revoke the conditional use permit shall be made by the governing body after a public hearing requiring 30 days notice unless an emergency situation exists.

(Ord. No. 3919, § 2, 4-8-04)

ARTICLE XI. - SATELLITE DISH ANTENNA REGULATIONS

FOOTNOTE(S):

--- (6) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116

1101.0. - Special conditions.

- (a) Satellite dish antennas are permitted as an accessory structure in all zoning districts within the corporate limits of the city. Satellite dishes located in residential districts within the corporate limits of the city shall be subject to the following requirements:
 - (1) Ground mounted satellite dish antennas shall be located in the rear yard.
 - (2) In the event that it is not technologically feasible to erect the satellite dish antenna in the rear yard, then the satellite dish antenna may be placed in the side yard if such:
 - a. Side yard is not adjacent to a street; and
 - b. Satellite dish shall be located to the rear of the center point of the main building.
 - (3) Satellite dish antennas of one meter or less are permitted to be mounted on the main residential structure or other accessory structures located on the lot or tract.
 - (4) Satellite dish antennas that exceed one meter may not be mounted on residential structures.
 - (5) Satellite dish antennas shall be required to meet all setback and height requirements established in the residential zone they are located.
- (b) If a satellite signal cannot be adequately received under these restrictions, the property owner of such tract or lot may request a variance by making application to the city commission. The commission may issue a variance and establish any other conditions that are not in conflict with the city's zoning ordinance. The only criteria in which the city may allow a variance is if it is not technologically feasible to provide a signal to the residential structure. Under the provisions of this article any variance must also meet the requirements under Article I, Chapter 2, Section 2-116 of the 1995 Code of the City of Independence.

(Ord. No. 3708, §§ 1, 2, 11-16-95)

ARTICLE XII. - SWIMMING POOLS

FOOTNOTE(S):

--- (7) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116

1201.0. - Location.

A swimming pool may be located in the side or rear yard in any residential district, but may not be located in the front yard.

1201.1. - Fencing.

All swimming pools shall be secured from public entrance by a fence of a minimum of four feet in height, but not to exceed six feet in height, all to be governed by other fencing restrictions provided for in city Code [sections] 18-381 through 18-386.

1201.2. - Discharge of swimming pool water.

All discharge of swimming pool water shall be placed in a natural or storm drain or storm sewer, and shall not be connected to the city's sanitary sewer system.

1201.3. - Code requirements.

All swimming pools shall be constructed to applicable city codes, including, but not limited to electrical and plumbing codes; as an example this will include wiring and cross connection controls as well as other provisions of such code.

1201.4. - Setback requirements.

Swimming pools shall be required to meet all setback requirements of the appropriate zone.

ARTICLE XIII. - NONCONFORMING USES: LAND AND STRUCTURES

1301.0. - Statement of purpose.

1301.1. A nonconforming land use or structure is one which existed lawfully, whether by variance or otherwise, on the date this zoning ordinance or any amendment thereto became effective and which fails to conform to one or more of the applicable regulations in the zoning ordinance or such amendment thereto.

1301.2. Such nonconforming uses may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated, they inhibit present and future development of nearby properties, and they confer upon their owners and users a position of unfair advantage.

1301.3. It is the intent that nonconforming uses be abolished or reduced to conformity over time as the fair interest to the parties will permit. To this end, legal nonconformities are allowed to continue, but grounds for adding other buildings or structures prohibited elsewhere in the same district and should a nonconforming use be destroyed or abandoned for 12 months, it shall not be allowed to be reestablished.

1302.0. - Types of nonconformities.

Nonconformities are of two types: nonconforming structures and nonconforming uses. A definition of each type is as follows:

1302.1. Nonconforming structures: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

1302.2. Nonconforming use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

1303.0. - Nonconforming structures.

1303.1. Authority to continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

1303.2. Enlargement, repair, alterations: Any nonconforming structure may be maintained, repaired or remodeled; provided, however, that no such maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure.

1303.3. Damage or destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value prior to such destruction, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained within six months, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

1303.4. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

1304.0. - Nonconforming uses.

1304.1. Ordinary repair and maintenance of structures containing nonconforming uses:

a.

Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use, provided a building permit is issued in accordance with section 1402.0 [1702.0] of this ordinance.

- b. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

1304.2. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
- b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

1304.3. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereto shall thereafter conform to the regulations of the district in which it is located.

1304.4. Damage or destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, prior to such destruction, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. The determination of such reduced structural valuation shall be made by an appraiser appointed by the city.

When such damage or destruction is 50 percent or less, no repair or restoration shall be made unless a building permit is obtained within six months and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion. However, none of the restrictions contained in this section shall limit the authority of the board of adjustment to grant relief for reconstruction of a nonconforming structure as provided in article XVII of this ordinance.

1304.5. Moving: No structure that is devoted in whole or in part to a nonconforming use and no nonconforming use of land shall be moved in whole or in part for any distance whatever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

1304.6. Change in use not permitted: An existing nonconforming land use or structure shall not cause further departures from the zoning ordinance. Although an existing nonconforming use may be continued, except as hereinafter limited, it may not be changed to another use, except to a similar use or to a use permitted in the district in which it is situated and provided it complies with the requirements of that district.

1304.7. Abandonment or discontinuance: When a nonconforming use is discontinued or abandoned, for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

1304.8. Nonconforming accessory uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

1304.9. Nonconforming residential uses: Notwithstanding the provisions of sections 1304.3 and 1304.4 any structure which is devoted to a nonconforming residential use and which is located in a business or industrial district may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, extension, expansion or enlargement such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

1305.0. - Existing uses which do not conform to screening, or off-street parking requirements.

1305.1. Authority to continue: Any use which, at the time of its commencement, complied with the applicable requirements as to screening, or off-street parking, but does not conform to presently existing requirements on such subjects, may be continued indefinitely, except as otherwise provided herein or in this section.

1305.2. Enlargement or change in use: Where in addition, enlargement or change in use of one or more buildings or structures on a lot devoted to a use described in subsection 1305.1 is proposed to an extent in excess of 25 percent of the floor area of the existing buildings or structures, the entire lot shall be brought into conformance with presently existing requirements of this ordinance as to screening and off-street parking spaces. In no case shall a new use be permitted that cannot provide the number of off-street parking spaces required in article VII of this ordinance.

1306.0. - Status of conditional uses.

1306.1. Status of existing conditional uses: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district, as provided by prior approval.

1306.2. *Status of future conditional uses:* Any use for which a conditional use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further actions, be deemed a lawful conforming use.

1307.0. - Certificate of occupancy: nonconforming uses.

1307.1. *Affidavit of use:* As part of the normal processing of a building permit, the owner of a nonconforming building or use shall certify by affidavit to the zoning administrator that said building or use was made nonconforming by the passage of these regulations.

1307.2. *Violation of existing codes:* If, upon review of the affidavit, any violation of previous or other existing ordinances or codes is found to exist, the zoning administrator shall not issue said certificate of occupancy and shall declare such use to be in violation of these regulations and shall act accordingly.

1307.3. *Illegal use:* Any use not in conformance with these regulations and on which no certificate of occupancy has been issued shall be presumed to be an illegal use and the zoning administrator shall take appropriate action as specified in section 1505.0 [1705.0] "Violation and Penalty" of this ordinance.

ARTICLE XIV. - PROCESSING PROCEDURES FOR PLANNED UNIT DEVELOPMENTS

FOOTNOTE(S):

--- (8) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116

1401.0. - Authority and process.

1401.1. *Authority:* The governing body of Independence shall have the authority to approve preliminary and final planned unit development (PUD) plans. Such plans may be considered by the governing body only after the planning commission has reviewed the plans and has submitted its recommendation.

1401.2. *Process:* The overall PUD approval process is composed of three steps as follows:

Step 1. Preapplication conference: Prior to making any application for PUD plan approval, the applicant shall meet with designated city staff personnel to discuss processing procedures, answer questions and obtain necessary application forms.

Step 2. Preliminary plan/plat approval: This step requires approval of the PUD preliminary plan and plat of the proposed project by the governing body, based on recommendations by the planning commission. The planning commission shall conduct a public hearing using the same procedure established for public hearing for applications for zoning amendment, 1603.0, 1603.1, 1603.2 and 1603.3.

Step 3. Final plan/plat approval: The final step requires approval of the final plan by the governing body based on recommendations by the planning commission. The final plan represents the detailing of the preliminary plan and includes the submittal of detailed engineering construction plans for specific facilities. If the final plan is generally consistent with the approved preliminary plan as described in step 2, no public hearings are required.

The final plat is the translation of the final plan into the requirements of the subdivision ordinance and may be submitted with the final plan. Final plan/plat approval and recording of the plat is required prior to the issuance of any building permit for the construction within the PUD.

In processing any PUD, the zoning and platting processes may be carried out concurrently. However, the developer shall have the option of submitting the plat after the plan has been approved and shall follow the same procedure required for plan approval. The requirements for each of the three steps are described in detail in the following sections.

add figure msp 2315

(Ord. No. 3613, § 3, 5-20-92)

1402.0. - Preapplication procedures.

1402.1. *Preapplication conference:* Before any application for a planned unit development (PUD) is made under this ordinance, the owner or his agent and the owner's engineer or land planning consultant shall confer with the city zoning administrator and other members of the city staff, as may be designated from time to time, to determine the applicable ordinances and regulations, and to familiarize themselves with them and with procedures required by the City of Independence.

1403.0. - Application for preliminary plan/plat approval of planned unit developments.

1403.1. *Application filing procedures:*

- a. An application for planned unit development approval may be submitted for any zoning district except the A-1 agricultural district and shall not require a zoning change. However, the planning commission or governing body may require plan approval under the PUD process as a condition for granting a zoning change where a specific use may prove detrimental to the health, safety, welfare or property values of the immediate neighborhood and its environs.
- b. A preliminary plan shall include the entire PUD project.
- c. Application for preliminary plan/plat approval shall be made on forms obtained from the office of the city engineer. Said application shall be completed in its entirety and filed together with a reproducible original and four copies of the proposed preliminary plan and the preliminary plat at least 20 days prior to the regular city planning commission meeting at which the proposed PUD plan will be considered.

1403.2. Information required:

- a. *Application:* The application for preliminary plan/plat approval shall include the following information:
1. The name of the proposed PUD.
 2. Names, addresses and phone numbers of the owner(s) of record, engineer, surveyor or designer responsible for the planning, engineering survey and design.
 3. Acreage in the preliminary plan/plat.
 4. Legal description of the entire PUD.
 5. Proposed deed restrictions, protective covenants, and homeowners' association articles of incorporation and bylaws.
 6. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
 7. Receipt from the city clerk showing paid preliminary plan/plat fee.
 8. Any additional information deemed necessary by the zoning administrator.
- b. *Preliminary plan:* The application shall be accompanied by a reproducible original and four copies of the proposed preliminary plan drawn at appropriate scale showing:
1. Name of the proposed PUD project.
 2. Scale, date and north arrow.
 3. A key map showing the PUD in relation to the surrounding area.
 4. Within 200 feet of the proposed subdivision, names of adjacent subdivisions, layout of streets (with names), rights-of-way widths, connections with adjoining platted streets, widths and locations of alleys, easements, and public walkways adjacent to or connecting with the tract, location and size of all existing sanitary sewer, storm sewer, and supply facilities.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, drives or alleys and existing structures.
 6. Existing topography with contours at a maximum of two-foot intervals. All topographic data shall directly relate to USGS data.
 7. The zoning status of the PUD and of all adjacent properties shall be identified on the plan. If the project contains more than one planned district category, the zoning district boundary lines shall be clearly indicated.
 8. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on plan where applicable.
 9. The general location of proposed buildings, streets, parking facilities, signs, open spaces areas, ponds and walkways with significant dimensions indicated to clarify the plan.
- Exception:* In single-family subdivisions where lot lines are shown, all detached single-family units need not be shown. However, a single-family unit shall be illustrated for each type of lot layout (such as corner, straight line, cul-de-sac, etc.).
10. All buildings and uses shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the planned district shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.
 11. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures, including proposed easements or grants for public utilities.
 - [12. Reserved.]
 13. Site plan data shall be indicated on the final plan and shall include the below items.
 - (a) Total gross area of the final plan in acres and square feet.
 - (b) Breakdown of total gross area by land use type such as townhouses, single-family, retail shops, open space, church, school, etc.
 - (c) Residential data:
 - (1) Total residential units.
 - (2) Average square feet of residential land per each type of residential unit.
 - (3) Breakdown of nonresidential land by type of use.
 - (4) Total parking by land use type and parking ratio per dwelling unit.
 - (d) Commercial and industrial data:
 - (1) Total building square footage by land use type.
 - (2) Percent building coverage by land use type for business and industrial PUDs.
 - (3) Total parking by land use type and parking ratio per floor area.
 14. Any additional information deemed necessary by the director of public works to adequately illustrate the proposed development.
- c. *Preliminary plat:* The application and preliminary plan shall be accompanied by a preliminary plat showing additional information as required in article VII of the Independence subdivision regulations.

1403.3. Preliminary plan/plat review procedures:

- a. *Criteria for preliminary plan/plat approval:* The reviewing agencies shall approve the preliminary plan and plat provided:
1. The preliminary plan is in conformance with the standards and conditions of the planned unit development in which it is located as described in article V, "District Regulations."

2. The preliminary plat is in conformance with the Independence subdivision regulations.
 3. That the streets proposed are suitable and adequate to carry anticipated traffic and will not overload the streets adjacent to the development.
 4. That the existing or proposed utility services are adequate for the proposed planned development.
 5. That any modification in floor area, building height, yard setbacks or uses as permitted in a PUD shall result in a more desirable land use development than would otherwise result from the application of the basic provisions of the zoning ordinance.
 6. That the preliminary plan reflects the intent of the planned unit development in which it is located as defined in article V, "District Regulations."
 7. That the proposed uses and the development plan are compatible with and implement the planning goals and objectives of the city, as contained in the comprehensive general plan and other pertinent policy resolutions.
 8. That the applicant shall demonstrate adequate financial resources to assure completion of the planned development.
 9. The preliminary plans are consistent with good general planning practice and the development will promote the general welfare of the city.
- b. *Staff review and comment:* Upon submittal of the application for preliminary plan/plat approval, the zoning administrator and other designated members of the city staff or planning commission shall review the plan to determine its compliance with the criteria for preliminary plan/plat approval.
- c. *Action by the planning commission:*
1. *Public hearing:* The planning commission shall advertise and hold a public hearing on the PUD application as provided by law and described by article XIV of this ordinance.
 2. *Reports from other agencies and city departments:* The planning commission shall consider reports from the following public agencies or city departments before submitting a recommendation to the governing body:
 - Health
 - Fire
 - Building inspector
 - All public utilities
 - Engineering
 - Parks
 - Schools
- The preceding agencies or departments shall submit a report to the planning commission. If said report has not been returned to the planning commission within seven working days of their receipt of application copies, it shall be considered an affirmative report.
3. *Recommendation for approval or disapproval:* The planning commission shall, within 30 days following the public hearing, recommend approval or disapproval of the preliminary PUD plan and shall transmit written notice of its recommendation to the governing body. Failure of the planning commission to make a recommendation within the 30-day period shall constitute planning commission approval of the preliminary plan/plat.
 4. *Additional requirements:* In consideration of preliminary plans for any PUDs, the planning commission shall recommend to the governing body such additional conditions of use as it deems necessary to protect the best interests of the city, and the surrounding property and to achieve the objectives of this ordinance.
- d. *[Approval or denial:]* Upon receipt of the planning commission recommendation, the governing body shall within 30 days either approve or deny the requested rezoning request. Approval shall be granted if the body finds that the proposed planned unit development is consistent with good general planning practice, can be operated in a manner that is not detrimental to the surrounding neighborhood environment and is deemed desirable to promote the general welfare of the city. The recommendations of the planning commission shall not be binding on the governing body which may approve or disapprove the planning commission's findings.
- Upon approval, the preliminary plan/plat shall be appended to the ordinance granting the PUD and shall become a part thereof.
- e. *Effect of preliminary plan/plat approval:*
1. *Right of unchanged design concepts:* Preliminary plan/plat approval shall confer upon the developer, for a period of two years from date of approval, the conditional right that the general terms and conditions under which the approval was granted will not be changed by the city. This two-year period may be extended by the planning and zoning commission if the developer has applied in writing for such an extension and the commission determines a longer period should be granted due to unusual circumstances. If no final plan/plat on any portion of a planned unit development for which preliminary approval has been given is approved within said two-year period, or such longer period as the commission may allow, a resubmission of the preliminary plan/ plat may be required upon determination by the commission.
 2. *Rights to prepare final plans:* After approval of the preliminary plan/plat, the developer may proceed with the detailed construction plan required for all facilities and utilities to be provided and may submit the proposed final plan/plat (or final plans/plats if a "phased" development program is to be followed) to the planning and zoning commission and to the governing body for approval. In a staged development, the recording of a final plan/plat shall extend preliminary plan/plat approval for the remaining stage or stages of development, for a period of two years from the date on which such final plan/plat is filed.

(Ord. No. 3613, § 4, 5-20-92)

1404.0. - Application for final plan/plat approval of planned unit developments.

1404.1. Application filing procedures:

- a. No application shall be accepted for approval of a final plan/plat until the preliminary plan/plat has been approved for the planned unit development in accordance with procedures required in section 1403.0
- b. A final plan/plat may include the entire preliminary plan/plat area or it may include only a phase or several phases of the approved preliminary plan/plat.
- c. Application for final plan/plat approval shall be made on forms obtained from the office of the city engineer. Said application shall be completed in its entirety and filed together with a reproducible original and 15 copies of the proposed final plan and final plat with the city clerk at least ten days prior to the meeting of the planning commission at which the project is to be considered.

1404.2. Information required:

- a. *Application:* The application for final plan/plat approval shall include the following information:
 1. The name of the proposed planned development.
 2. Names, addresses and phone numbers of the owners(s) of record, engineer, surveyor or designer responsible for the planning, engineering, survey and design.
 3. Acreage in final plan/plat.
 4. Abstract of title or other certificate establishing ownership interests and proof that proper parties have signed the plat for all land in the planned development.
 5. Certification by a land surveyor to the effect that the plat represents the accurate results of a survey made by him.
 6. A certificate showing that there are no delinquent taxes outstanding.
 7. Proposed deed restrictions, protective covenants and homeowners' association articles of incorporation and bylaws.
 8. Proposed method of maintaining any open space areas such as common open space areas, common areas in front of or surrounding homes, playgrounds, swimming pools, tennis courts and similar facilities.
 9. An agreement in writing on a form provided by the city attorney that the developer shall install the minimum improvements required in the Independence subdivision regulations.
 10. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the requested information.
 11. Receipt from the city clerk showing paid final plan/plat fee.
 12. Any additional written information deemed necessary by the zoning administrator.
- b. *Final plan:* The application shall be accompanied by a reproducible original and 15 copies of the proposed final plan drawn at the scale of not less than one inch equals 100 feet horizontal and drawn on the existing topographic survey of the property. Also, five sets of final construction plans shall be submitted with the final plan.
 1. Name of the proposed planned unit development.
 2. Scale, date and north arrow.
 3. A key map drawn at appropriate scale showing the final plan in relation to the approved PUD (if the plan represents only a portion of the development) and the plan in relation to the surrounding area.
 4. The boundary lines of all adjoining lands for a distance of 100 feet and showing (with dotted lines) the right-of-way lines of adjacent streets and alleys with their widths and names.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, alleys and existing structures.
 6. The existing zoning classification of PUD and the zoning that exists on all adjacent properties shall be identified on the plan. If the project contains more than one classification of PUD, the zoning district boundary lines shall be clearly indicated.
 7. Boundary lines of school districts, fire districts, water districts and municipal limits shall be identified on plan where applicable.
 8. The location of all proposed buildings, streets, parking facilities, signs, open space areas, ponds and walkways with significant dimensions indicated to clarify the plan.
Exception: In single-family subdivisions where lot lines are shown, all detached single-family buildings need not be shown. However, a representative single-family building shall be illustrated for each type of lot layout (such as corner lot, straight line, and culs-de-sac, etc.).
 9. All buildings (or building areas) shall be clearly labeled as to the proposed use and all parcels of land to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the final plan.
 10. Site plan data shall be indicated on the final plan and shall include the below items:
 - (a) Total gross area of the final plan in acres and square feet.
 - (b) Breakdown of total gross area by land use type such as townhouses, single-family, retail shops, open space, or school.
 - (c) Residential data:
 - (1) Total residential units.
 - (2) Average square feet of residential land per each type of residential unit.
 - (3) Total parking by land use type and parking ratio.
 - (d) Any other data that the developer or zoning administration deems significant.

- c. *Final plat*: The application and final plan shall be accompanied by a final plat showing additional information as required in article VIII of the Independence subdivision regulations.

1404.3. *Final plan/plat review procedures*:

- a. *Criteria for final plan/plat approval*: The reviewing agencies shall approve the final plan/plat provided:
1. The final plan/plat shall be in general compliance with the preliminary plan/plat. The final plan/plat shall be deemed to be in general compliance provided any modification of the plan does not:
 - (a) Result in a change in the proposed building arrangement or land use pattern which significantly changes the design concept or the relationship to any property abutting or fronting upon the PUD.
 - (b) Result in a change in the proposed traffic pattern which significantly changes the traffic circulation concept or the circulation relationship to any property abutting, or fronting upon, the PUD.
 - (c) Increase the proposed gross residential density of intensity of use by more than five percent or involve a reduction in the area set aside for usable or local open space, nor the substantial relocation of such area, nor
 - (d) Increase by more than ten percent the floor area proposed for nonresidential use, nor
 - (e) Increase by more than five percent the total ground area covered by buildings nor involve a change in the number of stories of buildings. However, such variations shall not exceed the PUD standards of this ordinance.
 2. The final plat is in conformance with the Independence subdivision regulations.
Variations other than those in paragraph 1 shall be considered amendments to the plan and the application for such amendment shall be handled in the same manner as the processing procedures for preliminary plan/plat approval.
- b. *Staff review and comment*: Upon submittal of the application for final plan/plat approval, the zoning administrator and other designated members of the city staff or planning commission shall review the plan to determine its compliance with the criteria for final plan/plat approval. The city zoning administrator shall forward the application and copies of the final plan/plat to the planning commission along with a written summary of the staff review and analysis.
- c. *Action by the planning commission*: The planning commission shall, within 30 days following its consideration of the final plan/plat, recommend approval or disapproval of said final plan/plat and shall transmit written notice of its recommendation to the governing body. Failure of the planning commission to make a recommendation within the 30-day period shall constitute planning commission approval of the preliminary plan/plat. A public hearing need not be held for approval of a final plan if it is in substantial compliance with the approved preliminary plan/plat. However, if the planning commission finds that the final plan/plat does not comply with the preliminary plan/plat, then it shall be processed in the same manner as the original application with the public hearing before the planning commission following due public notice as required by law.
- [d. *Reserved*:]
- e. *Effect of final plan/plat approval*:
1. *Right to unchanged design concepts*: Approval of the final plan/plat and construction plans shall confer upon the developer, for a period of one year from the date of approval, a right that all design concepts shall remain unchanged as they apply to the property included in the final plan/plat.
 2. *Right to record plat*: Approval of the final plan/plat and the construction plans (as required in the Independence subdivision regulations) shall confer upon the developer the right to record the final plat in the office of the department of records for Montgomery County, Kansas.
 3. *Right to sell lots*: Upon approval of the final plan/plat and construction plans and after the plat has been officially recorded by the county department of records, the developer shall have the right to sell lots in the planned development.
- f. *Effect of final plan/plat disapproval*: If the proposed final plan/plat is disapproved, the clerk shall, within ten days, record reasons for rejection in the minutes of the meeting of the governing body, notify the developer in writing of the action and the reasons therefor, and return the final plan/plat to the developer.

(Ord. No. 3613, § 5, 5-20-92)

1405.0. - Project abandonment.

1405.1. In the event that a plan and plat or section thereof is given final approval and thereafter the landowner shall abandon said plan or section, he shall so notify the city in writing. In the event the landowner shall fail to commence the proposed development within one year 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 landowner.

1405.2. Where a planned district has been processed so that the final plat is approved, its abandonment shall require the approval of the planning commission and vacation of the plat.

1406.0. - Appeals.

1406.1. Any person or persons, including city officials, jointly or severally aggrieved by any decision of the governing body may appeal such decision back to the body, provided that:

- a.

Such appeal is accompanied by specific items which either were not included in the original petition or were not adequately explained to the body prior to their action on said petition and, furthermore, there is reason to believe that if such item(s) were included in the original petition the governing body's decision might be reversed or modified.

- b. Such appeal is filed at the office of the city clerk within 30 days after the governing body's action on the original petition.
- c. Only one such appeal shall be allowed for every person, officer, board or other group of people who may have a shared interest in said petition. However, further appeal to such decisions by the body may be presented to the circuit court of Montgomery County, as provided in 1406.2 below.

1406.2. Any person or persons jointly or severally aggrieved by any decision of the governing body may present to the circuit court of Montgomery County, Kansas, a petition duly verified. Said petition shall set forth that such decision is illegal, in whole or in part, and specify the ground of its illegality. Such petition shall be presented to the court within 30 days after the filing of the decision by the governing body.

ARTICLE XV. - SOLAR ACCESS REGULATIONS

FOOTNOTE(S):

--- (9) ---

Cross reference— Variances granted by the board of zoning appeals, § 2-116

1501.0. - Purpose and authority.

1501.1. *Purpose:* The purpose of this ordinance is to establish for the residents of the jurisdictional area a provision for using an alternate source of energy apart from the prevailing energy sources of natural gas and electricity—in this case, solar energy. The city, by this ordinance, establishes that the use of solar energy is in the general welfare of said residents in that its use will help alleviate the use of depreciating energy resources and thereby uncertain power resources. The use of solar energy is, therefore, a valid public purpose and any violation of the ordinance shall be considered a public nuisance.

1501.2. *Authority:* The legislature of the State of Kansas has in K.S.A. 58-3001 and 58-3802 delegated the responsibility to local governments to create and record solar easements to ensure and protect the effective exposure of solar energy devices.

The city zoning administrator shall have the authority to approve and record solar access easements subject to such additional requirements as may be deemed necessary by the planning commission or governing body to promote the purpose of this ordinance.

(Ord. No. 3682, § 6, 4-6-95)

1502.0. - Solar access easements.

1502.1. *Establishment of a solar access easement:* In order to preserve and protect the solar access [of] contiguous or nearby property, a "solar easement" may be formulated. Such an easement shall be an agreement between property owners and probably, although not necessarily, will be initiated by the owner of a proposed solar energy system. The City of Independence shall also be included as a property owner where property owned by the city may be located in a solar skyspace envelope and the city, therefore, may be a party to such an easement.

Such easements shall establish the "solar skyspace" envelope within which it shall be unlawful for the owner of real property to erect a building or structure or to allow a tree, shrub or other flora to cast a shadow upon a solar collector. Such solar skyspace envelope shall be defined as the skyspace that must remain unobstructed for a solar collector to operate efficiently. This skyspace must be described by the owner of the solar collector or his agent and shall be included in the solar easement description. This description shall include the angles of both the azimuth and altitude of the solar skyspace envelope as measured from the sides of the solar collector.

In most cases the eastern and western boundaries of the skyspace will be defined as 45-degree azimuth angles as measured either side of true north; thus forming a 90-degree wedge.

The altitude, or the upper and lower boundaries of the skyspace, will normally be defined by the degree of altitude of the sun on June 21 (high) and December 21 (low).

1502.2. *Solar easement shall not be retroactive:* The requirements established by this ordinance shall not be retroactive except by agreement of the property owners under a solar easement agreement. In such case, a property owner who wishes to construct a solar energy system may enter into a solar easement agreement with another property owner whose property contains an obstruction to solar access. Under this agreement, the latter property owner may agree to remove existing vegetation or structures which block solar access to the solar energy system.

1502.3. *Solar airspace not protected:* In order to avoid any unreasonable hardship on adjacent property owners, a solar access easement shall not be enforced by the city for solar energy collector which is located within the shadow cast by a hypothetical wall seven feet high located along the property line between the hours of 0900 and 1600 solar time on December 21.

1503.0. - Application for recordation of a solar access easement.

1503.1. *Application filing procedures:* Any property owner or lessee, or agent of either, may apply for a solar access easement recordation from the zoning administrator. The application shall be in such form as the zoning administrator may prescribe but shall, at a minimum, include the following:

- a. The fee established by the governing body (sufficient to pay the average cost of a solar access recordation including but not limited to staff time, mailing expenses, and the fee to file the recordation with the county clerk).

- b. The applicant's name and address, and the owner's name, address and the customary legal designation of the property where the collector is located.
- c. A statement by the applicant that the collector is already installed or that it will be installed on the property within one year following the granting of the recordation.
- d. The size and location of the collector surface, its orientation with respect to true south, and its slope from the horizontal, shown clearly in drawing form.
- e. An explanation of how the applicant has done everything reasonable, taking cost into account, in designing and locating the collector surface in a manner to minimize the impact the solar access recordation will have on the development of nearby properties.
- f. A site plan illustrating the location of the subject solar energy device in relation to the owner's lot and the lots of adjacent property affected by the solar access easement shall be submitted. Such site plan shall illustrate the location of the solar airspace envelope as defined in section 1502.1 and the location of any existing buildings and trees that are located below or adjacent to the defined airspace envelope.
- g. A sectional drawing shall be provided that illustrates the location of the solar airspace envelope as defined in section 1502.1 in relation to existing buildings and trees (as illustrated in the site plan), existing land slope and the angle of the shadow cast from a hypothetical seven-foot wall located on the property line.
- h. A signed and dated agreement from the adjacent property owner granting the solar access easement across his property and a description of any terms or conditions or both under which the solar easement is granted or will be terminated.

1503.2. Application review: The zoning administrator shall review the application for solar access easement to determine if it satisfies the requirements of this ordinance.

- a. If the application does not satisfy the application requirements, the zoning administrator shall not accept the application and shall return the application and fee to the applicant with an explanation of which requirements were not met. The applicant may resubmit the application and fee with modifications necessary to satisfy the requirements or appeal, within 14 days, the action of the zoning administrator to the planning commission.
- b. If the application does satisfy the requirements, the zoning administrator shall accept the application and notify the applicant.

1504.0. - Recordation.

1504.1. Filing recordation with county: When a solar access recordation is granted, the zoning administrator shall file the recordation with the register of deeds. Such recordation shall include but not be limited to:

- a. The vertical and horizontal angles, expressed in degrees, at which the solar easement extends over the rear property subject to the solar easement.
- b. Any terms or conditions or both under which the solar easement is granted or will be terminated.

1505.0. - Effect and enforcement of a solar access recordation.

1505.1. Shading from structures:

- a. No city department shall issue any building permit purporting to allow the erection of any structure that would shade the solar skyspace envelope of recorded collector (or a proposed collector site if a recordation application is pending or granted but the collector is not yet installed) except to the extent that the exemptions in the solar access easement itself would allow. The permit department shall consult the map showing issued solar access recordations and shall consult the zoning administrator concerning any pending applications before issuing development permits. Whenever it appears that granting a development permit might result in a structure that would shade a recorded collector, the department concerned shall give notice by certified mail, return receipt requested, to the recorded collector owner. Any development permit that would result in the shading of a recorded collector is void except to the extent that it authorizes work that would not shade the collector. The recorded owner may appeal the grant of a development permit that purports to authorize a shading structure first by such administrative means as are available and subsequently, if necessary, to court of general jurisdiction.
- b. Pending the resolution of the appeal, the recorded owner may petition the county court to issue a preliminary injunction to stop construction of such part of a structure as may shade the recorded collector. The party proposing to build the structure shall bear the burden of showing that the structure would not shade. If the court finds that the structure would shade, the development permit may be declared void to the extent the structure would shade. If the structure has already been built to the extent that it shades the recorded collector, the court may order removal of the shading part or order the payment of damages.

1505.2. Shading from vegetation:

- a. No one shall plant any vegetation that could shade a recorded collector during solar heating hours (or a recorded collector location if it is not yet installed) after issuance of a solar access recordation. After receiving notice of a solar access recordation, no one shall permit any vegetation on his or her property to grow in such a manner as to shade a recorded collector during solar heating hours (or a recorded collector location if it is not yet installed, unless the vegetation is specifically exempted in the recordation).
- b. If vegetation is not trimmed as required, the recorded owner or the city on complaint by the recorded owner shall give notice that trimming is required by certified mail, return receipt requested, to the owner or registered lessee of the property where the vegetation is located. If the property owner or lessee fails to trim the vegetation within 30 days after receiving this notice, the city shall then have the power, pursuant to rights of easement, to enter the property, trim or cause to have trimmed the shading parts of the vegetation, and add the cost of the trimming, court costs, and other related costs as a lien against that property or tax liability.

1505.3. *Abandonment:* A solar access easement recordation becomes void and shall be removed from the register and map if:

- (1) A functioning collector is not installed within one year after issue of the recordation, or
- (2) The collector is removed and not replaced, or not used, for one year, excluding time spent on repairs or improvements, or
- (3) Upon request of the recorded owner.

1505.4. *Transfer of ownership:* The transfer of title to property subject to a solar access recordation shall not change the rights and duties provided for in this ordinance.

1506.0. - Appeals.

All appeals involving solar easements or any appeal to the rules and regulations of this section of the ordinance shall be filed with the board of zoning appeals. Both parties affected by a proposed solar energy system, the owner of the solar energy system and the owner of the property on which the burden of the easement falls, shall have the right to appeal. All appeals shall include engineering drawings and schedule showing the solar energy system and the solar airspace envelope, and such appeals must demonstrate that the layout of the solar energy system on the site has been maximized.

add figures manuscript page 2333

add figure manuscript page 2334

ARTICLE XVI. - ZONING AMENDMENT PROCEDURE

FOOTNOTE(S):

--- (10) ---

Cross reference— Procedure for the passage of ordinances, § 2-30; variances granted by the board of zoning appeals, § 2-116

1601.0. - General provisions.

1601.1. *Authority:* The governing body of Independence may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the governing body until the planning commission has held a public hearing and submitted its recommendation.

1601.2. *Proposal of amendments:* Amendments may be initiated by the governing body, the planning commission, or upon application by the owners of the property affected.

1602.0. - Application for zoning amendment.

When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the office of the city clerk. Said application shall be completed in its entirety and filed with the city clerk who will forward the application to the planning commission so that a public hearing date can be established.

1602.1. *Information required in amendment procedure:* When the petition involves a change in the zoning map, the applicant shall submit the following information:

- a. A legal description of the property.
- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- c. The name, address and phone number of the applicant.
- d. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner(s).
- e. Description of the present use of the property and existing zoning.
- f. Description of the proposed use of the property and requested zoning.
- g. Area of the property in square feet and/or acres.
- h. Time schedule for development.
- i. Additional exhibits may be required by the zoning administrator such as a plot plan or site plan showing existing and proposed structures, easements, watercourses, curb cuts and description of the use of adjoining property that are necessary to describe existing or proposed conditions.
- j. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the required information.

1602.2. *Application fee:* See section 1704.0, "Fees, Charges and Expenses."

1602.3. *Disposition of amendment proposals:* Upon receipt of proposed amendment from the zoning administrator, the planning commission shall hold a public hearing on the proposed amendment, and forward to the governing body its findings and recommendations with respect to the proposed amendment.

1603.0. - Hearings.

1603.1. *Public hearing:* The planning commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The planning commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within 60 days from the date on which the proposed amendment is referred to, filed with, or initiated by it. However, an applicant for an amendment may waive the requirement that such a hearing be held within 60 days.

1603.2. Notice of hearing: Public notice of a hearing on a proposed amendment shall be published once in the paper of general circulation throughout the area, and at least 20 days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will affect the zoning classification of specific property, the city clerk shall mail a written notice of the public notice [hearing] containing the same information as the published notice thereof to the owner or owners of the property affected and to the owners of all property within the City of Independence and within 200 feet of the boundaries of the property to be rezoned. Said notice shall be mailed to the owners of all property within the unincorporated area and within 1,000 feet the boundaries of the property to be rezoned at least 20 days prior to the date of such hearing. Failure to receive such notice shall not invalidate any subsequent action taken.

Such notice is sufficient to permit the planning commission to recommend amendments to the zoning ordinances which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of a lesser change than that set forth in the notice, provided that recommending a zoning [classification of lesser change] than that set forth in the notice shall not be valid without republication and, where necessary, remaining unless the planning commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications.

1603.3. Conduct of hearing: The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the planning commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The planning commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the offices of the zoning administrator at least three days before the date set for the public hearing.

(Ord. No. 3682, § 7, 4-6-95)

1604.0. - Action by the planning commission.

1604.1. Recommendations: Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included as appropriate.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

- a. Whether such change is consistent with the intent and purpose of these regulations;
- b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
- c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected.

1605.0. - Action by the governing body.

1605.1. Adoption of amendments: When the planning commission submits a recommendation of approval or disapproval of such amendment, the governing body, if it approves such recommendation may either adopt such recommendation by ordinance or take no further action thereon, as appropriate. In the event the planning commission submits a "failure to recommend" to the governing body, the governing body may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the governing body disapproves, the governing body shall return such recommendation to the planning commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original zoning recommendations returned to the planning commission. If such amendment shall affect the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if the city has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall amend the section of the ordinance incorporating the same and reincorporate such map as amended.

1605.2. Protest: Regardless of whether or not the planning commission approves or disapproves a proposed zoning amendment or "fails to recommend," if a protest against such amendment be filed in the office of the city clerk within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of 20 percent of the total area, excepting public streets and ways, located within or without the corporate limits of the city and located within 200 feet of the boundaries of the property proposed to be rezoned the ordinance adopting such amendment shall not be passed except by at least three-fourths vote of all members of the governing body.

ARTICLE XVII. - ADMINISTRATION

FOOTNOTE(S):

--- (11) ---

Cross reference— Administration, ch. 2; planning and zoning commission, § 2-96 et seq.; board of zoning appeals, § 2-111 et seq.; appeals from the zoning provisions, § 2-115

1701.0. - Office of the zoning administrator.

- a. There is hereby established the office of zoning administration.
- b. The city manager shall appoint a person who in his opinion is qualified through education and experience to hold the title of zoning administrator. The zoning administrator may hold another office or position concurrently.
- c. The budget for the office of zoning administration and the salary for the zoning administrator shall be established by the governing body in the same manner as for all other departments and staff salaries.

1701.1. Duties of the zoning administrator: The zoning administrator, or his duly designated and acting deputy, shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:

- a. Approve and issue all building and occupancy certificates and make and maintain records thereof.
- b. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of the zoning regulations.
- c. Receive, file, and forward to the board of zoning appeals the records in all appeals and all other applications.
- d. Maintain permanent and current records of the zoning regulations, including but not limited to, all zoning maps, amendments, conditional uses, variances, appeals and applications therefor and records of hearings thereon.
- e. Prepare and have available in book, pamphlet or map form, on or before September 30 of each year:
 1. The compiled text of the zoning regulations and amendments thereto, including all amendments adopted through the preceding June 30th, and
 2. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding June 30th.
- f. Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the board of zoning appeals.
- g. Provide such clerical, technical and consultative assistance as may be required by the planning commission, board of zoning appeals and other boards, commissions and officials in the exercise of their duties relating to these regulations.

1702.0. - Building permits.

1702.1. Building permits: Unless a building permit shall first have been obtained from the office of the zoning administrator:

- a. The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;
- b. The improvement of land preliminary to any use of such land shall not be commenced; and
- c. Any building permit issued in conflict with the provisions of these regulations shall be null and void.

1702.2. Application for building permit: Every application for a building permit shall be accompanied by the following:

- a. A *plat*, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- b. A *plot plan*, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the zoning administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots indicating number of parking spaces provided the building lines in relation to lot lines, waste disposal areas, the use to be made for such present and proposed structures on the land, and such other information as may be required by the zoning administrator for the proper enforcement of these regulations.

1702.3. Issuance of building permit: A building permit shall be either issued or refused by the zoning administrator within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. When the zoning administrator refuses to issue a building permit, he shall advise the applicant in writing of the reasons for the refusal.

1702.4. Appeals: Any person or persons jointly or severally aggrieved by any decision of the zoning administrator may appeal such decision to the board of zoning appeals in accordance with section 1804.1 [sic] of this ordinance.

1702.5. Period of validity: A building permit shall become null and void six months after the date on which it is issued unless within such 120-day [180-day] period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

1703.0. - Occupancy certificates.

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

1703.1. Application for occupancy certificate: Every application for an occupancy certificate for a new or changed use of land or structures shall be filed with the office of the zoning administrator and be in such form and contain such information as the zoning administrator shall provide by general rule.

1703.2. Issuance of occupancy certificate: No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the office of the zoning administrator to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the office of the zoning administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion

of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefor, or after the office of the zoning administrator is notified in writing that the structures or premises are ready for occupancy.

1704.0. - Fees, charges, and expenses.

The governing body shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to the ordinance. The schedule of fees shall be posted in the office of the zoning administrator, and may be altered or amended only by the governing body. No permit, certificate, conditional use approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the governing body, unless or until fees have been paid in full.

1705.0. - Violation and penalty.

1705.1. Violations: If any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of these regulations, the city, in addition to other remedies, may institute any appropriate action to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the zoning administrator or any other officer authorized to issue building permits, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedy of any condition found to exist therein or thereat in violation of any provision of this ordinance.

1705.2. Penalty: Pursuant to K.S.A. 12-710 as amended, the owner or agent of a building or premises in or upon which a violation of any provisions of this ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 for any one offense. Each day of noncompliance with the terms of this ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution.

ARTICLE XVIII. - [APPEALS]

1801.0—1803.0. - [Reserved.]

1804.0. - Appeals to district court.

Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals may appeal as provided by K.S.A. 12-715 as amended.

APPENDIX A. - LISTING OF PERMITTED AND CONDITIONAL USES

The terminology used in Appendix "A" is based on the four-digit level of coding and classification of land use contained in the Standard Land Use Coding Manual prepared by the Urban Renewal Administration, Housing and Home Finance Agency and Bureau of Public Roads, Department of Commerce, January, 1965. The classification system has been modified accordingly. The coding and classification system has also been modified in certain instances to clarify terminology.

The Standard Land Use Coding Manual (SLU) contains additional descriptive information that could be helpful in the interpretation of a particular use and should be used as a reference document to support these regulations.

The Standard Industrial Classification Manual (SIC) may also be helpful in the interpretation of industrial uses. Although this document is coded differently than the SLU manual, it contains more detailed descriptions.

Both SLU and SIC coding manuals are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Legend:

P = Permitted Use

C = Conditional Use

Land Use Category	Code	Permitted Zoning District											
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	M-1	M-2
A													
Abrasive, asbestos, and miscellaneous nonmetallic mineral products—manufacturing	3280												P
Abstracting services	6153							P		P	P	P	

Accounting and bookkeeping services	6593								P	P	P	P	P	
Accounting, computing and office machines— manufacturing	3427												P	P
Advertising displays and signs—manufacturing	3997												P	P
Advertising services, direct mail	6331								P		P	P	P	
Advertising services, general	6311								P		P	P	P	
Agricultural, business and personal credit services including credit unions	6122								P		P	P	P	
Agricultural chemicals and fertilizers— manufacturing	2870												C	P
Agricultural chemicals and fertilizers—wholesale	5123	C											P	P
Agricultural fertilizers, hazardous—retail	5254												C	C
Agricultural fertilizers, nonhazardous—retail	5255										P	P	P	P
Air conditioning, heating and plumbing contracting services	6621										P	C	P	P
Air conditioning, refrigerated equipment and supplies—wholesale	5173												P	P
Aircraft and accessories—retail	5560	C											P	P
Aircraft assembly of premanufactured parts													P	
Aircraft and parts—manufacturing	3442													P
Aircraft storage and equipment maintenance	4315	C											C	P
Airports and flying fields	4311	C											C	C
Airport freight terminals	4313	C											P	P
Airport passenger terminals	4312	C											P	P
Alcoholic beverages, beer and wine—wholesale	5195											C	C	P
Alteration, pressing and garment repair services	6251									P	P	P		
Ambulance services	6518								P		P	P	P	
Ammunition manufacturing and complete assembly of guided missiles and space vehicles	3412													C
Ammunition, small arms—manufacturing	3416													C
Amphitheaters	7211	C	C	C	C	C	C	C	P	C	P	C		
Amusement, athletic and sporting goods and toys —manufacturing	3930												P	P
Amusement parks	7312	P										C		

Animal and marine fats and oils including grease and tallow, rendering—manufacturing	3194													C
Animal hospital services	8222							C	C	P	P	P	P	
Antiques—retail	5931								C	P	P			
Apiary farms and processing	8191	P	C	C								P	P	
Apparel and accessories—manufacturing	2389											P	P	
Apparel and accessories—retail	5610								P	P	P			
Apparel and accessories—wholesale	5132										C	P	P	
Apparel belts—manufacturing	5385											P	P	
Apparel findings and related products—manufacturing	2396											P	P	
Appliance repair services	6497									C	P	P	P	
Appliances (household)—manufacturing	3433											P	P	
Appliances (household)—retail	5720									P	P			
Appliances (electrical) televisions, phonographs, tape players, radio sets—wholesale	5162										C	P	P	
Aquariums	7122											P	P	
Arboretums and botanical gardens	7123							P	P	P	P			
Architectural, engineering and planning—professional services	6591							P	P	P	P			
Arenas and fieldhouses	7222									P	C			
Armature rewinding services	6495										C	P	P	
Armed forces reserve center	6757	P								P		P	P	
Art galleries	7113	C						P	P	P	P			
Artists—painters, sculptors, composers and authors	6594	P						P	P	P	P			
Asbestos, abrasive and miscellaneous nonmetallic mineral products—manufacturing	3280													P
Asphalt felts and coatings—manufacturing	2922													P
Asphalt mixing plants	2921													P
Athletic, amusement and sporting goods and toys —manufacturing	3920												P	P
Athletic field or playfield	7423	P	P	P	P	P	P		P	P		P	P	
Auditing, accounting and bookkeeping services	6593							P	P	P	P	P		

Auditoriums	7231									P	P		
Automatic temperature controls—manufacturing	3522										C	P	P
Automobile and other motor vehicle and equipment—manufacturing	3441												P
Automobile and other motor vehicle repair services	6411								C	P	P	P	P
Automobile and other motor vehicles—retail	5511									P	P		
Automobile and other motor vehicles—wholesale	5111											P	P
Automobile and truck rental services	6397									P	P	P	P
Automobile equipment—wholesale	5112											P	P
Automobile parking—commercial lots	4600								C	P	P	P	P
Automobile parts and supplies—retail	5520									P	P	P	P
Automobile wash services	6412								C	P	P	P	P
B													
Bags except textile bags—manufacturing	2643											P	P
Bait shops	5953									P	P		
Bakeries manufacturing—retail	5461										P	P	P
Bakeries nonmanufacturing—retail	5463								P	P	P		
Bakery products—manufacturing	2150											P	P
Banking services	6111				C	C	C	C	C	P	P	C	C
Barber services	6232						C	P	P	P	P		
Beauty services	6231						C	P	P	P	P		
Bed and breakfast	1510	C	C	C	C	C	C		C	P	P		
Beer, wine and alcoholic beverages—wholesale	5195										C	P	P
Bicycles—retail	5952									P	P	P	
Biological products—manufacturing	2831											P	P
Blacksmith and welding services	6629									P		P	P
Blank books, loose-leaf binders and devices—manufacturing	2771											P	P
Blast furnaces, steel works and the rolling of ferrous metals	3311												P
Blueprinting and photocopying services	6332								P	C	P	P	
Boarding and rooming houses	1210					P	P	C			P		

Boat building and repair services	3443									C		P	P
Boat rentals	7442									P	P	P	P
Bookbinding and miscellaneous related work— manufacturing	2772										C	P	P
Bookkeeping, auditing and accounting services	6593							P	P	P	P	P	
Books, magazines and newspapers distributing— wholesale	5199										C	P	P
Books—publishing and printing	2730									P	P	P	P
Books—retail	5941								P	P	P		
Boot and shoe cut stock and findings— manufacturing	2363											P	P
Botanical gardens and arboretums	7123							P	P	P	P		
Bottled gas—retail	5983									P	P	P	P
Bottling and canning soft drinks and carbonated waters	2185											P	P
Bowling	7417									P	P		
Boxes and paperboard containers— manufacturing	2650											P	P
Brandy, brandy spirits and wine—manufacturing	2183												P
Brick and structural clay tile—manufacturing	3241												P
Brooms and brushes—manufacturing	3991											P	P
Brushes and brooms—manufacturing	3991											P	P
Building construction—general contracting services	6611									P	C	P	P
Building materials—retail	5212									P	P	P	P
Building materials and lumber—wholesale	5198											P	P
Building paper and building board— manufacturing	2660												P
Bulk petroleum stations and terminals— wholesale	5192											C	C
Bus garaging and equipment maintenance	4214											P	P
Bus passenger terminals	4211								C	P	P	P	
Business and management consulting services	6392							P		P	P		
Business associations	6991							P		P	P	P	
Business forms—manufacturing	2750										P	P	P

Business offices not elsewhere listed	6380								P	C	P	P	C	
Butter—manufacturing	2121												P	P
C														
Cabinet making—manufacturing	2435										C	C	P	P
Cable TV maintenance yard	4743												P	P
Cameras and photographic supplies—retail	5994								P	P	P			
Campgrounds, general	7491	C								P				
Campgrounds, group	7521	C								P				
Candy and other confectionery products—manufacturing	2171									C	C	P	P	
Candy, nut and confectionery—retail	5440							P	P	P	P			
Canes, parasols and umbrellas—manufacturing	3998												P	P
Canning and preserving of fruits, vegetables and seafoods—manufacturing	2130												P	P
Canvas products—manufacturing	2394												P	P
Carbon black—manufacturing	2894													P
Cardboard, paperboard and die cut paper—manufacturing	2645													P
Carpentry and wood flooring services	6625										C	C	P	P
Carpet and rug cleaning and repair services	6215										P	P	P	P
Carpet and rug—manufacturing	2240												P	P
Cement (hydraulic)—manufacturing	3230													P
Cemeteries	6242	C	C	C	C	C	C	C	C	C	C	C		
Ceramic wall and floor tile—manufacturing	3242												P	P
Cereal preparations—manufacturing	2143												P	P
Charitable and welfare services	6920										P	P		
Cheese (natural and processed)—manufacturing	2122												P	P
Chemical and fertilizers—mining	8545													P
Chemicals, agricultural—wholesale	5123	C											P	P
Chemicals, industrial organic and inorganic—manufacturing	2810													C
Chemicals, industrial—wholesale	5124												P	P
Chewing gum—manufacturing	2173													P

China, glassware and metalware—retail	5714									P	P	P		
Chiropractors, optometrists, and other similar health services	6519								P	P	P	P		
Chocolate and cocoa products—manufacturing	2172												P	P
Churches, synagogues and temples	6911	C	C	C	C	C	C	C	P	P	P	P		
Cigarettes and cigars—manufacturing	3961												P	P
Cigarettes and cigars—retail	5992									P	P	P		
Civic, social and fraternal associations	6994								P		P	P		
Civil defense and related activities	6723								P	P	P	P	P	P
Clay, ceramic and refractory minerals—mining	8544													P
Clay refractories—manufacturing	3243													P
Cleaning, polishing and sanitation preparations except soap and detergents—manufacturing	2842													P
Clock, watch and jewelry repair services	6493								P	P	P	P		
Clocks, watches, clockwork-operated devices and parts—manufacturing	3570												P	P
Clothing, leather and fleece lined—manufacturing	2384												P	P
Coal mining	8520													P
Coal mining services	8552												P	P
Coffee roasting and coffee products—manufacturing	2195												P	P
Commercial and industrial machinery, equipment and supplies—wholesale	5181										C	C	P	P
Commodity and security brokers, dealers and exchanges and services	6130										P	P		
Communication equipment—manufacturing	3436												P	P
Communication antenna		C												C
Communication towers		C												C
Composting plants	4853	C												P
Computing, accounting, and office machines—manufacturing	3427												P	P
Concrete brick and block—manufacturing	3261													P
Concrete construction and paving services	6627										C		P	P

Concrete products—manufacturing	3262													P	
Concrete, ready-mix plants	3263												C	P	
Confectionery, nut and candy—retail	5440								P	P	P				
Confectionery products and candy—manufacturing	2171											C	P	P	
Confectionery—wholesale	5144											C	P	P	
Construction and lumber materials—wholesale	5198												P	P	
Construction equipment—retail	5260									P	P	P	P	P	
Construction, mining, and materials handling machinery and equipment—manufacturing	3423													P	
Convalescent, nursing and rest home services	6516			C	C	P	P	C							
Convents	1251					P	P								
Cosmetics, perfumes and other toiletries—manufacturing	2844												P	P	
Costume jewelry, novelties, buttons, and miscellaneous notions—manufacturing	3950												P	P	
Cotton ginning and compressing	8211													P	
Cotton, manmade fibers, silk and wool—weaving and manufacturing	2210												P	P	
Cotton—wholesale	5151												P	P	
Cottonseed oil milling	2191													P	
Country club	7451	C	C	C	C	C	C	C	C						
Crating and packing services	4922												C	P	P
Credit reporting, adjustment and collection services	6320								P		P	P	P		
Credit unions and agricultural, business and personal credit services	6122										P	P	P		
Crematory, funeral and mortuary services	6241										P	P			
Curtains and draperies—manufacturing	2391												P	P	
Curtains, draperies and upholstery—retail	5713										P	P			
Cut stone and stone products—manufacturing	3270													P	
Cutlery, hand tools and general hardware—manufacturing	3492												P	P	
D															
Dairy products—retail	5450												P	P	P

Dairy products—wholesale	5142											C	P	P
Day care centers—more than four children	6811	C	C	C	C	C	C	C	P	P	C			
Dental equipment and supplies—manufacturing	3543												P	P
Dental laboratory services	6515									P	P	P	P	
Dental services	6512							P	P	P	P			
Department stores—retail	5310									P	P			
Detective and protective services	6393							P		P	P			
Diaper services	6213									P	P	P	P	
Direct mail and advertising services	6331							P		P	P	P		
Direct selling organizations—retail	5350									P	P			
Discount and variety stores—retail	5330									P	P			
Disinfecting and exterminating services	6342										P	P	P	
Distilling, rectifying and blending liquors	2184												P	P
Dormitories, college	1232				P	P								
Draperies and curtains—manufacturing	2391												P	P
Draperies, curtains and upholstery—retail	5713									P	P			
Drawing, rolling and extrusion of nonferrous metals—manufacturing	3350													P
Drug and proprietary—retail	5910							C	P	P	P			
Drugs, drug proprietaries and druggist sundries—wholesale	5121											C	P	P
Dry cleaning and laundering pickup service	6316									P	P	P	P	P
Dry cleaning and laundering, self-service	6214									P	P	P		
Dry cleaning, laundering and dyeing services, except rugs	6211											P	P	P
Dry goods and general merchandise—retail	5391										P	P		
Dry goods and notions—wholesale	5131											C	P	P
Dude ranches	7512	C												
Duplicating, mailing and stenographic services	6339							P	P	P	P			
Dwelling, elderly	1100				P	P						C		
Dwelling, in nonresidential structure	1190							C	C			C		
Dwelling, mobile home not on permanent foundation	1151					C	C							

Dwelling, mobile home on permanent foundation	1152					C	C						
Dwelling, multifamily	1130				P	P	P	P			C		
Dwelling, single-family attached	1113				P	P	P	P			C		
Dwelling, single-family detached	1111	C	P	P	P	P	P				C		
Dwelling, two-family	1120				P	P	P				C		
Dyeing and finishing of textiles	2230											P	P
Dyeing, dry cleaning and laundry services, except rugs	6211										C	P	P
E													
Earthenware, table and kitchen articles—manufacturing	3253											P	P
Educational and scientific research services	6592									P	P	P	P
Egg and poultry—retail	5491	C							C	P	P		
Electric generation plants	4812	C										C	C
Electric lighting and wiring equipment—manufacturing	3434											P	P
Electric utility maintenance yard	4814	C										C	P
Electrical apparatus and equipment, wiring supplies, and construction materials—wholesale	5161										C	P	P
Electrical appliances, phonographs, televisions, tape players and radio sets—wholesale	5162										C	P	P
Electrical contractor services	6623									P		P	P
Electrical industrial apparatus—manufacturing	3432											P	P
Electrical repair services, except radio and television	6491									P	P	P	P
Electrical supplies—retail	5240									P	P		
Electrical transmission and distribution equipment—manufacturing	3431											P	P
Electricity regulating substations	4813	C	C	C	C	C	C		C	P	P	P	P
Electrometallurgical products and processing—manufacturing	3312											P	P
Electronic components and accessories—manufacturing	3437										C	P	P
Electronic parts and equipment—wholesale	5163										C	P	P
Electrotyping and stereotyping	2783										P	P	P

Employment services	6360								P		P	P		
Engineering, laboratory, and scientific and research instruments and associated equipment—manufacturing	3510											C	P	P
Engineering, planning and architectural professional services	6591								P	P	P	P	P	
Engines and turbines—manufacturing	3421													P
Envelope—manufacturing	2642												P	P
Equipment and supplies for service establishments—wholesale	5184												P	P
Equipment rental and leasing services	6394										P	P	P	P
Executive, legislative and judicial functions	6710								P		P	P		
Exhibition halls	7240	C									P	P	C	C
Explosives—manufacturing	2892													C
Exterminating and disinfecting services	6342											C	P	P
Extracts and flavoring syrups—manufacturing	2186												P	P
Extrusion, drawing, and rolling of nonferrous metals manufacturing	3350													P
F														
Fabricated structural metal products—manufacturing	3494													P
Fabricated wire products—manufacturing	3498													P
Fairgrounds	7311	P									P			
Farm machinery and equipment—retail	5252										P	P	P	P
Farm machinery and equipment—manufacturing	3422												P	P
Farm machinery and equipment—wholesale	5182												P	P
Farm products warehousing and storage excluding stockyards	6371	C											P	P
Farm supplies—retail	5253										P	P	P	P
Farms and ranches, livestock other than dairy	8160	P	C											
Farms, commercial forestry	8310	P	P											
Farms, dairy	8150	P	C											
Farms, fiber crops	8110	P	C	C	C	C	C			C	C	C	C	C
Farms, fruits, nuts or vegetables	8140	P	C	C	C	C	C	C	C	C	C	C	C	C

Farms, grain crops	8120	P	C	C	C	C	C	C	C	C	C	C	C	
Farms, hay and alfalfa	8130	P	C	C	C	C	C	C	C	C	C	C	C	
Farms, nursery stock	8292	P	C	C	C	C	C	C	C	C	C	C	C	
Farms, poultry	8170	P	C											
Feed preparation for animals and fowl	2142	P								C		P	P	
Feedlots	8225	RESTRICTED												
Feeds, grains and hay—retail	5961	P									C		P	P
Felt goods—manufacturing	2291												P	P
Fertilizers, agricultural hazardous—retail	5254												C	C
Fertilizers, agricultural nonhazardous—retail	5255									P	C	P	P	
Fertilizers and chemicals—mining	8545	C												C
Fieldhouses and arenas	7222									P	C			
Fire protection and related activities	6722	P	P	P	P	P	P	P	P	P	P	P	P	P
Fish and seafoods—retail	5422									P	P			
Fish and seafoods—wholesale	5145												P	P
Fish farms	8411	P	C											
Fish hatcheries	8412	P	C											
Fishing and hunting clubs	7515	P												
Flat glass—manufacturing	3210													P
Floor coverings—retail	5712									P	P			
Florists—retail	5991							P	P	P	P			
Flour and other grain mill products—manufacturing	2141													P
Flour blending and preparing—manufacturing	2145													P
Food lockers and storage services	6374									P	C	P	P	
Foundries, iron and steel—manufacturing	3320													P
Foundries, nonferrous metals—manufacturing	3360													P
Fraternal, civic and social associations	6994							C		P	P			
Fraternity and sorority houses	1221					P	P					C		
Freight forwarding services	4921											C	P	P
Frozen desserts and ice cream—manufacturing	2124												P	P
Fruits and vegetables (fresh)—wholesale	5147	P											P	P

Fruits and vegetables—retail	5430	P							P	P	P		
Fuel, except fuel oil and bottled gas—retail	5981									C		P	P
Fuel oil—retail	5982									C		P	P
Funeral, mortuary and crematory services	6241									P	P		
Fur dressing and dyeing—manufacturing	3996											P	P
Fur goods—manufacturing	2370											P	P
Fur repair and storage services	6252									P	P	P	P
Furniture and home furnishings—wholesale	5197											P	P
Furniture (household)—manufacturing	2510											P	P
Furniture (office)—manufacturing	2520											P	P
Furniture repair and reupholstery services	6494									P		P	P
Furniture—retail	5711									P	P		
Furriers and fur apparel—retail	5680									P	P		
Furs (raw), hides and skins—wholesale	5153											P	P
G													
Garden supplies and landscape nursery—retail	5962	P								C	P	P	
Garment repair, alteration and pressing services	6251									P	P	P	
Gas and petroleum (crude) drilling	8530										C		P
Gas and petroleum (crude) field services	8553										C		P
Gas pressure control stations	4824												C
Gas production plants	4822												C
Gas storage and distribution points	4823												C
Gas utility maintenance yard	4825												P
Gasoline service stations—retail	5530									C	P	P	P
Gelatin and glue—manufacturing	2891												P
General contracting and building construction services	6611										C	C	P
General stores—retail	5392									C	P	P	
Gifts, novelties and souvenirs—retail	5995									C	P	P	
Glass and glassware, pressed or blown—manufacturing	3229												P
Glass containers—manufacturing	3221												P

Glass, flat—manufacturing	3210													P
Glass, paint and wallpaper—retail	5230								P	P	P			
Glue and gelatin—manufacturing	2891													P
Go-cart tracks	7394	C								C		C	C	
Golf courses	7411	C	C	C	C	C	C	C		C		C	C	
Golf driving ranges	7393	C								C		C	C	
Grain mill products and flour—manufacturing	2141													P
Grain—wholesale	5152									C		P	P	
Grains, feeds and hay—retail	5961	C								C		P	P	
Gravel and sand quarrying	8543	C												P
Greases and lubricating oils—manufacturing	2991													P
Greenhouses	8291	P	C						C	P	C	P	P	
Greeting card—manufacturing	2760											P	P	
Grist milling services	8212													P
Groceries—retail	5410								P	P	P			
Groceries—wholesale	5141											P	P	
Gum and wood chemicals—manufacturing	2860													P
Guns, howitzers, mortars and related equipment—manufacturing	3411													P
Guns, small arms—manufacturing	3415													P
Gymnasiums and athletic clubs	7425								C	P	P			
Gypsum products—manufacturing	3265													P
H														
Handbags and other personal leather goods—manufacturing	2367												P	P
Hardware—retail	5251								P	P	P			
Hardware—wholesale	5171										C	P	P	
Hardwood dimension and flooring—manufacturing	2422											P	P	
Harvesting services	8213	P										P	P	
Hats, caps and millinery—manufacturing	2350											P	P	
Hay, grains and feeds—retail	5961	C								C		P	P	
Health and exercise spas	6261							C	C	P	P			

Health resorts	7513	C								P		P	P
Hearing aids, optical goods, orthopedic appliances and other similar devices—retail	5996							C	P	P	P		
Heating, air conditioning and plumbing contracting services	6621									P	C	P	P
Heating and plumbing equipment and supplies—retail	5220									P	P		
Heating apparatus (except electrical and plumbing fixtures)—manufacturing	3493											P	P
Heliport pads	4391	C								C		C	C
Hides, skins and raw furs—wholesale	5153											P	P
Historic and monument sites	7191	P	P	P	P	P	P	P	P	P	P	P	P
Hobby supplies—retail	5997									P	P	P	
Holding and investment services	6160							P	P	P	P		
Hospital services	6513							C		P	P		
Hotels, tourist courts, and motels	1510	C								C	P	P	
House furnishings, textile (except curtains and draperies)—manufacturing	2392											P	P
Household appliances—manufacturing	3433											P	P
Household appliances—retail	5720									P	P		
Hunting and fishing clubs	7515	P											
I													
Ice cream and frozen desserts—manufacturing	2124											P	P
Ice—manufacturing	2197											P	P
Ice—retail	5985									P	P	P	
Ice skating rinks, indoor	7414										P	P	C
Industrial and commercial machinery, equipment and supplies—wholesale	5181											C	P
Industrial laundry and linen supply services	6212											C	P
Industrial leather belting and packing—manufacturing	2362												P
Industrial machinery and equipment—manufacturing	3426												P
Industrial waste disposal	4856	C											C

Instruments for mechanical measuring and controlling except automatic temperature controls—manufacturing	3520												P	P
Insurance agents and brokers services	6142							P	P	P	P			
Insurance carriers	6141							P	P	P	P			
Investment and holding services	6160							P	P	P	P			
J														
Janitorial services	6344							C		P	P	P	P	P
Jewelry and precious metals—manufacturing	3911												P	P
Jewelry—retail	5970									P	P			
Jewelry, watch and clock repair services	6493								P	P	P			
K														
Kennels—boarding	8223	C	C								C		C	C
Kennels—breeding	8224	C	C								C		C	C
Knit goods—manufacturing	2220												P	P
L														
Labor unions and similar labor organizations	6993							P		P	P	P	P	P
Lace goods—manufacturing	2292												P	P
Lamp shades—manufacturing	3394												P	P
Landscape contracting services	6630									P			P	P
Landscape nursery and garden supplies—retail	5962	P							C	P	P			
Lapidary work	3913									P			P	P
Laundering and dry cleaning pickup service	6216								P	P	P	P	P	P
Laundering and dry cleaning, self-service	6214								P	P	P			
Laundering, dry cleaning and dyeing services, except rugs	6211											C	P	P
Lawn care—services	6343	P								P			P	P
Leather and fleece lined clothing—manufacturing	2384												P	P
Leather gloves and mittens—manufacturing	2365												P	P
Leather tanning and finishing—manufacturing	2361												P	P
Legal services	6520							P	P	P	P			
Libraries	7111	C	C	C	C	P	P	P	P	P	P			
Lime products—manufacturing	3264													P

Linen supply and industrial laundry services	6212										P	P	P
Linoleum, asphalted-felt-base, and other hard surface floor cover—manufacturing	3992											P	P
Liquid petroleum gas—wholesale	5194											C	C
Liquor—retail	5920								P	P	P		
Livestock—wholesale	5156	RESTRICTED											
Lockers, shelving, partitions and office and store fixtures—manufacturing	2540											P	P
Locksmith services	6399								P	P	P		
Logging camps and logging contractors	2410											P	P
Lubricating oils and greases—manufacturing	2991												P
Luggage—manufacturing	2366											P	P
Lumber and building materials—wholesale	5198											P	P
Lumberyards—retail	5211											P	P
M													
Machine shop—manufacturing	3450											P	P
Magazines and newspapers—retail	5993								P	P	P		
Magazines, books, and newspapers distributing—wholesale	5199									C	C	P	P
Mail order houses—retail	5320									P	P	P	P
Mailing, duplicating and stenographic services	6339							P	C	P	P		
Malt liquors—manufacturing	2181												P
Malt—manufacturing	2182												P
Management and business consulting services	6392							P	P	P	P		
Marinas	7440	C								P			
Masonry, stonework, tile setting and plastering services	6624									P		P	P
Massage services	6262									C	C		
Matches—manufacturing	3993												P
Mausoleums	6243	C	C	C	C	C	C						
Meat and meat packing products—wholesale	5146	C										P	P
Meat packing—manufacturing	2111	C											C
Meats—retail	5421	C							P	P	P		

Medical and surgical instruments and apparatus—manufacturing	3541											C	P	P
Medical clinics, outpatient services	6517							P		P	P			
Medical laboratory services	6514							P		P	P			
Medicinal chemicals—manufacturing	2832											P	P	
Metal cans—manufacturing	3491													P
Metal coating, engraving and allied services—manufacturing	3497											P	P	
Metal mining services	8551											P	P	
Metal ore mining	8510	C												C
Metal products, fabricated structural—manufacturing	3494													P
Metal stamping—manufacturing	3496													P
Metals and minerals, except petroleum products and scrap—wholesale	5191													P
Metals, nonferrous, rolling, drawing and extrusion—manufacturing	3350													P
Metalworking machinery and equipment—manufacturing	3424													P
Military administration or command centers	6755	P	P	P	P	P	P	P	P	P	P	P	P	P
Military communication centers	6756	P	P	P	P	P	P	P	P	P	P	P	P	P
Military defense installations	6752												P	P
Military training bases	6751													C
Milk processing, fluid only	2125												P	P
Millwork—manufacturing	2431												P	P
Miniature golf	7392									P	P	C		
Mobile home parks	1400					C	C							
Mobile homes and accessories—retail	5570									P	P			
Mobile homes—manufacturing	2434													P
Mobile homes not on permanent foundation	1151					C	C							
Mobile homes on permanent foundation	1152					C	C							
Monasteries	1252						P							
Monuments and historic sites	7191	P	P	P	P	P	P	P	P	P	P	P	P	P
Monuments—retail	5999									P	P	P		

Mortician's goods—manufacturing	3995											P	P
Mortuary, funeral and crematory services	6241									P	P		
Motels, hotels and tourist courts	1510									P	P		
Motion picture distribution services	6398							P		P	P	P	P
Motion picture production studios	3970									P		P	P
Motor freight garaging and equipment maintenance	4222											P	P
Motor freight terminals	4221									C	C	P	P
Motorcycles, bicycles and parts—manufacturing	3445											P	P
Museums	7112	C	C	C	C	C	P	P	P	P	P		
Musical instruments and parts—manufacturing	3920											P	P
Musical instruments and supplies—retail	5732								P	P	P		
N													
News syndicate services	6350							P		P	P		
Newspaper publishing and printing	2710									P	P	P	P
Newspapers and magazines—retail	5993								P	P	P		
Newspapers, books and magazines distribution—wholesale	5199									C	C	P	P
Nonmetallic mining, except fuel—services	8554												P
Noodles, macaroni, spaghetti and vermicelli—manufacturing	2198											P	P
Notions, dry goods—wholesale	5131										C	P	P
Novelties, gifts and souvenirs—retail	5995								C	P	P		
Nursery stock farms	8292	P	C	C	C	C	C	C	C	C	C	C	C
Nurse's home	1231				P	P	C						
Nursing, convalescent and rest home services	6516			C	C	P	P	C					
Nuts, bolts, screws, rivets, and washers, and screw machine products—manufacturing	3495											P	P
O													
Office and store fixtures, partitions, shelves and lockers—manufacturing	2540											P	P
Office, computing and accounting machines—manufacturing	3427											P	P
Office furniture—manufacturing	2520											P	P

Off-street parking for buildings and facilities for public assembly, commercial, industrial or institutional purposes		C	C	C	C	C	C	C	C	C	C	C	C
Oilcloth, plastic fabric and vinyl products—manufacturing	2295												P
Ophthalmic goods—manufacturing	3550											P	P
Optical goods, hearing aids, orthopedic appliances and other similar devices—retail	5996							P	P	P	P		
Optical instruments and lenses—manufacturing	3530											P	P
Optometrists, chiropractors and other similar health services	6519							P	P	P	P		
Ornamental iron works—manufacturing	3499											P	P
Orphanages	1242						P						
Orthopedic, prosthetic and surgical appliances and supplies—manufacturing	3542											P	P
Outdoor advertising services	6312									P	C	P	P
P													
Packing and crating services	4922									P		P	P
Padding and upholstery filling—manufacturing	2293											P	P
Paint, glass and wallpaper—retail	5230								P	P	P		
Painting and paper hanging services	6622									P		P	P
Paints, varnishes, lacquers, enamels, and allied products—manufacturing	2850												P
Paper and paper products—wholesale	5196									C	C	P	P
Paper coating and glazing—manufacturing	2641											P	P
Paper, except building paper—manufacturing	2620												P
Paper hanging and painting services	6622									P		P	P
Paperboard containers and boxes—manufacturing	2650											P	P
Paperboard—manufacturing	2630												P
Parasols, umbrellas and canes—manufacturing	3998											P	P
Parks, public	7610	P	P	P	P	P	P	P	P	P	P	P	P
Partitions, shelving, lockers and office and store fixtures—manufacturing	2540											P	P
Pattern shop	2493											P	P

Paving mixtures—manufacturing	2921												P	
Penny arcades	7391									P	P			
Pens, pencils and other office and artists' materials—manufacturing	3940											P	P	
Perfumes, cosmetics and other toiletries—manufacturing	2844											P	P	
Periodicals, publishing and printing	2720									P	P	P	P	
Petroleum bulk stations and terminals—wholesale	5192									C		C	C	
Petroleum (crude) and gas field services	8553									C		P	P	
Petroleum (crude) and natural gas drilling	8530	C								C		P	P	
Petroleum pipeline right-of-way	4911	P	C	C	C	C	C	C	C	C	C	P	P	
Petroleum pressure control stations	4912												C	
Petroleum refining	2910											C	P	
Pets and pet grooming—retail	5998									C	P	P		
Pharmaceutical preparations—manufacturing	2833											P	P	
Photocopying and blueprinting services	6332								C	P	P	P		
Photoengraving	2782											C	P	P
Photofinishing services	6395								C	P	P	P	P	P
Photographic equipment and supplies—manufacturing	3560											P	P	
Photographic studios and services	6220		C	C	C	C	C	P	P	P	P			
Photographic supplies and cameras—retail	5994								C	P	P	P		
Physicians' services	6511								P	P	P	P		
Planetaria	7121								P		P	P		
Planing mills and sawmills, general—manufacturing	2421													P
Planning, architectural and engineering professional services	6591								P	P	P	P		
Plastering, masonry, stone work and tile setting services	6624										C		P	P
Plastic, fabric, vinyl products and oilcloth—manufacturing	2295													P
Plastic products—manufacturing	3140												C	P
Plastics materials and synthetic resins, synthetic	2820													P

rubber, synthetic and other manmade fibers (except glass)—manufacturing													
Play lot or tot lot	7421	P	P	P	P	P	P	P	P	P	C	P	P
Playfields and athletic fields	7423	P	P	P	P	P	P		P	P		P	P
Playgrounds	7422	P	P	P	P	P	P	P	P	P		P	P
Pleating, decorative and novelty stitching and tucking for the trade—manufacturing	2395											P	P
Plumbing and heating equipment and supplies—retail	5220									P	P	P	P
Plumbing and heating equipment and supplies—wholesale	5172										C	P	P
Plumbing fixtures and heating apparatus (except electrical)—manufacturing	3493											P	P
Plumbing, heating and air conditioning contracting services	6621									P	C	P	P
Plywood and veneer—manufacturing	2432												P
Police protection and related activities	6721	P	P	P	P	P	P	P	P	P	P	P	P
Porcelain electrical supplies—manufacturing	3254											P	P
Postal services	6730							P	P	P	P	P	P
Pottery—manufacturing	3259											P	P
Poultry and eggs—retail	5491								C	P	P		
Poultry and poultry products—wholesale	5143	C										P	P
Poultry and small game dressing and packing	2113												P
Poultry hatchery services	8230	C											P
Prefabricating wooden buildings and structural members—manufacturing	2433											P	P
Preserving and canning of fruits, vegetables and seafoods—manufacturing	2130											P	P
Pressed and molded pulp goods—manufacturing	2646												P
Pressing, alteration and garment repair services	6251									P	P	P	
Primary smelting and refining of nonferrous metals—manufacturing	3330												P
Printing and publishing of books	2730										P	P	P
Printing and publishing of newspapers	2710										P	P	P
Printing and publishing of periodicals	2720										P	P	P

Printing, commercial	2740									P	P	P	P
Printing ink—manufacturing	2893												P
Prisons	6741	C											C
Private clubs	5821								P	P			
Processing waste and recovering fibers and flock—manufacturing	2294												P
Professional equipment and supplies—wholesale	5183										C	P	P
Professional membership organizations	6992							P		P	P	P	
Professional offices not elsewhere listed	6595							P	P	P	P		
Pulp—manufacturing	2610												P
Q													
Quarrying, gravel and sand	8543	C											C
Quarrying, stone	8542	C											C
R													
Race tracks and courses—animals	7223	C								C		C	P
Race tracks and courses—vehicles	7224	C								C		C	P
Radio broadcasting studios	4731									P	P		
Radio transmitting stations and towers	4732	C							C	C	C	C	C
Radioactive materials processing and storage—manufacturing	2880											C	C
Radios, televisions, phonographs, recorders and tape players—manufacturing	3435											P	P
Radioactive waste materials disposal	4858	C											C
Radios, televisions, phonographs, recorders and tape players—repair services	6492									P	P	P	P
Radios, televisions, phonographs, recorders and tape players—retail	5731									P	P		
Railroad equipment and maintenance yard	4116												P
Railroad equipment—manufacturing	3444												P
Railroad freight terminals	4114											P	P
Railroad passenger terminals	4113									P	P	P	P
Railroad right-of-way	4111	C	C	C	C	C	C	P	P	P	P	P	P
Railroad switching yards	4112												P
Raincoats and other waterproof outer garments	2383											P	P

—manufacturing													
Real estate agents, brokers and management services	6152							P		P	P		
Reclaiming rubber	3130												P
Recreation centers	7424	C	C	C	C	C	C		P	P	C		
Recreational vehicles and equipment—manufacturing	3446											P	P
Recreational vehicles and equipment—retail	5540									P			
Rectories	1253	P	P	P	P	P	P	P	P	P	P		
Refining and smelting (primary) of nonferrous metals	3330												P
Refining and smelting (secondary) of nonferrous metals and alloys	3340												P
Refining of petroleum	2910												C
Refrigerated warehousing (except food lockers)	6373											P	P
Refuse incineration	4851												C
Religious camps and retreats	6912	P	C										
Research, development and testing services	6391									P	P	P	P
Residential hotels	1300						P				P		
Resorts (general)	7511	P											
Rest, nursing and convalescent home services	6516			C	C	P	P	C					
Restaurants	5810								C	P	P	P	
Restaurants, drive-in	5810									P			
Retail trade not elsewhere listed	5990	C							C	P	P		
Retirement home	1241					P	P				P		
Reupholstery and furniture repair services	6494									P		P	P
Rice milling	2144												P
Riding stables	7416	P											
Road maintenance yards	4510											P	P
Robes and dressing gowns—manufacturing	2382											P	P
Roller skating rinks—indoor	7415									P	P		
Rolling, drawing and extrusion of nonferrous metals—manufacturing	3350												P

Schools, primary	6812		P	P	P	P	P	C					
Schools, professional	6823							P		P	P		
Schools, secondary	6813		P	P	P	P	P	C					
Schools, stenographic	6832							P		P	P		
Schools, technical	6831							C		P	P	P	
Schools, trade	6831									P	P	P	P
Schools, universities	6821						C	P		P	P		
Schools, vocational	6831									P	P	P	P
Scientific and educational research services	6592							C		P	P	P	P
Scrap and waste materials, nonmetallic—wholesale	5193												C
Screw machine products and bolts, nuts, screws, rivets, and washers—manufacturing	3495											P	P
Secondary smelting and refining of nonferrous metals—manufacturing	3340												P
Secondhand merchandise—retail	5932									P	P		
Security and commodity brokers, dealers, exchanges and services	6130							P		P	P		
Seed treating	8214	C								C		P	P
Service industry machines—manufacturing	3428											P	P
Sewage pressure control stations	4843	C	C	C	C	C	C	C	C	P	P	P	P
Sewage sludge drying beds	4842	C										C	C
Sewage treatment facilities	4841	C										C	C
Shades and venetian blinds—manufacturing	2591											P	P
Sheetmetal and roofing contracting services	6626									C		P	P
Shelving, partitions, lockers and office and store fixtures—manufacturing	2540											P	P
Shoe repair, shoe shining and hat cleaning services	6253							C	P	P	P		
Shoes—manufacturing	2364											P	P
Shoes—retail	5660									P	P		
Shoes—wholesale	5133											P	P
Shortening, table oils, margarine, and other edible fats and oils—manufacturing	2196												P

Signs and advertising displays—manufacturing	3997											P	P
Silverware and plated ware—manufacturing	3914											P	P
Skeet and trap shooting ranges	7418	C											
Skins, hides and raw furs—wholesale	5153											P	P
Smelting and refining (primary) of nonferrous metals	3330												P
Smelting and refining (secondary) of nonferrous metals	3340												P
Soaps and detergents (except specialty cleaners)—manufacturing	2841											P	P
Social, civic and fraternal associations	6994								P	P			
Social correctional, treatment and counseling services	6742					C	C	P	C	P	P		
Solid waste transfer stations	4859											C	C
Sorority and fraternity houses	1221					C	P					C	
Souvenirs, gifts and novelties—retail	5995							P	C	P	P		
Soybean oil milling	2192												P
Sporting goods—retail	5951									P	P		
Sporting, toys, amusement and athletic goods—manufacturing	3930											P	P
Stadiums	7221	C								P	P	P	P
Stationery—retail	5942								P	P	P		
Steel pipe and tubes—manufacturing	3315												P
Steel wire drawing, steel nails and spikes—manufacturing	3313												P
Steel works, blast furnaces and the rolling of ferrous metals	3311												P
Stenographic, duplicating, and mailing services	6339							P		P	P		
Stockyards	6372	RESTRICTED											
Stone products and cut stone—manufacturing	3270												P
Stone—quarrying	8542	C											C
Stone work, masonry, tile setting and plastering services	6624									C		P	P
Storage and warehousing of hazardous products	6377												C
Storage and warehousing of household goods	6375									C		P	P

Storage and warehousing of nonhazardous products	6376									C		P	P
Store and office fixtures, lockers, partitions and shelving—manufacturing	2540											P	P
Sugar refining—manufacturing	2160												P
Surgical and medical instruments and apparatus—manufacturing	3541											P	P
Swimming clubs	7431	C	C	C	C	C	C	P	P	P	C	C	
Synagogues, churches, and temples	6911	C	C	C	C	C	C	P	C	P	P		
Synthetic resins, synthetic rubber, plastic materials, synthetic and other manmade fibers (except glass)—manufacturing	2820												P
T													
Tailoring (custom)	5670									P	P	P	
Tanks (military) and tank components—manufacturing	3413												P
Taverns	5822									C	P	P	C
Taxicab dispatch	4291										P	P	P
Taxicab garaging and maintenance	4292										P	P	P
Telegraph communications	4720										P	P	
Telephone business office	4713								C		P	P	P
Telephone exchange stations	4711								P		P	P	P
Telephone maintenance yard	4714											P	P
Telephone relay towers (microwave)	4712	C							C		C	C	C
Television broadcasting studios	4741								C		P	P	
Television, radios, phonographs, recorders and tape players—manufacturing	3435											P	P
Television, radios, phonographs, recorders and tape players—repair service	6492										P	P	
Television, radios, phonographs, recorders and tape players—retail	5731										P	P	
Television transmitting stations and relay towers	4742	C									C	C	C
Temples, churches, and synagogues	6911	C	C	C	C	C	C	P	P	P			
Tennis clubs	7413	C	C	C	C	C	C		C	P	C	P	C
Testing, research, and development services	6391								C		P	P	P

Textile bags—manufacturing	2393												P	P	
Theaters, legitimate	7214							P	C	P	P				
Theaters, motion picture, indoor	7212									P	P				
Theaters, motion picture, outdoor	7213	C								C			C	P	
Threads and yarns, manufacturing	2250												P	P	
Tile setting, masonry, plastering and stone work services	6624									C			P	P	
Tire cord and fabric—manufacturing	2296												P	P	
Tires and inner tubes—manufacturing	3110													P	
Tires and inner tubes—wholesale	5113												P	P	
Title abstracting services	6153							P		P	P		P		
Tobacco and snuff—manufacturing	3963												P	P	
Tobacco and tobacco products—wholesale	5148												P	P	
Tobacco leaf—wholesale	5154												P	P	
Tobacco stemming and redrying	3964												P	P	
Tot lot or play lot	7421	P	P	P	P	P	P	P	P	P	P	P	P	P	
Tourist courts, hotels, and motels	1510	C								C	P	P			
Toys, amusement, sporting and athletic goods—manufacturing	3930												P	P	
Transportation equipment and supplies (except motor vehicles)—wholesale	5185												P	P	
Trap and skeet shooting ranges	7418	C													
Travel arranging services	4923										P	P	P	P	
Truck and automobile rental services	6397										C		P	P	
Truck wash services	6413													P	
Turbines and engines—manufacturing	3421													P	
U															
Umbrellas, parasols, and canes—manufacturing	3998													P	P
Upholstery, draperies and curtains—retail	5713										P	P			
Upholstery filling and padding—manufacturing	2293												P	P	
V															
Variety and discount stores—retail	5330											P	P		

Vegetable oil milling (except cottonseed and soybean)	2193												P
Vending machine operators—retail	5340								P	C	P		
Veneer and plywood—manufacturing	2432										P	P	
Venetian blinds and shades—manufacturing	2591										P	P	
Veterinarian services	8221	C						C	C	P	C	P	P
Video rental and distribution									P	P			
Vinyl products, plastic fabric and oilcloth—manufacturing	2295												P
Vitreous china plumbing fixtures, china earthenware fillings and bathroom accessories—manufacturing	3251											P	P
Vitreous china, table and kitchen articles—manufacturing	3252											P	P
W													
Wallpaper—manufacturing	2644											P	P
Wallpaper, paint and glass—retail	2644								P	P	P		
Warehousing and storage of hazardous products	6377												C
Warehousing and storage of household goods	6375									C		P	P
Warehousing and storage of nonhazardous products	6376									C		P	P
Watch, clock and jewelry repair services	6493								P	P	P		
Watches, clocks, clockwork-operated devices and parts—manufacturing	3570											P	P
Water storage	4833	C	C	C	C	C	C	C	C	C	C	C	C
Water treatment plants	4832	C										P	P
Water utility maintenance yard	4836											P	P
Water well drilling services	6628									C		P	P
Welding and blacksmith services	6629									C		P	P
Welfare and charitable services	6920									P	P		
Wet corn milling	2146												P
Window cleaning services	6341									P	P	P	P
Wine, beer, and alcoholic beverages—wholesale	5195										C	P	P
Wine, brandy and brandy spirits—manufacturing	2183												P
Wire products (fabricated)—manufacturing	3498											P	P

Wooden containers—manufacturing	2440												P	P
Wool and mohair—wholesale	5155												P	P
Wool preserving—manufacturing	2491												P	P
Worm farms	8160	P	C										P	P
Y														
Yarns and threads—manufacturing	2250												P	P
Z														
Zoos	7124	C	C	C	C	C	C						P	

(Ord. No. 3546, § 1, 6-8-88; Ord. No. 3601, § 1, 10-23-91; Ord. No. 3919, § 3, 4-8-04; Ord. No. 4062, § 1, 2-4-10; Ord. No. 4129, § 1, 8-16-12)

APPENDIX B. - A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES

The purpose of Appendix B is to provide an index of the uses for easy reference.

The terminology used in Appendix B is based on the four-digit level of coding and classification of land use contained in the Standard Land Use Coding Manual prepared by the Urban Renewal Administration, Housing and Home Finance Agency and Bureau of Public Roads Department of Commerce, January, 1965. The classification system has been modified to include new uses that have been developed since 1965 and the numerical coding system has been modified accordingly. The coding and classification system has also been modified in certain instances to clarify terminology.

The Standard Land Use Coding Manual contains additional descriptive information that could be helpful in the interpretation of a particular use and should be used as a reference document to support these regulations.

A STANDARD SYSTEM FOR IDENTIFYING AND CODING LAND USE ACTIVITIES

Code	Category	Code	Category	Code	Category
—					
11	Household units	111	Dwelling—single-family	1100	Dwelling—elderly
				1111	Dwelling—single-family, detached
				1113	Dwelling—single-family, attached
		112	Dwelling—two-family	1120	Dwelling—two-family
		113	Dwelling—multifamily	1130	Dwelling—multifamily
		115	Mobile homes	1151	Dwelling—mobile home, not on permanent foundation
				1152	Dwelling—mobile home, on permanent foundation
		119	Dwelling in nonresidential structure	1190	Dwelling—in nonresidential structure
12	Group quarters	121	Rooming and boarding houses	1210	Rooming and boarding

					houses
		122	Membership lodging	1221	Fraternity and sorority houses
		123	Residence halls and dormitories	1231	Nurses' homes
				1232	Dormitories, college
		124	Retirement homes and orphanages	1241	Retirement homes
				1242	Orphanages
		125	Religious quarters	1251	Convents
				1252	Monasteries
				1253	Rectories
13	Residential hotel	130	Residential hotel	1300	Residential hotel
14	Mobile home park	140	Mobile home park	1400	Mobile home parks
15	Transient lodging	150	Hotels, tourist courts, motels	1510	Hotels, tourist courts and motels
21	Food and kindred products— manufacturing	211	Meat products—manufacturing	2111	Meat packing— manufacturing
				2112	Sausage and other prepared meat products —manufacturing
				2113	Poultry and small game dressing and packing
		212	Dairy products—manufacturing	2121	Butter manufacturing
				2122	Cheese (natural and processed)— manufacturing
				2124	Ice cream and frozen deserts—manufacturing
				2125	Milk processing, fluid only
		213	Food canning and preserving	2130	Canning and preserving of fruits, vegetables and seafoods— manufacturing
		214	Grain mill products manufacturing	2141	Flour and other grain mill products— manufacturing
				2142	Feed preparation for animals and fowl

				2143	Cereal preparations— manufacturing
				2144	Rice milling
				2145	Flour blending and preparing— manufacturing
				2146	Wet corn milling
		215	Bakery—manufacturing	2150	Bakery products— manufacturing
		216	Sugar manufacturing	2160	Sugar refining— manufacturing
		217	Confectionery manufacturing	2171	Candy and other confectionery products— manufacturing
				2172	Chocolate and cocoa products— manufacturing
				2173	Chewing gum— manufacturing
		218	Beverage manufacturing	2181	Malt liquors— manufacturing
				2182	Malt—manufacturing
				2183	Wine, brandy and brandy spirits—manufacturing
				2184	Distilling, rectifying, and blending liquors
				2185	Bottling and canning soft drinks and carbonated waters
				2186	Extracts and flavoring syrup—manufacturing
		219	Food preparation— manufacturing, NEC (Not Elsewhere Coded)	2191	Cottonseed oil milling
				2192	Soybean oil milling
				2193	Vegetable oil milling (except cottonseed and soybean)
				2194	Animal and marine fats and oils including grease and tallow, rendering—

					manufacturing
				2195	Coffee roasting and coffee products—manufacturing
				2196	Shortening, table oils, margarine and other edible fats and oils—manufacturing
				2197	Ice—manufacturing
				2198	Noodles, macaroni, spaghetti and vermicelli—manufacturing
<u>22</u>	Textile mill products—manufacturing	221	Cotton, manmade fiber, silk and wool weaving and manufacturing	2210	Cotton, manmade fiber, silk and wool weaving and manufacturing
		222	Knit goods—manufacturing	2220	Knit goods—manufacturing
		223	Textile dyeing and finishing	2230	Dyeing and finishing of textiles
		224	Floor covering—manufacturing	2240	Rug and carpet—manufacturing
		225	Yarns and threads—manufacturing	2250	Yarns and threads—manufacturing
		229	Textile goods manufacturing, NEC	2291	Felt goods—manufacturing
				2292	Lace goods—manufacturing
				2293	Padding and upholstery filling—manufacturing
				2294	Processing waste and recovering fibers and flock—manufacturing
				2295	Oilcloth, plastic fabric and vinyl products—manufacturing
				2296	Tire cord and fabric—manufacturing
23	Apparel and other finished products made from fabrics, leather and similar materials—manufacturing	235	Hats and millinery—manufacturing	2350	Hats, caps and millinery—manufacturing
		236	Leather and leather products—	2361	Leather tanning and

			manufacturing		finishing—manufacturing
				2362	Industrial leather belting and packing—manufacturing
				2363	Boot and shoe cut stock and findings—manufacturing
				2364	Shoes—manufacturing
				2365	Leather glove and mitten—manufacturing
				2366	Luggage—manufacturing
				2367	Handbag and other personal leather goods—manufacturing
		237	Fur goods—manufacturing	2370	Fur goods—manufacturing
		238	Apparel and accessories—manufacturing	2382	Robes and dressing gowns—manufacturing
				2383	Raincoats and other waterproof outer garments—manufacturing
				2384	Clothing, leather and fleece-lined—manufacturing
				2385	Apparel, belts—manufacturing
				2389	Apparel and accessories—manufacturing
		239	Fabricated textile products—manufacturing	2391	Curtains and draperies—manufacturing
				2392	House furnishings, textile (except curtains & draperies)—manufacturing
				2393	Textile bags—manufacturing
				2394	Canvas products—manufacturing
				2395	Pleating, decorative and novelty stitching and tucking for the trade—

					manufacturing
				2396	Apparel findings and related products—manufacturing
24	Lumber and wood products—manufacturing	241	Logging	2410	Logging camps and logging contractors
		242	Sawmills and planing mills	2421	Sawmills and planing mills, general—manufacturing
				2422	Hardwood dimension and flooring—manufacturing
		243	Mill work and fabricated wood products—manufacturing	2431	Mill work—manufacturing
				2432	Veneer and plywood—manufacturing
				2433	Prefabricated wooden building and structural members—manufacturing
				2434	Mobile homes—manufacturing
				2435	Cabinet making—manufacturing
		244	Wooden containers—manufacturing	2440	Wooden containers—manufacturing
		249	Lumber and wood products—manufacturing, NEC	2491	Wood preserving—manufacturing
				2493	Pattern shop
25	Furniture, fixtures—manufacturing	251	Household furniture—manufacturing	2510	Furniture (household)—manufacturing
		252	Office furniture—manufacturing	2520	Furniture (office)—manufacturing
		254	Lockers, shelving, partitions and office and store fixtures—manufacturing	2540	Lockers, shelving, partitions and office and store fixtures—manufacturing
		259	Furniture fixtures, NEC	2591	Venetian blinds and shades—manufacturing
<u>26</u>	Paper products—manufacturing	261	Pulp—manufacturing	2610	Pulp—manufacturing
		262	Paper—manufacturing	2620	Paper (except building

					paper)—manufacturing
		263	Paperboard—manufacturing	2630	Paperboard— manufacturing
		264	Converted paper products— manufacturing	2641	Paper coating and glazing—manufacturing
				2642	Envelope— manufacturing
				2643	Bag (except textile bag)— manufacturing
				2644	Wallpaper— manufacturing
				2645	Cardboard, paperboard and die cut paper— manufacturing
				2646	Pressed and molded pulp goods—manufacturing
				2647	Sanitary paper products —manufacturing
		265	Paperboard containers and boxes —manufacturing	2650	Boxes and paperboard containers— manufacturing
		266	Building paper and building board—manufacturing	2660	Building paper and building board— manufacturing
27	Printing, publishing and allied industries	271	Newspapers printing and publishing	2710	Newspapers, printing and publishing
		272	Periodicals, printing and publishing	2720	Periodicals, printing and publishing
		273	Books, printing and publishing	2730	Books, printing and publishing
		274	Commercial printing	2740	Printing, commercial
		275	Business forms—manufacturing	2750	Business forms— manufacturing
		276	Greeting cards—manufacturing	2760	Greeting cards— manufacturing
		277	Bookbinding—manufacturing	2771	Blank book, loose leaf binders and devices— manufacturing
				2772	Bookbinding and miscellaneous related work—manufacturing

		278	Printing trade service industries	2782	Photoengraving
				2783	Electrotyping and stereotyping
28	Chemical products— manufacturing	281	Industrial chemicals— manufacturing	2810	Chemical, industrial organic and inorganic— manufacturing
		282	Plastics and synthetic resins— manufacturing	2820	Plastic materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass)—manufacturing
		283	Drug—manufacturing	2831	Biological products— manufacturing
				2832	Medicinal chemicals— manufacturing
				2833	Pharmaceutical preparations— manufacturing
		284	Soaps, detergent cleaning and toilet preparations— manufacturing	2841	Soap and detergent (except specialty cleaners)— manufacturing
				2842	Cleaning, polishing and sanitation preparations (except soap and detergents)— manufacturing
				2844	Perfume, cosmetics and other toiletries— manufacturing
		285	Paint, varnish, lacquer— manufacturing	2850	Paint, varnish, lacquer, enamels and allied products— manufacturing
		286	Gum and wood chemical— manufacturing	2860	Gum and wood chemical —manufacturing
		287	Agricultural chemicals— manufacturing	2870	Agricultural fertilizer chemicals— manufacturing
		288	Radioactive materials processing and storage—manufacturing	2880	Radioactive materials processing and storage— manufacturing

		289	Chemical—manufacturing, NEC	2891	Glue and gelatin— manufacturing
				2892	Explosives— manufacturing
				2893	Printing ink— manufacturing
				2894	Carbon black— manufacturing
29	Petroleum refining and related industries	291	Petroleum refining	2910	Petroleum refining
		292	Paving and roofing materials— manufacturing	2921	Paving mixtures— manufacturing
				2922	Asphalt felts and coatings —manufacturing
		299	Petroleum refining, NEC	2991	Grease & lubricating oil— manufacturing
31	Rubber, plastics—manufacturing	311	Tires, innertubes—manufacturing	3110	Tires and innertubes— manufacturing
		312	Rubber footwear—manufacturing	3120	Rubber footwear— manufacturing
		313	Rubber reclaiming	3130	Rubber reclaiming
		314	Plastic products—manufacturing	3140	Plastic products— manufacturing
		319	Fabricated rubber products	3190	Rubber products, fabricated manufacturing
32	Stone, clay, glass products— manufacturing	321	Flat glass—manufacturing	3210	Flat glass— manufacturing
		322	Glass and glassware— manufacturing	3221	Glass containers— manufacturing
				3229	Glass and glassware, pressed or blown— manufacturing
		323	Cement (hydraulic)— manufacturing	3230	Cement (hydraulic)— manufacturing
		324	Structural clay products— manufacturing	3241	Brick and structural clay tile—manufacturing
				3242	Ceramic wall and floor tile—manufacturing
				3243	Clay refractories— manufacturing

		325	Pottery and related products— manufacturing	3251	Vitreous china plumbing fixtures, china, earthenware fillings and bathroom accessories— manufacturing
				3252	Vitreous china, table and kitchen articles— manufacturing
				3253	Earthenware table and kitchen articles— manufacturing
				3254	Porcelain electrical supplies—manufacturing
				3259	Pottery—manufacturing
		326	Concrete, gypsum plaster products—manufacturing	3261	Concrete brick and block —manufacturing
				3262	Concrete products— manufacturing
				3263	Concrete ready-mix plants
				3264	Lime products— manufacturing
				3265	Gypsum products— manufacturing
		327	Cut stone and stone products— manufacturing	3270	Cut stone and stone products— manufacturing
		328	Abrasive asbestos and miscellaneous nonmetallic mineral products—manufacturing	3280	Abrasive asbestos and miscellaneous nonmetallic mineral products— manufacturing
33	Primary metal industries	331	Blast furnaces, steel works and rolling finishing ferrous metals	3311	Blast furnaces, steel works and rolling ferrous metals
				3312	Electrometallurgical products and processing —manufacturing
				3313	Steel wire drawing, steel nails and spikes— manufacturing
				3315	Steel pipe and tubes— manufacturing

		332	Iron and steel foundries	3320	Foundries, iron & steel— manufacturing
		333	Primary smelting and refining nonferrous metals	3330	Primary smelting and refining nonferrous metals
		334	Secondary smelting, refining nonferrous metals	3340	Refining and smelting nonferrous metals and alloys
		335	Rolling, drawing, extruding nonferrous metals	3350	Drawing, rolling and extrusion of nonferrous metals—manufacturing
		336	Nonferrous foundries	3360	Foundries, nonferrous metals—manufacturing
<u>34</u>	Fabricated metal products— manufacturing	341	Ordnance and accessories	3411	Guns, howitzers, mortars and related equipment— manufacturing
				3412	Ammunition manufacturing and complete assembly of guided missiles and space vehicles
				3413	Tanks (military) and tank components— manufacturing
				3415	Guns, small arms— manufacturing
				3416	Ammunition, small arms —manufacturing
		342	Machinery manufacturing	3421	Engines and turbines— manufacturing
				3422	Farm machinery and equipment— manufacturing
				3423	Construction, mining and materials handling machinery and equipment— manufacturing
				3424	Metal work machinery and equipment— manufacturing
				3426	Industrial machinery and equipment— manufacturing

				3427	Accounting, computing and office machines— manufacturing
				3428	Service industry machines— manufacturing
		343	Electrical machinery— manufacturing	3431	Electrical transmission and distribution equipment— manufacturing
				3432	Electrical industrial apparatus— manufacturing
				3433	Appliance (household)— manufacturing
				3434	Electrical lighting and wiring equipment— manufacturing
				3435	Radio, television, phonographs and tape players— manufacturing
				3436	Communication equipment— manufacturing
				3437	Electronic components and accessories— manufacturing
		344	Transportation equipment— manufacturing	3441	Automobile and other motor vehicles and equipment— manufacturing
				3442	Aircraft and parts— manufacturing
				3443	Boat building and repair services
				3444	Railroad equipment— manufacturing
				3445	Motorcycles, bicycles and parts— manufacturing
				3446	Recreational vehicles and equipment— manufacturing
		345	Machine shop— manufacturing	3450	Machine shop—

					manufacturing
		349	Fabricated metal products— manufacturing	3491	Metal cans— manufacturing
				3492	Cutlery, hand tools, and general hardware— manufacturing
				3493	Heating apparatus (except electrical) and plumbing fixtures— manufacturing
				3494	Fabricated structural metal products— manufacturing
				3495	Nuts, bolts, screws, rivets, washers and screw machine products— manufacturing
				3496	Metal stamping— manufacturing
				3497	Metal coating, engraving and allied services— manufacturing
				3498	Fabricated wire products —manufacturing
				3499	Ornamental iron works— manufacturing
35	Professional, scientific equipment —manufacturing	351	Engineering, laboratory and scientific equipment— manufacturing	3510	Engineering, laboratory and scientific and research instruments and associated equipment— manufacturing
		352	Measuring, controlling instruments—manufacturing	3520	Instruments for mechanical measuring and controlling (except automatic temperature control)—manufacturing
				3522	Automatic temperature control—manufacturing
		353	Optical instruments— manufacturing	3530	Optical instruments and lenses—manufacturing
		354	Medical equipment— manufacturing	3541	Medical and surgical equipment apparatus— manufacturing

				3542	Orthopedic, prosthetic and surgical appliances and supplies—manufacturing
				3543	Dental equipment and supplies—manufacturing
		355	Ophthalmic goods—manufacturing	3550	Ophthalmic goods—manufacturing
		356	Photographic equipment—manufacturing	3560	Photographic equipment and supplies—manufacturing
		357	Watches, clocks—manufacturing	3570	Watches, clocks, clock works, clock-work operated devices and parts—manufacturing
36	Salvaging and recycling	361	Salvage yards	3610	Salvage yards
39	Miscellaneous—manufacturing	391	Jewelry, silverware—manufacturing	3911	Jewelry and precious metals—manufacturing
				3913	Lapidary work—manufacturing
				3914	Silverware and plated ware—manufacturing
		392	Musical instruments—manufacturing	3920	Musical instruments and parts—manufacturing
		393	Toys, amusement, sporting goods, and recreation equipment—manufacturing	3930	Toys, amusements, sporting and athletic goods—manufacturing
		394	Pens, pencils, artist supplies—manufacturing	3940	Pens, pencils and other office and artist materials—manufacturing
		395	Costume jewelry, novelty—manufacturing	3950	Costume jewelry, novelties, buttons and miscellaneous notions—manufacturing
		396	Tobacco—manufacturing	3961	Cigarettes and cigars—manufacturing
				3963	Tobacco and snuff—manufacturing
				3964	Tobacco stemming and redrying
		397	Motion picture production	3970	Motion picture production studios

		399	Manufacturing, NEC	3991	Brooms and brushes— manufacturing
				3992	Linoleum, asphalt and felt base and other hard surface floor cover— manufacturing
				3993	Matches—manufacturing
				3994	Lamp shade— manufacturing
				3995	Mortician's goods— manufacturing
				3996	Fur dressing and dyeing —manufacturing
				3997	Advertising displays and signs—manufacturing
				3998	Umbrellas, parasols and canes—manufacturing
41	Railroad transportation	411	Railroad transportation	4111	Railroad right-of-way
				4112	Railroad switching yards
				4113	Railroad passenger terminal
				4114	Railroad freight terminal
				4116	Railroad equipment and maintenance yard
<u>42</u>	Motor vehicle transportation	421	Bus transportation	4211	Bus passenger terminals
				4214	Bus garaging and equipment maintenance
		422	Motor freight transportation	4221	Motor freight terminals
				4222	Motor freight, garaging and equipment maintenance
		429	Motor vehicle transportation, NEC	4291	Taxicab dispatch
				4292	Taxicab, garaging and maintenance
43	Aircraft transportation	431	Airports and flying fields	4311	Airports and flying fields
				4312	Airport passenger terminal
				4313	Airport freight terminal

				4315	Aircraft storage and equipment maintenance
		439	Heliport pads	4391	Heliport pads
45	Highway and street	451	Road maintenance yards	4510	Road maintenance yards
<u>46</u>	Automobile parking	460	Automobile parking	4600	Automobile parking
47	Communication	471	Telephone communication	4711	Telephone exchange stations
				4712	Telephone relay towers microwave
				4713	Telephone business office
				4714	Telephone maintenance yard
		472	Telegraph communication	4720	Telegraph communications
		473	Radio communication	4731	Radio broadcasting studio
				4732	Radio transmitting stations and towers
		474	Television communication	4741	Television broadcasting studio
				4742	Television transmitter stations and relay tower
				4743	Cable T.V. maintenance yard
48	Utilities	481	Electric utility	4812	Electric generation plant
				4813	Electricity regulating substation
				4814	Electric utility maintenance yard
		482	Gas utility	4822	Gas production plants
				4823	Gas storage and distribution points
				4824	Gas pressure control stations
				4825	Gas utility maintenance yard
		483	Water utilities and irrigation	4832	Water treatment plant

				4833	Water storage
				4835	Water pressure control stations
				4836	Water utility maintenance yard
		484	Sewage disposal	4841	Sewage treatment facilities
				4842	Sewage sludge drying beds
				4843	Sewage pressure control stations
		485	Solid waste disposal	4851	Refuse incineration
				4853	Composting plants
				4854	Sanitary landfill
				4856	Industrial waste disposal
				4858	Radioactive waste materials disposal
				4859	Solid waste transfer station
49	Transportation, communication and utilities, NEC	491	Pipeline right-of-way	4911	Petroleum pipeline right-of-way
				4912	Petroleum pressure control station
		492	Transportation services	4921	Freight forwarding services
				4922	Packing and crating services
				4923	Travel arranging services
51	Wholesale trade	511	Motor vehicle and equipment—wholesale	5111	Automobile and other motor vehicles—wholesale
				5112	Automobile equipment—wholesale
				5113	Tires and innertubes—wholesale
		512	Drugs, chemicals—wholesale	5121	Drugs, drug proprietaries and druggist sundries—wholesale
				5123	Agricultural chemicals—

					wholesale
				5124	Chemicals (industrial)— wholesale
		513	Dry goods and apparel— wholesale	5131	Dry goods and notions— wholesale
				5132	Apparel and accessories —wholesale
				5133	Shoes—wholesale
		514	Groceries and related products— wholesale	5141	Groceries—wholesale
				5142	Dairy products— wholesale
				5143	Poultry and poultry products—wholesale
				5144	Confectionery— wholesale
				5145	Fish and seafoods— wholesale
				5146	Meat and meat packing products—wholesale
				5147	Fruit and vegetable (fresh)—wholesale
				5148	Tobacco and tobacco products—wholesale
		515	Farm products (raw materials)— wholesale	5151	Cotton—wholesale
				5152	Grain—wholesale
				5153	Hides, skins and furs (raw)—wholesale
				5154	Tobacco leaf—wholesale
				5155	Wool and mohair— wholesale
				5156	Livestock—wholesale
		516	Electrical goods—wholesale	5161	Electrical apparatus and equipment, wiring supplies and construction materials— wholesale
				5162	Appliances (electrical), television, phonographs,

					tape players and radio sets—wholesale
				5163	Electronic parts and equipment—wholesale
		517	Hardware, plumbing, heating equipment—wholesale	5171	Hardware—wholesale
				5172	Plumbing, heating equipment and supplies—wholesale
				5173	Air conditioning, refrigerated equipment and supplies—wholesale
		518	Machinery equipment—wholesale	5181	Commercial and industrial machinery, equipment and supplies—wholesale
				5182	Farm machinery and equipment—wholesale
				5183	Professional equipment and supplies—wholesale
				5184	Equipment and supplies for service establishments—wholesale
				5185	Transportation equipment and supplies (except motor vehicles)—wholesale
		519	Wholesale trade, NEC	5191	Metals and minerals, except petroleum products and scrap—wholesale
				5192	Petroleum bulk stations and terminals—wholesale
				5193	Scrap and waste materials, nonmetallic—wholesale
				5194	Liquid petroleum gas—wholesale
				5195	Alcoholic beverages, beer and wine—wholesale
				5196	Paper and paper products—wholesale

				5197	Furniture and home furnishings—wholesale
				5198	Lumber and building materials—wholesale
				5199	Books, magazine and newspaper distributing—wholesale
52	Retail trade—building materials, hardware and farm equipment	521	Lumber and other building materials—retail	5211	Lumber yards—retail
				5212	Building materials—retail
		522	Heating and plumbing equipment—retail	5220	Heating and plumbing equipment and supplies—retail
		523	Paint, glass and wallpaper—retail	5230	Paint, glass and wallpaper—retail
		524	Electric supplies—retail	5240	Electric supplies—retail
		525	Hardware and farm equipment and supplies—retail	5251	Hardware—retail
				5252	Farm machinery and equipment—retail
				5253	Farm supplies—retail
				5254	Agricultural fertilizer, hazardous—retail
				5255	Agricultural fertilizer, nonhazardous—retail
		526	Construction equipment—retail	5260	Construction equipment—retail
53	Retail trade—general merchandise	531	Department stores—retail	5310	Department stores—retail
		532	Mail order houses—retail	5320	Mail order houses—retail
		533	Discount variety story—retail	5330	Discount and variety stores—retail
		534	Vending machine operators—retail	5340	Vending machine operators—retail
		535	Direct selling organizations—retail	5350	Direct selling organizations—retail
		539	Dry goods—retail	5391	Dry goods and general merchandise—retail
				5392	General stores—retail

<u>54</u>	Retail trade—food	541	Groceries—retail	5410	Groceries—retail
		542	Meats and fish—retail	5421	Meats—retail
				5422	Fish and seafoods—retail
		543	Fruits and vegetables—retail	5430	Fruits and vegetables—retail
		544	Candy, nuts, and confectionery—retail	5440	Candy, nuts and confectionery—retail
		545	Dairy products—retail	5450	Dairy products—retail
		546	Bakeries—retail	5461	Bakeries manufacturing—retail
				5462	Bakeries nonmanufacturing—retail
		549	Eggs and poultry—retail	5491	Eggs and poultry—retail
55	Retail trade—automotive, marine craft, recreational vehicles, aircraft and accessories	551	Motor vehicles—retail	5511	Automobile and other motor vehicles—retail
		552	Automobile parts and supplies—retail	5520	Automobile parts and supplies—retail
		553	Service stations—retail	5530	Gasoline service stations—retail
		554	Recreational vehicles—retail	5540	Recreational vehicles and equipment—retail
		556	Aircraft and accessories—retail	5560	Aircraft and accessories—retail
		557	Mobile homes and accessories—retail	5570	Mobile homes and accessories—retail
56	Retail trade—apparel and accessories	561	Apparel and accessories—retail	5610	Apparel and accessories—retail
		566	Shoes—retail	5660	Shoes—retail
		567	Custom tailoring	5670	Tailoring (custom)
		568	Furriers and fur apparel—retail	5680	Furriers and fur apparel—retail
57	Retail trade—furniture and home furnishings	571	Furniture and home furnishings—retail	5711	Furniture—retail
				5712	Floor coverings—retail
				5713	Draperies, curtain and upholstery—retail

				5714	China, glassware and metalware—retail
		572	Household appliances—retail	5720	Appliances (household)—retail
		573	Radios, televisions, phonographs and tape players—retail	5731	Radios, televisions, phonographs, recorders and tape players—retail
		574	Musical instruments and supplies—retail	5732	Musical instruments and supplies—retail
<u>58</u>	Retail trade—eating and drinking	581	Restaurants	5810	Restaurants, including drive-ins
		582	Drinking places	5821	Private clubs
				5822	Taverns
59	Retail trade—miscellaneous	591	Drug—retail	5910	Drug and proprietary—retail
		592	Liquor—retail	5920	Liquor—retail
		593	Antiques and secondhand merchandise—retail	5931	Antiques—retail
				5932	Secondhand merchandise—retail
		594	Book and stationery—retail	5941	Books—retail
				5942	Stationery—retail
		595	Sporting goods and bicycles—retail	5951	Sporting goods—retail
				5952	Bicycle shops—retail
				5953	Bait stores
		596	Farm and garden supplies—retail	5961	Feed, grains and hay—retail
				5962	Garden supplies and landscape nursery—retail
		597	Jewelry—retail	5970	Jewelry—retail
		598	Fuel and ice—retail	5981	Fuel, except fuel oil and bottled gas—retail
				5982	Fuel oil—retail
				5983	Bottled gas—retail
				5984	Ice—retail
		599	Retail trade, NEC	5990	Retail trade not elsewhere listed

				5991	Florists—retail
				5992	Cigars and cigarettes—retail
				5993	Newspapers and magazines—retail
				5994	Cameras and photographic supplies—retail
				5995	Gifts, novelties and souvenirs—retail
				5996	Optical goods, hearing aids, orthopedic appliances and other similar devices—retail
				5997	Hobby supplies—retail
				5998	Pets and pet grooming—retail
				5999	Monuments—retail
61	Finance, insurance and real estate services	611	Banking services	6111	Banking services
		612	Credit services	6121	Savings and loans associations
				6122	Agricultural, business and personal credit services including credit unions
		613	Security and commodity brokers, dealers, exchanges and services	6130	Security and commodity brokers, dealers exchanges and services
		614	Insurance carriers, agents, brokers and services	6141	Insurance carriers
				6142	Insurance agents and brokers services
		615	Real estate services	6152	Real estate agents, brokers and management services
				6153	Title abstracting services
		616	Holding and investment services	6160	Holding and investment services
<u>62</u>	Personal services	621	Laundering, dry cleaning and	6211	Laundering, dry cleaning

			dyeing services		and dyeing services except rugs
				6212	Linen supply and industrial laundry services
				6213	Diaper services
				6214	Laundering and dry cleaning, self-service
				6215	Carpet and rug cleaning and repair services
				6216	Laundering and dry cleaning, pickup service
		622	Photographic services	6220	Photographic studios and services
		623	Beauty and barber services	6231	Beauty services
				6232	Barber services
		624	Funeral and crematory services and cemeteries	6241	Funeral, mortuary and crematory services
				6242	Cemeteries
				6243	Mausoleums
		625	Apparel repair and alteration, and shoe repair services	6251	Pressing, alteration and garment repair services
				6252	Fur repair and storage services
				6253	Shoe repair and shoe shining and hat cleaning services
		626	Recreational health services	6261	Health and exercise spas
				6262	Massage services
63	Business services	631	Advertising services	6311	Advertising services, general
				6312	Outdoor advertising services
		632	Credit reporting, collection and adjustment services	6320	Credit reporting, collection and adjustment services
		633	Duplicating, mailing and stenographic services	6331	Advertising services, direct mail

				6332	Blueprinting and photocopying services
				6339	Duplicating, mailing and stenographic services
		634	Building maintenance—services	6341	Window cleaning services
				6342	Disinfecting and exterminating services
				6343	Lawn care services
				6344	Janitorial services
		635	News syndicate services	6350	News syndicate services
		636	Employment services	6360	Employment services
		637	Warehousing and storage services	6371	Farm products warehousing and storage, excluding stockyards
				6372	Stockyards
				6373	Refrigerated warehousing (except food lockers)
				6374	Food lockers and storage services
				6375	Warehousing and storage of household goods
				6376	Warehousing and storage of nonhazardous products
				6377	Warehousing and storage of hazardous products
		638	Business offices (NEL)	6380	Business offices, not elsewhere listed
		639	Business services, NEC	6391	Research, development and testing services
				6392	Business and management consulting services
				6393	Detective and protective services
				6394	Equipment rental and leasing services
				6395	Photofinishing services

				6397	Automobile and truck rental services
				6398	Motion picture distribution services
				6399	Locksmith services
64	Repair services	641	Motor vehicle repair and services	6411	Automobile and other motor vehicle repair services
				6412	Automobile wash services
				6413	Truck wash services
		649	Miscellaneous repair services	6491	Electrical repair services, except radio and television
				6492	Radio, television, phonographs, recorders and tape players repair services
				6493	Watch, clock and jewelry repair services
				6494	Reupholstery and furniture repair services
				6495	Armature rewinding services
				6497	Appliance repair services
65	Professional services	651	Medical and health services	6511	Physicians' services
				6512	Dental services
				6513	Hospital services
				6514	Medical laboratory services
				6515	Dental laboratory services
				6516	Convalescent, nursing and rest home services
				6517	Medical clinics, outpatient services
				6518	Amulance services
				6519	Chiropractors, optometrists, and other

					similar health services
		652	Legal services	6520	Legal services
		659	Professional services, NEC	6591	Engineering, architectural and planning professional services
				6592	Educational and scientific research services
				6593	Auditing, accounting and bookkeeping services
				6594	Artists—painters, sculptors, composers and authors
				6595	Professional offices not elsewhere listed
<u>66</u>	Contract construction services	661	Building construction—general contractor services	6611	Building construction—general contractor services
		662	Construction trade services	6621	Air conditioning, heating, and plumbing contracting services
				6622	Painting and paper hanging services
				6623	Electrical contractor services
				6624	Masonry, stonework, tile setting and plastering services
				6625	Carpentry and wood flooring services
				6626	Roofing and sheetmetal contracting services
				6627	Concrete construction and paving services
				6628	Water well drilling services
				6629	Blacksmith and welding service
		663	Landscape contractor services	6630	Landscape contracting services
67	Governmental services	671	Executive, legislative and judicial administrative offices	6710	Executive, legislative and judicial functions

		672	Protective functions and related activities	6721	Police protection and related activities
				6722	Fire protection and related activities
				6723	Civil defense and related activities
		673	Postal services	6730	Postal services
		674	Correctional institutions	6741	Prisons
				6742	Social correctional, treatment and counselling services
		675	Military bases and reservations	6751	Military training bases
				6752	Military defense installations
				6755	Military administration/command centers
				6756	Military communication centers
				6757	Armed forces reserve centers
68	Educational services	681	Nursery, primary and secondary education	6811	Preprimary, nursery and day care centers
				6812	Primary elementary schools
				6813	Secondary schools
		682	University, college, junior college and professional school education	6821	Universities and colleges
				6822	Junior colleges
				6823	Professional schools
		683	Special training and schooling services	6831	Vocational, technical or trade schools
				6832	Business, computer and stenographic schools
				6833	Barber and beauty schools
				6834	Art and music schools
				6835	Dancing schools

				6836	Driving schools
				6837	Correspondence schools
69	Miscellaneous services	691	Religious activities	6911	Churches, synagogues and temples
				6912	Religious camps and retreats
		692	Charitable services	6920	Charitable and welfare services
		699	Miscellaneous services, NEC	6991	Business associations
				6992	Professional membership organizations
				6993	Labor unions and similar labor organizations
				6994	Civic, social and fraternal associations
71	Cultural activities and nature exhibitions	711	Cultural activities	7111	Libraries
				7112	Museums
				7113	Art galleries
		712	Nature exhibitions	7121	Planetaria
				7122	Aquariums
				7123	Botanical gardens and arboretums
				7124	Zoos
		719	Historic and monument sites	7191	Historic and monument sites
72	Public assembly	721	Entertainment assembly	7211	Amphitheaters
				7212	Motion picture theaters —indoor
				7213	Motion picture theaters —outdoor
				7214	Theaters, legitimate
		722	Sports assembly	7221	Stadiums
				7222	Arenas and fieldhouses
				7223	Race tracks and courses

					—animal
				7224	Race tracks and courses —vehicle
		723	Auditoriums	7231	Auditoriums
		724	Exhibition halls	7240	Exhibition halls
73	Amusements	731	Fairgrounds and amusement parks	7311	Fairgrounds
				7312	Amusement parks
		739	Amusements, NEC	7391	Penny arcades
				7392	Miniature golf
				7393	Golf driving ranges
				7394	Go-cart tracks
<u>74</u>	Recreational activities	741	Sports activities	7411	Golf courses, public
				7413	Tennis clubs
				7414	Ice skating rinks (indoor)
				7415	Roller skating rinks (indoor)
				7416	Riding stables
				7417	Bowling
				7418	Skeet and trap shooting ranges
		742	Playgrounds and athletic areas	7421	Tot lots or play lots
				7422	Playgrounds
				7423	Athletic field or playfield
				7424	Recreation centers
				7425	Athletic clubs and gymnasiums
		743	Swimming clubs	7431	Swimming clubs
		744	Marinas	7440	Marinas
				7442	Boat rentals
		745	Country club	7451	Country club
		749	Camping and picnicking	7491	Camping grounds, general
75	Resorts and group camps	751	Resorts	7511	Resorts (general)

				7512	Dude ranches
				7513	Health resorts
				7515	Hunting and fishing clubs
		752	Group campgrounds	7521	Campgrounds, group
76	Parks	761	Parks—recreation	7610	Parks—public
81	Agriculture	811	Farms, fiber crops	8110	Farms, fiber crops
		812	Farms, grain crops	8120	Farms, grain crops
		813	Farms, hay and alfalfa	8130	Farms, hay and alfalfa
		814	Farms, fruits, nuts or vegetables	8140	Farms, fruits, nuts or vegetables
		815	Farms, dairy	8150	Farms, dairy
		816	Farms and ranches, livestock other than dairy	8160	Farms and ranches, livestock, other than dairy
		817	Farms, poultry	8170	Farms, poultry
		819	Agriculture, NEC	8191	Apiary farms and processing
82	Agricultural related activities	821	Agricultural processing	8211	Cotton ginning and compressing
				8212	Grist milling services
				8213	Harvesting services
				8214	Seed treating
		822	Animal husbandry services	8221	Veterinarian services
				8222	Animal hospital services
				8223	Kennels—boarding
				8224	Kennels—breeding
				8225	Feedlots
		823	Poultry hatchery services	8230	Poultry hatchery services
		829	Horticultural services	8291	Greenhouses
				8292	Nursery stock—farms
83	Forestry activities	831	Commercial forestry production	8310	Farms, commercial forestry
84	Fishing activities	841	Fishing activities	8411	Fish farms
				8412	Fish hatcheries

85	Mining activities and services	851	Metal ore mining	8510	Metal ore mining
		852	Coal mining	8520	Coal mining
		853	Crude petroleum and natural gas	8530	Petroleum (crude) and gas drilling
		854	Mining and quarrying of nonmetallic minerals (except fuels)	8542	Quarrying—stone
				8543	Sand and gravel quarrying
				8544	Clay, ceramic, and refractory minerals—mining
				8545	Chemical and fertilizers—mining
		855	Mining services	8551	Metal mining—services
				8552	Coal mining—services
				8553	Crude petroleum and gas field—services
				8554	Nonmetallic mining, except fuel—services