

Title 18  
ZONING

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Chapter 18.04

GENERAL PROVISIONS

Sections:

18.04.010	Title.
18.04.020	Interpretation and scope.
18.04.030	Rules.
18.04.040	Validity.
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18.04.010 Title. This title, including the zoning district maps

made a part hereof, shall be known and may be cited and referred to as the zoning ordinance for the city and shall repeal and replace Ordinance no. 402 and all amendments thereto. (Prior code §18-101)

18.04.020 Interpretation and scope. In the interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this title imposes a greater restriction upon land,

buildings or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this title shall control. (Prior code §18-102)

18.04.030 Rules. For the purpose of this title, the following rules shall apply:

A. Words and numbers used singularly shall include the plural and plural the singular. Words used in the present tense shall include the future.

B. The word “persons” includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.

C. The word “shall” is mandatory.

D. The words “use”, “uses”, “occupy” or “occupied” as applied to any land or building shall be construed to include the words “intended”, “arranged” or “designed” to be used or occupied. (Prior code §18-103)

18.04.040 Validity. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this title. (Prior code §18-704)

18.04.050 Severability. If any section of this title is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of this title, such section to be completely severable from the remaining provisions of this title and the remaining provisions of this title shall remain in full force and effect. (Prior code §18-815)

## Chapter 18.08

### DEFINITIONS

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18.08.010 Generally. For the purposes of this code, certain terms or words used in this title shall be interpreted or defined as set out in this chapter, unless the context clearly indicates otherwise. (Prior code §18-104(part))

18.08.020 Words not defined. Words or terms not defined in this chapter shall have their ordinary meaning in relation to the context. (Prior code §18-105)

18.08.030 Accessory use or building. “Accessory use or building” means a subordinate building or use which customarily is incidental to that of the main building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, garages, air conditioners, garden houses, children’s play houses, barbeque ovens and fireplaces. (Prior code §18-104(1))

18.08.040 Agricultural use. “Agricultural use” means the use of a tract of land of not less than ten acres for the growing of crops, pasturage, nursery or the raising of farming operations and the structures necessary for carrying out owning or operating the premises, a member of the family thereof, or persons employed full-time thereon, and the family thereof, but such use shall not include dry-lot feeding of livestock other than for incidental use by a resident on the land. (Prior code 18-104(2))

18.08.050 Alley. “Alley” means a dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property. (Prior code §18-104(3))

18.08.060 Alteration. “Alteration”, as applied to a building or structure, means 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. (Prior code §18-104(4))

18.08.070 Animal feed lot. “Animal feed lot” means an enclosure for confined feeding of livestock with an area of not less than two hundred fifty square feet per animal unit. (Prior code §18-104(6))

18.08.080 Animal hospital or clinic. “Animal hospital” or “animal clinic” means an establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of veterinary medicine. This does not include open kennels or runs. (Prior code §18-104(5))

18.08.090 Basement. “Basement” means that portion of a building having more than one-half of its height below grade. (Prior code §19-104(7))

18.08.100 Board of adjustment. “Board of adjustment” means that board which has been created by the governing body having jurisdiction and which has the statutory authority to hear and determine appeals, special exemptions, exceptions and variances to the zoning regulations. The board of county commissioners of Goshen County shall serve as the board of adjustment having jurisdiction over the area of the county outside of the town. (Prior code §18-104(8))

18.08.110 Boarding or lodging house. “Boarding house” or “lodging house” means a building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding twenty persons. Individual cooking facilities are not provided. (Prior code §19-104(9))

18.08.120 Building. “Building” means any structure designed or intended for the enclosure, shelter or protection of persons, animals or property. (Prior code §18-104(10))

18.08.130 Building height. “Building height” means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof. (Prior

code §18-104(11))

18.08.140      Camping trailer. “Camping trailer” means any vehicular portable dwelling unit designed especially for short term occupancy such as travel trailers, tent trailers, truck or auto mounted camping units, converted buses and trucks and all other similar units whether self-propelled, pulled or hauled, and designed primarily for highway travel without the necessity of a special permit. (Prior code §18-104(12))

18.08.150      Clinic. For the definition of “clinic”, see Section 18.08.460, Medical, dental or health clinic. (Prior code §18-104(13))

18.08.160      Common open space. “Common open space” means an area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space. (Prior code §18-104(14))

18.08.170      Conditional use permit. “Conditional use permit” means a written permit issued by the zoning officer with the written authorization of the board of adjustment. This conditional use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations. (Prior codes §18-104(15))

18.08.180      Day nursery. “Day nursery” means an establishment other than a public or parochial school, which provides day care and education of four or less unrelated children. (Prior code §18-104(16))

18.08.190      District. “District” means 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. (Prior code §18-104(17))

18.08.200      Dog. “Dog” means any canine species over four months of age. (Prior code §18-104(18))

18.08.210      Dwelling. “Dwelling” means a building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes. (Prior code §18-104(19))

18.08.220      Dwelling, multiple. “Multiple dwelling” means a residential dwelling having accommodations for and occupied exclusively by more than two families independently. (Prior code §18-104(20))

18.08.230      Dwelling, single-family. “Single-family dwelling” means a residential building having accommodations for and occupied exclusively by one family. (Prior code §18-104(21))

18.08.240      Dwelling, two-family. “Two-family dwelling” means a residential building having accommodations for and occupied exclusively by two families independently. (Prior code §18-104(22))

18.08.250      Family. “Family” means one or more persons related by blood, marriage or adoption, living together as a single housekeeping unit, or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstance be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel. (Prior code §18-104(23))

18.08.260 Floor area.

A. For computing off-street parking requirements, "floor area" means the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

1. The basement floor area;
2. The area of each floor of the structure;
3. Attic space having headroom of seven feet ten inches or

more.

B. For determining area ratio, "floor area" means the sum of the following areas:

1. The gross horizontal areas of the several buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings which shall include floor area utilized for stairwells or elevator shafts and floor space used for mechanical equipment (except equipment open or enclosed, located on the roof);

2. Penthouses;
3. Basement floor area;
4. Attic space having a headroom of seven feet ten inches

or more;

5. Interior balconies and mezzanines;
6. Enclosed porches;
7. Floor area devoted to accessory uses;
8. Interior malls. (Prior code §18-104(24))

18.08.270 Floor area ratio. "Floor area ratio" means the maximum percentage of allowable floor area of a building or complex (including both principal and accessory buildings) computed by dividing the floor area of such complex or buildings by the area of the building site. (Prior code §18-104(25))

18.08.280 Frontage. "Frontage" means the length of the property abutting on one side of a street measured along the dividing line between the property and the street. (Prior code §18-104(26))

18.08.290 Garage, private.

A. "Private garage" means an accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is an accessory.

B. No private garage shall be constructed within the corporate limits of the town, which is constructed and composed primarily of steel or metal components. (Ord 680 §1,1982: prior code §104(27))

18.08.300 Garage, public. "Public garage" means a building or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles. (Prior code §18-104(28))

18.08.310 Governing body. "Governing body" means that body having jurisdiction in the zoning area. (Prior code §18-104(29))

18.08.320 Grade. "Grade" means as follows:

A. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade;

B. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in subsection A of this section) of all walls facing each street;

C. For buildings having no walls facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

Any wall approximately parallel to and not more than five feet from a street line is considered as facing the street. (Prior code §18-104(30))

18.08.330 Group day care center. "Group day care center" means an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or education for five or more unrelated children aged three years or more. Group day care centers shall meet all statutory requirements. (Prior code §180104(31))

18.08.340 Home occupations. "Home occupations" means a business, profession or trade conducted for gain or support entirely within a residential building subject to the following use limitations:

- A. In all residential districts:
1. No commodities shall be displayed or sold on the premises except that which is produced on the premises;
  2. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes;
  3. No outdoor storage of materials or equipment used in the home occupation shall be permitted;
  4. No alteration of the principal residential building shall be made which changes the character thereof as a residence;
  5. The home occupation shall be carried on entirely within the principal residential structure and under no circumstances shall the home occupation be carried on within a detached accessory building.
- B. In the R-S, R-1, R-2 and R-3 residential districts:
1. Signs shall be permitted for allowable home occupations when required by state statute, and these signs shall not exceed two square feet in area, shall not be illuminated and shall be placed flat against the main wall of the building.
  2. No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.
  3. No manufacturing or processing of any sort what-so-ever shall be done, and no stock-in-trade shall be displayed or sold on the premises.
- C. In all other districts permitting residents:
1. No sign shall exceed two square feet in area and any sign provided shall be placed flat against the main wall of the building.
  2. No stock-in-trade except articles produced by persons occupying such dwelling as their residence, shall be displayed or sold on the premises.
- D. Particular Home Occupations Permitted (except where noted): Customary home occupations include, but are not limited to the following list of occupations; provided, however, that each listed occupation is subject to the requirements of subsections A, B and C of this section:

1. Dressmakers, seamstresses, tailors;
2. Music teachers, provided that instruction shall be limited to five pupils at a time;
3. Dance and drama instructors, provided that instruction shall be limited to not more than fifteen pupils at one time;
4. Artists, photographers, sculptors and authors or composers;
5. Offices for architects, doctors, dentists, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions;
6. Ministers, rabbis and priests;
7. Offices for salesmen, sales representatives, manufacturers representatives, when no retail or

wholesale transactions are made on the premises;

8. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc., provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or avocation;

9. Day care centers or babysitters caring for not more than ten unrelated children. Any day care center or babysitter caring for eleven or more unrelated children must qualify their care center or home with the State Fire Marshal's requirements and be located in an R-4 zone. Day care centers or babysitters caring for eleven or more unrelated children are not permitted in R-1, R-2 or R-3 zones. All homes and centers regularly caring for unrelated children, regardless of location, shall have a fenced yard and be certified under the State of Wyoming certification program for day care homes.

10. Barber shops and beauty parlors;

11. Services such as small appliance, radio or TV repair.

E. Particular Home Occupations Prohibited. Permitted home occupations shall not in any event include:

1. Funeral homes;

2. Nursery schools unless specifically permitted by the district regulations;

3. Restaurants;

4. Small grocery stores;

5. Stables or kennels;

6. Tourist homes unless specifically permitted by the district regulations;

7. Renting of trailers or equipment;

8. Animal kennels or hospitals;

9. Auto and other vehicle repair. (Ord. 823 §1, 1989; prior code §18-104

(32))

18.08.350 Hotel. "Hotel" means a building or portion thereof, or a group of buildings, or a group of buildings, used as a transient abiding place which may or may not serve meals and 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. (Prior code §18-104(33))

18.08.360 Institution. "Institution" means a building occupied by a nonprofit corporation or a nonprofit establishment for public use. (Prior code §18-104(34))

18.08.370 Kennel, boarding. "Boarding kennel" means any place, area, building or structure where dogs, including those under one year of age, are boarded, housed, cared for, fed or trained by other than the owner. (Prior code §18-104(35))

18.08.380 Kennel, breeder. "Breeder kennel" means any place, area building or structure where more than four dogs are kept for purposes of breeding, raising or as pets. (Prior code §18-104(36))

18.08.390 Lodging house. For the definition of "lodging house", see Section 18.04.110, Boarding or lodging house. (Prior code §18-104(37))

18.08.400 Lot. "Lot" means a parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory structures and including the open spaces and parking required by this regulation, which may include more than one lot of record or metes and bounds described tract having its principal frontage upon a public street or officially approved place. (Prior code §18-104(38))

18.08.410 Lot, corner. "Corner lot" means a lot abutting upon two or more streets

at their intersection. (Prior code §18-103(39))

18.08.420 Lot, depth of. "Depth of lot" means the mean horizontal distance between the front and the rear lot lines. (Prior code §18-104(40))

18.08.430 Lot, double frontage. "Double frontage lot" means a lot having a frontage on two nonintersecting streets as distinguished from a corner lot. (Prior code §18-104(41))

18.08.440 Lot of record. "Lot of record" means 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 adoption of this title. (Prior code §18-104(42))

18.08.450 Lot, zoning. "Zoning lot" means a parcel or tract of land used, developed or build upon as a unit under single ownership or control. Such parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof. (Prior code §18-401(43))

18.08.460 Medical, dental or health clinic. "Medical, dental or health clinic" means any building designed for use by one or more persons lawfully engaged in the diagnosis, 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. (Prior code §18-104(44))

18.08.470 Mobile home. "Mobile home" means any prefabricated structure composed of one or more parts; designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or a shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; shipped or moved in essentially a complete condition ready for occupancy except for minor and incidental unpacking and assembly operations and mounted on wheels, skids or rollers, jacks, blocks, horses, skirting or a temporary or permanent foundation, or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place whether by motive power or other means. (Prior code §18-104(45))

18.08.480 Mobile home park. "Mobile home park" means any area, piece, parcel, tract or plot of group equipped as required for support of mobile homes and used or intended to be used by one 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 purpose of storage, inspection or sale. (Prior code §18-104(46))

18.08.490 Mobile home space. "Mobile home space" means a plot of ground within a mobile home park which can accommodate one mobile home and which provides the necessary utility services for water, sewage and electricity. (Prior code §18-104(47))

18.08.500 Mobile home subdivision. "Mobile home subdivision" means any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by mobile homes. (Prior code §18-104(48))

18.08.510 Nonconforming structure. "Nonconforming structure" means a structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located. (Prior code §18-104(49))

18.08.520 Nonconforming use. “Nonconforming use” means an existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this title or any amendments hereto. (Prior code §18-104(50))

18.08.530 Nursing home or convalescent home. “Nursing home” or “convalescent home” means 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. (Prior code §18-104(51))

18.08.540 Parking space. “Parking space” means an area surfaced for all weather use including gravel, sand or comparable material for the purpose of storing one parked automobile. For the purpose of this title one parking space shall have a minimum width of eight and one-half feet and a minimum length of nineteen feet. In computing off-street parking, additional space shall be required for access drives to each parking space. (Prior code §18-104(52))

18.08.550 Place. “Place” means an open unoccupied space, other than a publicly-dedicated street or alley, permanently reserved as the principal means of access to an abutting property. (Prior code §18-104(53))

18.08.560 Planning Commission. “Planning Commission” means that planning body duly appointed by the governing body having jurisdiction in the planning area. (Prior code §18-104(54))

18.08.570 Private club. “Private club” means a non-profit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building or premises, or portion thereof, the use of such building or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting. 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 it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and municipal laws. (Prior code §18-104(55))

18.08.580 Professional office. “Professional office” means any building or part thereof used by one or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession. (Prior code §18-104(56))

18.08.590 Public utility. “Public utility” means any business which furnishes the general public with:

- A. Telephone service;
- B. Telegraph service;
- C. Electricity;
- D. Natural gas;
- E. Water and sewer;
- F. Any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state. (Prior code §18-104(57))

18.08.600 Restaurant. “Restaurant” means a public eating establishment at which the primary function is the preparation and serving of food. (Prior code §18-104(58))

18.08.610 Restaurant, drive-in. “Drive-in restaurant” means 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. (Prior code §18-104(59))

18.08.620 Service station. "Service station" means 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. (Prior code §18-104(60))

18.08.630 Sight triangle. "Sight triangle" means an area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and ten feet above the grades of the bottom of the curb of the intersecting streets, measured from the ninety feet each direction along the centerline of the streets. At the intersection of major or arterial streets, the ninety foot distance shall be increased to one hundred twenty feet. (Prior code §18-104(62))

18.08.640 Sign. "Sign" means any device which shall display or include any letter, work, model, banner, flag, pennant, insignia, device or representation used as, or which directs attention to an object, product, place, activity, person, institution, organization or business but shall not include any display of official notice or official flag. (Prior code §18-104(61))

18.08.650 Story. "Story" means that portion of a building, other than a basement, including between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Prior code §18-104(63))

18.08.660 Street. "Street" means a right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties. (Prior code §18-104(64))

18.08.670 Street line. "Street line" means a dividing line between a lot, tract or parcel of land and the contiguous streets. (Prior code §18-104(65))

18.08.680 Street network. The street network is composed of the following:

- A. "Expressway" means a street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.
- B. "Arterial" means a street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.
- C. "Collector" means a street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- D. "Local" means a street which provides direct access to abutting land, and local traffic movement whether in business, industrial or residential areas. (Prior code §18-104(66))

18.08.690 Structure. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures and street signs. (Prior code §18-104(67))

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

- A. Attachment of a new front where structural supports are not changed;
- B. Addition of fire escapes where structural supports are not changed;
- C. New windows where lintels and support walls are not materially changed;
- D. Repair or replacement of nonstructural members. (Prior code §19-104(68))

18.08.710 Tavern. "Tavern" means an establishment in which the primary function is the public sale and serving of alcoholic beverages for consumption on the premises, including

establishments, commonly known as key clubs, which are open, and in which alcoholic beverages are served, only to members and their guests. (Prior code §18-104(69))

18.08.720 Trailer camp. "Trailer camp" means any piece, parcel, tract or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers. Under no circumstances shall any one camping trailer occupy a trailer camp for a period exceeding fifteen consecutive days. The term "trailer camp" does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale. (Prior code §18-104(70))

18.08.730 Yard. "Yard" means a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward. (Prior code §18-104(71))

18.08.740 Yard, front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line. (Prior code §18-104(72))

18.08.750 Yard, rear. "Rear yard" means a yard extending across the full width of the lot, the depth of which is the east distance between the rear lot line and the rear setback line. (Prior code §18-104(73))

18.08.760 Yard, side. "Side yard" means a yard extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the side yard shall be measured horizontally, between the side lot line and the furthest architectural projection of the structure. (Prior code §18-104(74))

18.08.770 Zone or district. "Zone" or "district" means 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 spaces about buildings are herein established. (Prior code §18-104(75))

18.08.780 Zoning area. "Zoning area" means the area to be zoned as set out on the official zoning map filed of record. (Prior code §18-104(77))

18.08.790 Zoning officer. "Zoning officer" means the person or persons authorized and empowered to administer the requirements of these zoning regulations. (Prior code §18-104(76))

18.08.800 Zoning regulations. "Zoning regulations" or "these regulations" means the requirements stipulated in the regulations set out in this title. (Prior code §18-104(78))

## Chapter 18.12

### ADMINISTRATION

#### Sections:

18.12.010	Board of adjustment--Formation.
18.12.020	Board of adjustment—Powers and jurisdiction.
18.12.030	Applications.
18.12.040	Performance.
18.12.050	Appeals from board decisions.
18.12.060	Amendments--Procedures.
18.12.070	Amendments--Fees.

18.12.010 Board of adjustment--Formation. A board of adjustment is created in accordance with state statutes governing such creation. The word "board" when used in this chapter shall mean the board of adjustment. The board shall adopt rules of procedure as may be necessary and proper to govern its own proceeding; such rules shall not be in conflict with other

laws, ordinances or resolutions. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the board, in decision of the board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board immediately and shall be a public record. (Prior code §18-601)

18.12.020 Board of adjustment--Powers and jurisdiction. The board shall have the following powers and jurisdictions:

A. Appeals. The board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the zoning officer in the enforcement of these regulations.

Appeals to the board may be taken by any person aggrieved, or by an officer, department or bureau of the government affected by any decision of the zoning officer. Such appeal shall be taken within a reasonable time, as shall be prescribed by the board by general rule, by filing with the zoning officer and with the secretary of the board a notice of appeal specifying the grounds thereof. The zoning officer shall forthwith transmit to the secretary of the board all paper constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning officer certifies to the board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board, or by a court of record on application or notice to the zoning officer on good cause shown.

B. Variances. The board shall authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured and substantial justice done.

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

2. Variances shall include intensity of use, yard and height regulations only and are limited to the following:

a. A yard regulation variance shall not encroach upon the required setback for adjacent buildings;

b. One story in height may be allowed for each one foot of additional building setback provided in addition to that required by the district regulation in which the property is located.

3. A request for a variance may be granted, upon a finding of the board that all of the following conditions have been met. The board shall make a determination on each condition and the finding shall be entered in the record.

a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant;

b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;

c. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship

upon the property owner represented in the application;

d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;

e. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

C. Exemptions. The board shall grant exemptions to the provisions of the zoning regulations but only in those instances where the board is specifically authorized to grant such exemptions in these regulations. In no event shall exemptions to the provisions of the zoning regulations be granted where the use or exemption contemplated is not specifically listed as an exemption in the zoning regulations. Further, under no conditions shall the board have the power to grant an exemption when the conditions of this exemption, as established by these regulations, are not found to be present.

1. In considering any application for a conditional use permit hereunder, the board shall give consideration to the comprehensive zoning plan, the health, safety, morals, comfort and general welfare of the inhabitants of the community including, but not limited to, the following factors:

a. The stability and integrity of the various zoning districts;

b. Conservation of property values;

c. Protection against fire and casualties;

d. Observation of general police regulations;

e. Prevention of traffic congestion;

f. Promotion of traffic safety and the orderly parking of motor

vehicles;

g. Promotion of the safety of individuals and property;

h. Provision for adequate light and air;

i. Prevention of overcrowding and excessive intensity of land

uses;

j. Provision for public utilities and schools;

k. Invasion by inappropriate uses;

l. Value, type and character of existing or authorized

improvements and land uses;

m. Encouragement of improvements and land uses in keeping with overall planning;

n. Provision for orderly and proper urban renewal, development

and growth.

D. Conditions of Determination. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

E. A majority of the board shall constitute a quorum for the transaction of business and a concurring vote of a majority of the entire board shall be necessary to reverse any order, requirement, decision or determination of the zoning officer, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney. (Prior code §18-602)

#### 18.12.030 Applications.

A. The procedure for requesting a hearing before the board shall be as follows:

1. All applications to the board shall be in writing on forms provided by the board.

2. The board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the governing body) at least twenty days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and to the planning commission.

3. At least twenty days prior to the date fixed for the public hearing, the applicant shall place in a conspicuous area on or near the property in question not less than one sign of a minimum of two square feet in area containing notice of the time, place and subject of such hearing.

4.. An application shall be accompanied by a filing fee of seventy-five dollars.

B. In addition to the above requirements, certain applications require additional information as follows:

1. Appeals.

a. An application for an appeal shall be filed within sixty days after a ruling has been made by the zoning officer;

b. A copy of the order, requirement, decision or determination of the zoning officer which the appellant believes to be in error;

c. A clear and accurate, written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position;

d. Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

2. Variances.

a. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in subsection B(3) of Section 18.12.020;

b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the board in consideration of the application.

3. Exemptions.

a. The applicant shall submit a statement in writing justifying the conditional use permit applied for, and indicating under which chapter and section of this title the board of adjustment is believed to have jurisdiction;

b. The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the board in consideration of the application. (Ord. 695 §1, 1983; prior code §18-603)

#### 18.12.040 Performance.

A. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exemption to the district regulations, the board shall impose such restrictions, terms, time limitations, landscaping and other appropriate safeguards to protect adjoining property.

B. The board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the board, and shall be enforceable by or payable to the governing body in the sum equal to the cost of constructing the required improvements.

C. In lieu of the performance bond requirement, the board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the board may declare the granting of the application null and void after reconsideration. (Prior code §18-604)

18.12.050 Appeals from board decisions. Any person, persons, department or departments of the government jointly or separately aggrieved by any decision of the board may present to the district court having jurisdiction a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the court within thirty days after the date of filing the decision in the office of the board. (Prior code §18-605)

18.12.060 Amendments--Procedures. The governing body may from time to time supplement, change or generally revise the boundaries or regulations contained in these zoning regulations by the amending procedure set out in the state statute. (Prior code §18-606)

18.12.070 Amendments--Fees. For the purpose of wholly or partially defraying the costs of the amendments proceedings, including publication costs, a fee in the amount of fifty dollars shall be paid upon the filing of each application for a change of district boundaries or classification. (Prior code §18-607)

## Chapter 18.16

### DISTRICTS GENERALLY

#### Sections:

18.16.010	District classifications.
18.16.020	District zoning map.
18.16.030	Annexation rule.
18.16.040	Rules where uncertainty may arise.

18.16.010 District classifications. To perform the purposes of regulating and restricting the use of land and the use and location of buildings and structures; regulating and determining the area of places surrounding them; regulating and restricting the density of population; the zoning area is divided into districts designated as follows:

- A. A-L agricultural district;
- B. R-S residential suburban district;
- C. R-1 single-family dwelling district;
  
- D. R-2 single-family dwelling district;
- E. R-3 two-family dwelling district;
- F. R-4 multiple-family dwelling district;
- G. R-5 special dwelling district;
- H. M-P mobile home park district;
- I. C-S highway service district;
- J. C-1 neighborhood shopping district;
- K. C-2 general commercial district;
- L. C-3 central business district;
- M. I-1 light industrial district;
- N. 1-2 heavy industrial district;
- O. I-P industrial park district;
- P. F-P flood plain district. (Prior code .518-201.1)

18.16.020 District zoning map. The boundaries of the districts are shown on the map and/or sections thereof attached to the ordinance codified in this title and made a part of this code by reference, which map is designated as the district zoning map. The district zoning map and all the notations, references and other information shown thereon are a part of this code and have

the same force and effect as if the map and all the notations, references and other information shown thereon were all fully set forth or described herein. The district zoning map is properly attested and is on file in the office of the clerk having jurisdiction. (Prior code 518-201.2)

18.16.030 Annexation rule. All territory which may hereafter be annexed to the city shall, simultaneously with annexation, be assigned the same zoning district designation in the city that the property held in the county until otherwise changed by ordinance. (Prior code 518-201.3)

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

- A. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
- B. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
- C. In un-subdivided property, the district boundary line on the map accompanying and made a part of this title shall be determined by the use of the scale appearing on the map. (Prior code S18-201.4)

## Chapter 18.20

### A-L AGRICULTURAL DISTRICT

#### Sections:

18.20.010	Intent and purpose.
18.20.020	District regulations.
18.20.030	Use regulations.
18.20.040	Intensity of use regulations. Height
18.20.050	regulations.
18.20.060	Yard regulations.

18.20.010 Intent and purpose. It is the intent of the A-L agricultural district to protect agricultural uses in the zoning area through control of density of structures, land use and land coverage of structures. (Prior code §18-202.1)

18.20.020 District regulations. In the A-L district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.20.030. (Prior code §18-202.2)

18.20.030 Use regulations. Uses in the A-L district shall include:

- 1. General agricultural operations, but this shall not include or permit:
  - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land;
  - b. A use or activity engaged in within three hundred feet of a residential or retail business structure in an area so zoned, if such use or activity results in continuous odor, dust or noise;
  - c. The construction of agricultural buildings or structures closer than ninety feet to the centerline of a street or thirty feet back from the right-of-way limits, whichever is greater.
- 2. Single-family dwellings where the land is used or intended to be used only for agricultural purposes.
- 3. Public parks, playgrounds, recreation areas and community buildings owned and operated by a public agency.

4. Churches, synagogues and similar places of worship.
5. Farms and ranches.
6. Public or parochial schools, elementary, junior high and high schools and private schools with equivalent curriculum.
7. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
8. Greenhouses and nurseries.
9. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
10. Home occupations.
11. Public buildings, including libraries and museums.
12. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
13. Accessory buildings and uses customarily incidental to any of the above uses.
14. Exploration and extraction of oil and natural gas.
15. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary, to include, but not restricted to proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Airports and heliports;
  - b. Cemetery, crematory or mausoleum;
  - c. Hospitals, isolation homes, penal institutions, sanitariums, or asylums for the treatment of mental illness, alcoholism or narcotics addiction;
  - d. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc.;
  - e. Nursing and care homes subject to inspection and license requirements;
  - f. Seasonal or temporary uses such as recreation camp or similar enterprises;
  - g. Telephone exchange, electric substations or similar public utilities;
  - h. Any public building, erected on land used by any department of the city, county, state or federal government;
  - i. Agricultural product storage (elevators) when no other business is in combination with such storage;
  - j. Animal feed lots subject to the license requirements, if any, of the state and subject to the minimum sanitation and odor practices set out in this subdivision. The intent is to establish a healthful environment around the feed lot:
    - (1) Operation.
      - (i) Manure shall be removed or disposed of in one of the following manners: spraying or spreading on land followed by disking or plowing; grinding or dehydrating in properly designed dehydrators; stockpiling in a compost plant in an isolated area at least three miles from a residential area.
      - (ii) Insect and rodent control: removal of manure and disposal as outlined in this subdivision; use chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
    - (2) Drainage.
      - (i) All ground surfaces within pens shall be so graded and compacted to insure proper drainage;

(ii) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed;

- k. Radio or television transmitters;
- l. Private clubs (as defined in this title);
- m. Veterinaries, animal clinics, breeder kennels and boarding,

provided that:

- (1) The minimum lot size shall be not less than two acres;
- (2) No kennel buildings or runs shall be located nearer than seventy-five feet to any property lines;
- (3) 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. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick or stone wall, louvered wood, stockade or chain link fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs;

n. Privately owned parks, playgrounds or other outdoor recreational areas such as campgrounds, youth camps, gun clubs and archery, trap and skeet ranges;

o. Riding stables and academies providing no structure housing horses shall be located nearer than six hundred feet to the boundary of any residential district;

p. Drive-in theaters. (Prior code §18-202.3)

18.20.040 Intensity of use regulations. Areas used for nonagricultural dwellings shall meet the following intensity requirements:

A. Every lot served with public sanitary sewers and public water system shall have an area of not less than one thousand square feet and a minimum lot width of not less than seventy feet, measured at the building setback line.

B. Every lot not served with a public sanitary sewer shall have a lot area of not less than one acre and a minimum lot width of not less than one hundred forty feet, measured at the building setback line.

C. Every lot not served with a public water system shall have an area of not less than one-half acre and a minimum lot width of not less than one hundred forty feet, measured at the building setback line. (Prior code §18-202.4)

18.20.050 Height regulations. No building or structure shall exceed the following height restrictions:

A. When the building or structure is within one hundred fifty feet of a residential district zone, such building or structure shall not exceed thirty-five feet in height.

B. Public and semipublic buildings, public service and institutional buildings, hospitals, schools, churches and similar places of worship are permitted two feet of additional height for each one foot of additional front building setback. (Prior code §18-202.5)

18.20.060 Yard regulations.

A. Front Yard. The front yard shall be a minimum of forty feet in depth, measured from the front lot line, except on collector streets the minimum front yard shall be eighty feet, measured from the centerline of the street and except on arterial streets, the minimum front yard shall be ninety feet, measured from the centerline of the street.

B. Side Yards. There shall be a side yard of not less than fifteen feet on each side of every single-family dwelling. All other permitted and conditional uses shall provide a minimum side yard of twenty-five feet.

C. Rear Yards. There shall be a rear yard of not less than forty feet. (Prior code §18-202.6)

## Chapter 18.24

### R-S RESIDENTIAL SUBURBAN DISTRICT

#### Sections:

18.24.010 Intent and purpose.

18.24.020 District regulations.

18.24.030 Use regulations.

18.24.040 Intensity of use regulations.

18.24.050 Height regulations.

18.24.060 Yard regulations.

18.24.010 Intent and purpose. It is the intent of the R-S residential suburban district to control subdivision and density of development of land for residential and other noncommercial purposes where such uses are not or cannot be connected to a public sewer and/or a public water supply. (Prior code §18-203.1)

18.24.020 District regulations. In the R-S district, no structure or land shall be used and no structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses listed in Section 18.24.030. (Prior code §18-203.2)

18.24.030 Use regulations. Uses in the R-S district shall include:

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues and other similar places of worship.
4. General agricultural operations, but this shall not include or permit:
  - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land;
  - b. A use or activity engaged in within three hundred feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise;
  - c. The construction of agricultural buildings or structures closer than ninety feet to the centerline of a street or thirty feet back from the right-of-way line, whichever distance is the greater.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Home occupations.
8. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
9. The board of adjustment may by conditional use permit authorize the following exemptions subject to such conditions as the board deems necessary, to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the city, county, state or federal government;
  - b. Cemetery, crematory or mausoleum when used in conjunction with a cemetery;
  - c. Telephone exchange, electric substation and regulator stations or other public utilities;
  - d. Nursing and care home for the aged subject to inspection and license requirements. (Prior code §18-203.3)

18.24.040 Intensity of use regulations. Except as hereinafter provided, all dwellings hereafter erected, enlarged or reconstructed shall be located upon lots containing the following areas:

- A. Every lot served with public sanitary sewers and public water system

shall have an area of not less than nine thousand square feet and a minimum lot width of not less than seventy feet, measured at the building setback line.

B. Every lot not served with a public sanitary sewer shall have a lot area of not less than one acre and a minimum lot width of not less than one hundred forty feet, measured at the building setback line, capable of later subdivision on the availability of public sewer.

C. Every lot not served with a public water system shall have an area of not less than one-half acre and a minimum lot width of not less than one hundred forty feet, measured at the building setback line. (Prior code §18-203.4)

18.24.050 Height regulations. No building shall exceed thirty-five feet in height, except that public and semipublic buildings, public service and institutional buildings, hospitals, schools, churches and similar places of worship are permitted two feet of additional height for each one foot of additional building setback. (Prior code §18-203.5)

18.24.060 Yard regulations.

A. Front Yards. The front yard shall be a minimum of thirty feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be seventy feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be eighty feet measured from the centerline of the street.

B. Side Yards. There shall be a side yard on each side of every single-family dwelling, which shall be no less than eight feet in width and all other permitted and conditional uses shall provide a five-foot side yard.

C. Rear Yards. There shall be a rear yard of not less than thirty feet. (Prior code §18-203.6)

## Chapter 18.28

### R-1 SINGLE-FAMILY DWELLING DISTRICT

<u>Sections:</u>	18.28.010	Intent and purpose.
	18.28.020	District regulations.
	18.28.030	Use regulations.
	18.28.040	Intensity of use regulations.
	18.28.050	Height regulations.
	18.28.060	Yard regulations.

18.28.010 Intent and purpose. The R-1 single-family dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. (Prior code §18-204.1)

18.28.020 District regulations. In the R-1 district, no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in the use regulations. (Prior code §18-204.1)

18.28.030 Use regulations. Uses in the R-1 district shall include:

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Accessory buildings and uses.
4. Home occupations.

5. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
6. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the city, county, state or federal government;
  - b. Telephone exchange, electric substations and regulatory stations or other public utilities;
  - c. Churches and other places of religious worship. (Prior code §18-204.3)

18.28.040 Intensity of use regulations. Every lot or tract of land shall have an area of not less than nine thousand square feet and a minimum width of not less than seventy feet, measured at the building setback line. (Prior code §18-204.4)

18.28.050 Height regulations. No building shall exceed thirty-five feet in height. (Prior code §18-204.5)

18.28.060 Yard regulations.

A. Front Yards.

1. The front yard shall be a minimum of thirty feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be seventy feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be eighty feet measured from the centerline of the street.

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

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

B. Side Yards.

1. There shall be a side yard having a width of not less than eight feet on each side of the principal residential building and all other permitted and conditional uses shall provide a five-foot side yard.

2. Whenever a lot of record existing at the time of the passage of this regulation has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than five feet.

C. Rear Yards. There shall be a rear yard having a depth of not less than thirty feet or twenty percent of the depth of the lot, whichever amount is smaller. (Prior code §18-204.6)

Chapter 18.32

R-2 SINGLE-FAMILY DWELLING DISTRICT

Sections:

- |           |                               |
|-----------|-------------------------------|
| 18.32.010 | Intent and purpose.           |
| 18.32.020 | District regulations.         |
| 18.32.030 | Use regulations.              |
| 18.32.040 | Intensity of use regulations. |
| 18.32.050 | Height regulations.           |
| 18.32.060 | Yard regulations.             |

18.32.010 Intent and purpose. The R-2 single-family dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes. (Prior code §18-205.1)

18.32.020 District regulations. In the R-2 district no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 18.32.030. (Prior code §18-205.2)

18.32.030 Use regulations. Uses in the R-2 district shall include:

1. Single-family dwellings.
2. Public parks and recreation areas and community buildings owned and operated by a public agency.
3. Churches, synagogues and other similar places of worship.
4. Accessory buildings and uses.
5. Public and parochial schools.
6. Home occupations.
7. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
8. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the town, county, state or federal government;
  - b. Telephone exchange, electric substations and regulatory stations or other public utilities. (Prior code §18-205.3)

18.32.040 Intensity of use regulations. Every lot or tract of land shall have an area of not less than seven thousand five hundred square feet and a minimum width of not less than sixty feet, measured at the building setback line. (Prior code §18-205.4)

18.32.050 Height regulations. No building shall exceed thirty-five feet in height. (Prior code §18-205.5)

18.32.060 Yard regulations.

A. Front Yards.

1. The front yard shall be a minimum of thirty feet in depth measured from the front lot line except on collector streets, the minimum front yard shall be seventy feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be eighty feet measured from the centerline of the street.
2. Where lots have a double frontage, the required front yards shall be provided on both streets.
3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each side of a corner lot; provided, however, that the build able width of a lot of record at the time of the passage of this title need not be reduced to less than thirty-five feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

B. Side Yards.

1. There shall be a side yard having a width of not less than six feet on each side of the principal residential building and all other permitted and conditional uses shall provide a five foot side yard.

2. Whenever a lot of record existing at the time of the passage of this title has a width of fifty feet or less, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.

C. Rear Yards. There shall be a rear yard having a depth of not less than thirty feet or twenty percent of the depth of the lot, whichever is smaller. (Prior code §18205.6)

### Chapter 18.36

#### R-2A SINGLE-FAMILY CONDOMINIUM-TOWNHOUSE DWELLING DISTRICT

##### Sections:

18.36.010	Intent and purpose.
18.36.020	District regulations.
18.36.030	Use regulations.
18.36.040	Intensity of use regulations.
18.36.050	Height regulations.
18.36.060	Yard regulations.
18.36.070	Parking regulations.

18.36.010 Intent and purpose. The R-2A single-family condominium-townhouse dwelling district is established for the purpose of low density single-family dwelling control and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around the buildings and structures in the district to accomplish these purposes and yet allow the construction of either condominium units or townhouse units or single-family dwellings. (Ord. 614 §1(18-205.01), 1981)

18.36.020 District regulations. In the R-2A district no structure or land shall be used and no structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 18.36.030. (Ord. 614 §1(18-205.02), 1981)

18.36.030 Use regulations. Uses in the R-2A district shall include:

1. Detached single-family dwellings.
2. Single-family townhouse or condominium units having one or more, but not more than two, common party walls.
3. Public parks and recreation areas and community buildings owned and operated by a public agency.
4. Churches, synagogues and other similar places of worship.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
8. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the city, county, state or federal government;
  - b. Telephone exchange, electric substations and regulatory stations or other public utilities. (Ord. 614 §1(18-205.03), 1981)

18.36.040 Intensity of use regulations. Every lot or tract of land upon which is built a detached single-family dwelling shall have an area of not less than seven thousand five

hundred square feet and a minimum width of not less than sixty feet, measured at the building setback line. Every lot or tract of land upon which is built a condominium or townhouse single-family dwelling project shall have an area of not less than two thousand square feet and a minimum width of not less than twenty feet, measured at the building setback line. (Ord. 614 §1(18-205.04), 1981)

18.36.050 Height regulations. No building shall exceed thirty-five feet or two stories in height measured from ground level at the building's main entrance. (Ord. 614 §1(18-205.05), 1981)

18.36.060 Yard regulations.

A. Front Yards.

1. The front yard for any lot located within the district shall be a minimum of twenty-five feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each such lot shall not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

B. Side Yards.

1. For all detached single-family dwelling units there shall be a side yard having a width of not less than six feet on each side of the principal residential buildings.

2. No side yard shall be required for single-family townhouse or condominium dwelling units when such units share common party walls; however, any single-family condominium or townhouse dwelling unit with a side wall not a common party wall shall have a side yard adjacent to the aforesaid side wall not less than six feet.

C. Rear Yards. There shall be a rear yard for buildings in this district which shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is smaller. (Ord. 614 §1(18-205.06), 1981)

18.36.070 Parking regulations. The following requirements as to off-street parking are established with regard to single-family condominium-townhouse dwelling units:

A. A minimum of two off-street parking spaces shall be provided for each single-family condominium-townhouse dwelling unit or detached single-family condominium-townhouse dwelling unit or detached single-family dwelling unit constructed within the R-2A zoning district. Parking is not permitted closer to any side property line than one-half the distance of the required side yard.

B. See also Chapter 18.100, Parking and loading regulations. (Ord. 614 §1 (18-205.07), 1981)

Chapter 18.40

R-3 TWO-FAMILY DWELLING DISTRICT

Sections:

- 18.40.010 Intent and purpose.
- 18.40.020 District regulations.
- 18.40.030 Use regulations.
- 18.40.040 Intensity of use regulations.
- 18.40.050 Height regulations.
- 18.40.060 Yard regulations.

18.40.010 Intent and purpose. The R-3 two-family dwelling district is intended for the purpose of allowing a slightly higher density than in the R-1 and R-2 districts, yet retaining the residential qualities. This district allows duplex uses, single-family homes, home occupations, certain community facilities and certain conditional uses. (Prior code §18-206.1)

18.40.020 District regulations. In the R-3 district, no structure or land shall be used and no structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses listed in Section 18.40.030. (Prior code §18-206.2)

18.40.030 Use regulations. Uses in the R-3 district shall include:

1. Single-family dwellings.
2. Two-family dwellings.
3. Public parks and recreation areas and community buildings owned and operated by a public agency.
4. Churches, synagogues and other similar places of worship.
5. Accessory buildings and uses.
6. Public and parochial schools.
7. Home occupations.
8. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.
9. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the town, county, state or federal government.
  - b. Telephone exchange, electric substations, radio station and regulatory stations or other public facilities. (Prior code §18-206.3)

18.40.040 Intensity of use regulations. Except as hereinafter provided, all dwellings hereafter erected, enlarged or reconstructed shall be located upon lots containing the following areas:

- A. A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand square feet per family and a minimum width of fifty feet, measured at the building setback line;
- B. A lot on which there is erected a two-family dwelling shall contain an area of not less than five thousand square feet per family except that a lot of record at the time of the adoption of this title may contain an area of not less than three thousand square feet per family;
- C. On the effective date of the ordinance codified in this title where a lot or tract has less area than herein required and its boundary lines, along their entire length, touched lands under other ownership, such lot or tract may be used for a single-family dwelling. (Prior code §18-206.4)

18.40.050 Height regulations. No building or structure shall exceed thirty-five feet in height. (Prior code §18-206.5)

18.40.060 Yard regulations.

- A. Front yards.

1. The front yard shall be a minimum of twenty-five feet in depth measured from the front lot line except on collector streets, the minimum front yard shall be sixty-five feet, measured from the centerline of the street and except on arterial streets, the minimum front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot, except that the build able width of such a lot shall not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

B. Side yards.

1. There shall be a side yard on each side of the principal residential building, having a width of not less than five feet and all other permitted and conditional uses shall provide a minimum five foot setback.

2. Whenever a lot of record existing at the time of the passage of this title has a width of less than fifty feet, the side yard on each side of a building may be reduced to a width of not less than ten percent of the width of the lot, but in no instance shall it be less than three feet.

C. Rear yards. There shall be a side yard on each side of the principal residential building, having a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever amount is smaller. (Prior code §18-206.6)

#### Chapter 18.44

#### R-4 MULTIPLE-FAMILY DWELLING DISTRICT

##### Sections:

- 18.44.010 Intent and purpose.
- 18.44.020 District regulations.
- 18.44.030 Use regulations.
- 18.44.040 Height regulations.
- 18.44.060 Yard regulations.

18.44.010 Intent and purpose. The R-4 multiple-family dwelling district is intended for the purpose of allowing high residential density land use with the commingling of compatible single-family and two-family dwellings, apartments, home occupations, community facility and certain special uses, yet retain the basic residential quality. (Prior code §18.207.1)

18.44.020 District regulations. In the R-4 district, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in Section 18.44.030. (Prior code §18-207.2)

18.44.030 Use regulations. Uses in the R-4 district shall include:

- 1. Single-family dwellings.
- 2. Two-family dwellings.
- 3. Multiple-family dwellings, including apartment houses and dormitories.
- 4. Boarding and lodging houses.
- 5. Day nursery and group day care centers.
- 6. Hospitals, but not animal hospitals or mental hospitals.
- 7. Nonprofit institutions of an educational, philanthropic or eleemosynary nature, except for penal or mental institutions.
- 8. Nursing and convalescent homes.

9. Public parks and recreation areas and community buildings owned and operated by a public agency.

10. Churches, synagogues and other similar places of worship.

11. Accessory buildings and uses.

12. Public and parochial schools.

13. Home occupations.

14. Golf courses, except miniature and pitch and putt golf courses and driving tees operated for commercial purposes.

15. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:

a. Any public building erected on land used by any department of the town, county, state or federal government;

b. Private clubs;

c. Cemetery or crematory or mausoleum when used in conjunction with a cemetery;

d. Telephone exchange, electric substations, radio stations and regulatory stations or other public utilities;

e. Funeral home. (Prior code §18-207.3)

18.44.040 Intensity of use regulations. Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located upon lots containing the following areas:

A. A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand square feet.

B. A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand square feet per family.

C. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than five thousand square feet, or two thousand five hundred square feet per family, whichever area is the larger, except that this title shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments.

D. Where a single lot of record, as defined in Chapter 18.08, has less area than herein required and was recorded prior to the effective date of the ordinance codified in this title, that lot may be used only for single-family dwelling purposes.

E. Multiple-family uses shall not cover more than forty percent of the lot area. (Prior code §18-207.4)

18.44.050 Height regulations. No building shall exceed forty-five feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted. (Prior code §18-207.5)

18.44.060 Yard regulations.

A. Front Yards.

1. The front yard shall be a minimum of twenty-five feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be seventy-five feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot except the build able width of such lot shall not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard line on either street.

- B. Side Yards.
  - 1. There shall be a side yard on each side of a building thirty-five feet high or less having a width of not less than five feet.
  - 2. There shall be a side yard having a width of not less than eight feet on each side of a building in excess of thirty-five feet in height.
- C. Rear Yards. There shall be a rear yard for buildings in this district which shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is smaller. (Prior code §18-207.6)

Chapter 18.48

R-5 SPECIAL DWELLING DISTRICT

Sections:

- 18.48.010 Intent and purpose.
- 18.48.020 District regulations.
- 18.48.030 Use regulations.
- 18.48.040 Intensity of use regulations.
- 18.48.050 Height regulations.
- 18.48.060 Yard regulations.

18.48.010 Intent and purpose. It is the intent of the R-5 special dwelling district to provide limited control of development of land for single-family, two-family and mobile homes and other noncommercial purposes. (Prior code §18208.1)

18.48.020 District regulations. In the R-5 district, no structure or land shall be used and no structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses listed in Section 18.48.030. (Prior code §18-208.2)

18.48.030 Use regulations. Uses in the R-5 district shall include:

- 1. Single-family dwellings.
- 2. Two-family dwellings.
- 3. Mobile homes.
- 4. Public parks and recreation areas and community buildings owned and operated by a public agency.
- 5. Churches, synagogues and other similar places of worship.
- 6. General agricultural operations, but this shall not include or permit:
  - a. The spreading, accumulation, feeding or use of garbage in any manner on the open surface of the land;
  - b. A use or activity engaged in within three hundred feet of a residential or retail business structure, if such use or activity results in continuous odor, dust or noise;
  - c. The construction of agricultural buildings or structures closer than fifty-five feet to the centerline of a street or twenty-five feet back from the right-of-way line, whichever distance is greater, except existing uses shall be considered conforming regardless of setback.
- 7. Accessory buildings and uses.
- 8. Public and parochial schools.
- 9. Home occupations.
- 10. Cemetery.
- 11. Golf courses, except miniature and pitch and putt golf courses and driving tees, operating for commercial purposes.
- 12. The board of adjustment may by conditional use permit authorize the following exemptions subject to such conditions as the board deems necessary, to include, but not

restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:

- a. Any public building erected on land used by any department of the town, county, state or federal government;
- b. Crematory or mausoleum when used in conjunction with a cemetery;
- c. Telephone exchange, electric substations and regulator stations or other public utilities;
- d. Nursing and care homes for the aged subject to inspection and license requirements. (Prior code §18-208.3)

18.48.040 Intensity of use regulations. Except as hereinafter provided, all dwellings hereafter erected, enlarged or reconstructed shall be located upon lots containing the following areas:

- A. Every lot served with public sanitary sewers and a public water system shall have an area of not less than five thousand square feet per dwelling unit or mobile home unit and a minimum lot width of not less than fifty feet, measured at the building setback line.
- B. Every lot not served with a public sanitary sewer shall have a lot area of not less than one acre and a minimum lot width of not less than two hundred feet, measured at the building setback line, capable of later subdivision on the availability of public sewer.
- C. Every lot not served with a public water system shall have an area of not less than one-half acre and a minimum lot width of not less than one hundred forty feet, measured at the building setback line. (Prior code §18-208.4)

18.48.050 Height regulations. No building shall exceed thirty-five feet in height, except that public and semipublic buildings, public service and institutional buildings, hospitals, schools, churches and similar places of worship are permitted two feet of additional height for each one foot of additional building setback. (Prior code §18-208.5)

18.48.060 Yard regulations.

- A. **Front Yards.** The front yard shall be a minimum of twenty-five feet in depth measured from the front lot line, except on collector streets, the minimum front yard shall be seventy feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be eighty feet measured from the centerline of the street. Existing uses at the time of the effective date of the ordinance codified in this title shall be considered conforming.
- B. **Side Yards.** There shall be a side yard on each side of every dwelling and mobile home, which shall be no less than eight feet in width and all other permitted and conditional uses shall provide a five-foot side yard.
- C. **Rear Yards.** There shall be a rear yard of not less than thirty feet. (Prior code §18-208.6)

Chapter 18.52

R-6 MULTIPLE-FAMILY DWELLING DISTRICT

Sections:

18.52.010	Created.
18.52.020	Intent and purpose.
18.52.030	District regulations.
18.52.040	Use regulations.
18.52.050	Intensity of use regulations.
18.52.060	Height regulations.
18.52.070	Yard regulations.
18.52.080	Minimum mobile home standards.

18.52.010 Created. There is created an R-6 multiple-family dwelling district within the zoning code of the town. (Ord. 558 §1, 1976)

18.52.020 Intent and purpose. The R-6 multiple-family dwelling district is intended for the purpose of allowing high residential density land use with a commingling of compatible single-family and two-family dwellings, apartments and multiple dwellings with mobile homes, either single or double wide, on foundations or skirted, on subdivided lots in an appropriate, safe, sanitary and attractive environment retaining the basic residential quality. (Ord. 558 §2, 1976)

18.52.030 District regulations. In the R-6 district, no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in Section 18.52.040. (Ord. 558 §3, 1976)

18.52.040 Use regulations. Uses in the R-6 district shall include:

1. Single-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Mobile homes, either single or double wide, on piers or skirted, on individually subdivided lots.
5. Boarding and lodging houses.
6. Hospitals, excluding animal hospitals or mental hospitals.
7. Day nursery and group care centers.
8. Nonprofit institutions of an educational, philanthropic or eleemosynary nature, except for penal or mental institutions.
9. Nursing and convalescent homes.
10. Churches, synagogues and other similar places of worship.
11. Public parks and recreation areas and community buildings owned and operated by a public agency.
12. Accessory buildings and uses.
13. Public and parochial schools.
14. Home occupations.
15. Golf courses, except miniature pitch and putt golf courses and driving tees operated for commercial purposes.
16. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Any public building erected on land used by any department of the town, county, state or federal government;
  - b. Private clubs;
  - c. Telephone exchanges, electric substations, radio stations and other public utilities;

- d. Cemetery;
- e. Funeral home;
- f. Home occupations beyond those normally allowed. (Ord. 558 §4, 1976)

18.52.050 Intensity of use regulations. Except as hereinafter provided all dwellings hereafter erected, enlarged, relocated or reconstructed shall be located on lots containing the following areas:

A. A lot on which is erected a single-family dwelling shall contain an area of not less than five thousand square feet.

B. A lot on which is erected a two-family dwelling or multiple-family dwelling shall contain not less than two thousand five hundred square feet per family except that this regulation shall not apply to dormitories or rooming houses where no cooking is done in individual rooms or apartments.

C. A lot on which is erected a mobile home, either single or double wide, shall be a minimum of three thousand six hundred square feet.

D. Where a single lot of record, as defined in Chapter 18.08, has less area than herein required and was recorded prior to the effective date of the ordinance codified in this title, that lot may be used for single-family dwelling or mobile home use if yard regulations can be met.

E. Multiple-family uses shall not cover more than forty percent of the lot area. (Ord. 558 §5, 1976)

18.52.060 Height regulations. No building shall exceed thirty-five feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted. (Ord. 558 §6, 1976)

18.52.070 Yard regulations.

A. Front Yards.

1. The front yard shall be a minimum of twenty feet in depth measured from the front lot line, except on collector streets the minimum front yard shall be sixty-five feet measured from the centerline of the street and except on arterial streets, the minimum front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot except the build able width of such lot shall not be reduced to less than twenty-eight feet, except where necessary to provide a yard along the side street with a depth of not less than five feet.. No accessory building shall project beyond the front yard line on either street.

B. Side Yards.

1. There shall be a side yard on each side of a building thirty-five feet high or less, having a width of not less than five feet. There shall be not less than fifteen feet between buildings on adjacent lots.

2. There shall be a side yard having a width of not less than eight feet on each side of a building in excess of thirty-five feet in height.

C. Rear Yards. There shall be a rear yard for buildings in this district which shall have a depth of not less than ten feet.

D. All mobile homes must be served by an access street twenty-four feet wide minimum surfaced with gravel or other all weather material.

E. Each dwelling unit and mobile home shall have two off-street parking spaces, minimum of eight and one-half feet by nineteen feet, surfaced with gravel or other all weather material. (Ord. 558 §7, 1976)

18.52.080 Minimum mobile home standards.

A. Any mobile home located on one or more lots, under single ownership within this zoning district, shall contain a written certification, by an approved quality control agency, stating that

such mobile home meets or exceeds the standards as required in ANSI (American National Standard Institute) Bulletin # A119.1, 1973, as amended and NFPA (National Fire Protection Association) and amendments thereto as adopted by the town. Any mobile home manufactured prior to 1973, and in accordance with the NFPA and/or ANSI standards and containing a certificate thereof, shall for the purpose of this title be deemed in compliance herewith.

B. Sewer and water connections shall be in accordance with the design specifications and installation requirements of the Uniform Plumbing Code.

C. Plumbing installations (drains, waste and vents) and service piping for gas shall be in accordance with the requirements of the Uniform Plumbing Code and amendments thereto, as adopted by the town.

D. Electric service provided to mobile homes located on lots under single ownership shall meet the requirements of the National Electrical Code and amendments thereto, as adopted by the town.

E. Prior to locating a mobile home on any lot within this district, the owner shall obtain an electrical and plumbing permit from the town building inspector's office, and pay the prescribed fee. The applicant shall also file and have approved by the town engineer a site plan showing the location of off-street parking, design plans and specifications for foundations and skirting. (Ord. 558 §10, 1976)

## Chapter 18.56

### M-P MOBILE HOME PARK DISTRICT

#### Sections:

18.56.010	Intent and purpose.
18.56.020	District regulations.
18.56.030	Use regulations.
18.56.040	Service buildings.
18.56.050	Water supply.
18.56.060	Sewage disposal.
18.56.070	Compliance.
18.56.080	Parking or storing.
18.56.090	Unused mobile home park.

18.56.010 Intent and purpose. It is the intent and purpose of the M-P mobile home park district to provide low density mobile home parks which would be compatible with the character of the surrounding neighborhood and would be consistent with the future land use plan of the community. (Prior code §18-209.1)

18.56.020 District regulations. In the M-P district, no structure or land shall be used and no structure shall be altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.56.030. Mobile homes henceforth shall be located only in an M-P mobile home park district, and mobile homes existing at the time of adoption of this chapter can continue in a legal nonconforming status. (Prior code §18-209.2)

18.56.030 Use regulations. Uses in the M-P district shall include:

1. Mobile home parks, subject to the following regulations:
  - a. The tract to be used for a mobile home park shall not be less than five acres in area.
  - b. The mobile home park shall be under one ownership and control and individual occupants other than the owner shall not purchase or own any piece, parcel or portion of such park.
  - c. The applicant for a mobile home park shall prepare or cause to be prepared a preliminary mobile home park plan, drawn to a scale of not less than one

inch equals one hundred feet, and three copies of such plan shall be submitted to the planning commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

- (1) Contours at intervals of one foot shall be indicated on the plan;
- (2) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;
- (3) Mobile home parks hereafter approved shall have a maximum density of seven mobile homes per gross acre and a minimum area of three thousand six hundred square feet shall be provided for each mobile home space;
- (4) Each mobile home space shall be at least forty feet wide and be clearly defined;
- (5) Mobile homes shall be located on each space so as to maintain a setback of no less than twenty feet from any public street, highway, right-of-way or M-P district boundary; as to maintain a setback of no less than ten feet from the edge of a park roadway or sidewalk or a rear boundary line when such boundary line is not common to any public street, highway, right-of-way or M-P district boundary; and as to maintain a setback of no less than five feet from any side boundary line of a mobile home space;
- (6) All mobile homes shall be so located as to maintain a clearance of not less than twenty feet from another mobile home and as to maintain a clearance of not less than twenty feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than twenty-five feet from any building within the park;
- (7) All mobile home spaces shall front upon a private roadway of not less than twenty-four feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to thirty-two feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to forty feet. All roadways shall have unobstructed access to a public street;
- (8) Common walks not less than three feet in width and four inches thick shall be provided in locations where pedestrian traffic is concentrated, such as to the office, entrance, community building, recreation areas or other similar facilities. Interior pedestrian circulation shall be encouraged where appropriate to provide a separation between vehicular and pedestrian traffic;
- (9) All roadways and sidewalks within the mobile home park shall be hard-surfaced with curb and gutter and adequately lighted at night;
- (10) Laundry facilities may be provided in a service building;
- (11) Each mobile home park shall devote a minimum of two hundred square feet per mobile home space for recreational area. Individual recreational areas shall not be less than five thousand square feet and required setbacks, roadways and off-street parking spaces shall not be considered as recreation space. A minimum of fifty 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 seventy-five percent developed;
- (12) A solid or semisolid fence or wall, minimum six feet, maximum eight feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes other than for mobile homes. Such fence shall be so located as to not be in violation of the intersection sight triangle as defined by this title. In lieu of the fence or wall, a landscape buffer may be provided not less than twenty-five feet in width and such landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the

landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner;

(13) Each mobile home space shall be provided with a paved patio of not less than two hundred square feet and a storage locker of not less than one hundred twenty cubic feet. The lockers shall be designed in a means that will enhance the park and shall be constructed of weather-resistant materials.

d. A mobile home park shall not be used for other than residential purposes; mobile homes may be offered for sale in the mobile home park only by resident owners.

e. Upon approval of the preliminary mobile home park plan by the planning commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the planning commission recommendation shall be forwarded to the governing body for their review and final action.

f. Any substantial deviation, as determined by the zoning officer, from the approved plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the planning commission and governing body prior to the issuance of a building or zoning permit.

2. Mobile home subdivisions are subject to the following regulations:

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

b. Mobile home subdivisions shall be platted in accordance with the adopted subdivision rules and regulations and the lots shall be available to be purchased by the individual occupants.

c. The applicant for a mobile home subdivision shall prepare or cause to be prepared a preliminary mobile home subdivision plan, drawn to a scale of not less than one inch equals one hundred feet, and three copies of such plan shall be submitted to the planning commission for their review and recommendations. Such plans shall comply with the following requirements:

(1) Contours at intervals of one foot shall be indicated on the plan;

(2) The subdivision shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;

(3) Each mobile home lot shall have a minimum area of six thousand square feet, a minimum depth of one hundred fifteen feet and a minimum width of fifty feet;

(4) Setbacks.

(i) Front yard, twenty-five feet,

(ii) Side yard, six feet,

(iii) Rear yard, twenty feet;

(5) All mobile home lots shall front onto a dedicated public street in accordance with the subdivision rules and regulations;

(6) A solid or semisolid fence or wall, minimum six feet, maximum eight feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes other than for mobile homes. Such fence shall be so located as to not be in violation of the intersection sight triangle as defined by this title. In lieu of such fence or wall, a landscape buffer may be provided not less than twenty-five feet in width and such landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the subdivision. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a rear yard for a mobile home lot. The fence wall or landscape buffer shall be properly policed and maintained by the owner or owners.

d. A mobile home subdivision shall not be used for other than residential

purposes. Mobile homes may be offered for sale in the mobile home subdivision only by resident owners.

e. Upon approval of the preliminary mobile home subdivision plan by the planning commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the planning commission recommendation shall be forwarded to the governing body for their review and final action.

f. Any substantial deviation, as determined by the zoning officer, from the approval plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the planning commission and governing body prior to the issuance of a building or zoning permit.

3. Trailer camp, subject to the following regulations:

a. Trailer camps shall be utilized only for the accommodations of camping trailers and under no circumstances shall a trailer camp be utilized for the occupancy of mobile homes.

b. The tract to be used for a trailer camp shall not be less than two acres in area.

c. The applicant for a trailer camp shall prepare or cause to be prepared a preliminary trailer camp plan, drawn to a scale of not less than one inch equals one hundred feet, and three copies of such plan shall be submitted to the planning commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

(1) Contours at intervals of one foot shall be indicated on the plan;

(2) The trailer camp shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water;

(3) Trailer camps shall have a maximum density of twenty camping trailers per gross acre and a minimum area of one thousand two hundred fifty square feet shall be provided for each camping space;

(4) Each camping space shall be at least twenty-five feet wide and a minimum of fifty feet in depth;

(5) Travel trailers shall be located on each space so as to maintain a setback of no less than twenty feet from any public street, highway, right-of-way or M-P district boundary, and as to maintain a setback of no less than five feet from any boundary line of a camping space when such boundary line is not common to any public street, highway, right-of-way or M-P district boundary;

(6) All camping spaces shall front on a private roadway of not less than twenty-four feet in width and all roadways shall have unobstructed access to a public street;

(7) A solid or semisolid fence or wall at least six feet high, but not more than eight feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street which is zoned for residential purposes other than for mobile homes. Such fence shall be so located as to not be in violation of the intersection sight triangle as defined by this title. In lieu of such fence or wall, a landscape buffer may be provided not less than twenty-five feet in width and such landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a camping space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.

d. A service building shall be provided which shall:

(1) Be located not nearer than twenty-five feet from a camping trailer or a property line;

(2) Be so located that any camping trailer which it serves shall not be parked more than two hundred feet from the building;

(3) Be of permanent type moisture-resistant construction to permit frequent washing and cleaning and be adequately lighted;

(4) Have one flush type toilet, one lavatory and one shower or bathtub for females, and one flush type toilet, one lavatory, one shower or bathtub for males for up to nine house trailers. One additional unit of the above plumbing facilities shall be provided for each sex for each ten additional house trailers served or major fraction thereof. All lavatories, bathtubs and showers shall be connected with both hot and cold running water;

(5) Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit in the building and provide hot water (one hundred forty degrees Fahrenheit) at a minimum rate of eight gallons per hour for the required fixture units;

(6) Have an accessible, adequate, safe and potable water supply of cold water;

(7) Have all rooms well-ventilated with all openings effectively screened;

(8) Have at least one water closet or other facility suitable for the cleaning and sanitizing of bedpans or other waste receptacles;

(9) Comply with all applicable chapters of the building code regarding the construction of buildings and the installation of electrical, plumbing, heating and air conditioning systems;

(10) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.

e. Upon approval of the preliminary trailer camp plan by the planning commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the planning commission recommendation shall be forwarded to the governing body for their review and final action.

f. Any substantial deviation, as determined by the zoning officer, from the approved plan, shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the planning commission and governing body prior to the issuance of a building or zoning permit.

4. Churches, synagogues and other similar places of worship.
5. Public and parochial schools.
6. Home occupations.
7. Accessory buildings and uses. (Prior code §18209.3)

#### 18.56.040 Service buildings.

A. Service buildings, when provided, whether required or not, housing sanitation and laundry facilities, or any such facility, shall be permanent structures complying with all applicable regulations and statutes regulating buildings, electric installations, plumbing and sanitation systems.

B. All service buildings, when provided whether required or not, shall be maintained in a clean sightly condition and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.

C. Service buildings and parking related to the service operation shall not occupy more than five percent of the area of the park and shall be located, designed and intended to serve frequent trade or service needs of persons residing in the park and shall present no visible evidence of their commercial character from any portion of any residential district outside the park. (Prior code §18-209.4)

18.56.050 Water supply.

A. An accessible, safe and potable supply of water as approved by the State Health Department shall be provided in each park or camp. If a public water supply is reasonably available to the park or camp, it shall be used.

B. The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and shall be in accordance with the requirements of the agency from which the water supply is obtained.

C. Individual water service connections shall be provided at each mobile home space. Such connections shall be located at least four inches above ground surface, at least three-quarters inch in diameter and equipped with a three-quarters inch valve outlet. All water pipes shall be protected against freezing.

D. When a private water supply is provided, it shall provide an adequate water supply with minimum flow rates of four gallons per minute for each of the first five mobile home spaces and an additional two gallons per minute for each additional space for the next ten spaces, and an additional one and one-half gallons per minute for each additional space for the next twenty-five spaces, and an additional one gallon per minute for each additional space thereafter. Such system shall provide a minimum of twenty pounds per square inch of pressure at all connections provided. (Prior code §18-209.5)

18.56.060 Sewage disposal.

A. Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all codes and regulations regarding such systems. If a public sewer system is reasonably available to the park, it shall be used.

B. All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the appropriate governing body for their approval.

C. When the sewer lines of the park or camp are not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the health officer or the engineer having jurisdiction shall be provided. (Prior code §18-209.6)

18.56.070 Compliance. The mobile home park or subdivision shall be in compliance with this chapter and all other regulations and the site shall be in conformance with applicable regulations of the locality and state. (Prior code §18-209.7)

18.56.080 Parking or storing. A house trailer or mobile home may be parked in the mobile home park or subdivision, provided that it shall not be a nuisance and does not constitute a fire hazard and further provided such trailer is not offered for sale by other than the resident owner. (Prior code §18-209.8)

18.56.090 Unused mobile home park. Whenever a property, zoned M-P, ceases to be used for such purposes for a period of two years, the planning commission shall initiate action and hold a public hearing to rezone such property back to its former district zoning. (Prior code §18-209.9)

Chapter 18.60

C-S HIGHWAY SERVICE DISTRICT

Sections:

18.60.010 Intent and purpose of district.

18.60.020 District regulations

18.60.030 Use regulations.

18.60.040 Intensity of use regulations.

18.60.050 Height regulations.

18.60.060 Yard regulations.

18.60.010 Intent and purpose of district. This district is intended to provide commercial locations for uses which serve as a convenience to the traveler, require large areas of land or require convenient access to all parts of the community in order to have an efficient operation. It is further intended that the uses be of a

single-purpose character and and not be of a nature in which people walk from store to store as in a nucleated center. Floor areas are restricted, and screening and off-street parking are required to reduce possible adverse effects on surrounding residential uses. (Prior code §18-210.1)

18.60.020 District regulations. In the C-S district no structure or land shall be used and no structure altered, enlarged or erected which is arranged, intended or designed for other than one of the uses listed in Section 18.60.030. (Prior code §18-210.2)

18.60.030 Use regulations. The following are the permitted uses in the C-S district:

1. Agricultural implement sales and services.
2. Animal hospitals when all facilities are within an enclosed building.
3. Automobile and truck sales and service. (Auto repair if performed entirely within an enclosed structure.)
4. Automotive accessory stores, including tire sales.
5. Boat sales, service and rental.
6. Bowling alleys.
7. Car washes.
8. Construction equipment rental and sales.
9. Dance halls.
10. Electric and telephone substations.
11. Food stores.
12. Gift and souvenir shops.
13. Gymnasiums.
14. Hotels and motels including accessory service uses, such as newsstands, messenger and telegraph stations, swimming pools (for motel guests only), flower and gift shops.
15. Indoor skating rinks.
16. Indoor theaters.
17. Lumber and building materials sales yards.
18. Mobile home sales and service.
19. Motorcycle sales, service and rental.
20. Nursery and garden stores.
21. Offices.
22. Package liquor stores
23. Parks, playgrounds and community buildings owned and operated by a public agency.
24. Plumbing and electric shops if no outside storage.
25. Pool halls.
26. Radio, TV and small appliance service, repair and sales.
27. Restaurants and tea rooms, including drive-in establishments.
28. Service stations or filling stations (light service work only).
29. Sporting goods stores.
30. Taverns.
31. Cleaner and laundry (maximum of five employees).
32. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary, to include, but not be limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Governmental buildings;
  - b. Mortuary;
  - c. Outdoor amusement establishments such as amusement parks, permanent carnival and kiddie parks, miniature golf and pitch and putt courses, driving ranges and other similar establishments;
  - d. Drive-in theaters;
  - e. Auction houses;
  - f. Auto body shops;

- g. Machine shops;
- h. Welding shops. (Prior code §18-210.3)

18.60.040 Intensity of use regulations. The principal building or buildings in this district shall not cover more than twenty-five percent of the ground area on which the building or buildings are located. (Prior code §18-210.4)

18.60.050 Height regulations. No building shall exceed forty feet in height, except that for each one foot of additional setback provided, two feet of additional height will be permitted. (Prior code §18-210.5)

18.60.060 Yard regulations.

A. Front Yards. No setback is required for existing structures. All additions and new structures shall meet the following requirements:

1. There shall be a front yard having a depth of not less than twenty-five feet measured from the front property line except if located on a collector street, the front yard shall be eighty-five feet measured from the centerline of the street and if located on an arterial, the front yard shall be ninety-five feet measured from the centerline of the street.

2. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets for all uses in this district.

3. Where a lot is located at the intersection of two or more streets, there shall be front yard on each street side of the corner lot except the build able width of such lot shall not be reduced to less than twenty-eight feet. No accessory building shall project beyond the front yard line on either street.

B. Side Yards.

1. There shall be a side yard on each side of a one to two-and-a-half story building, having a width of not less than eight feet.

2. There shall be a side yard on each side of a three story building having a width of not less than eight feet.

C. Rear Yards. Except as otherwise provided in Chapter 18.96, there shall be a rear yard for buildings in this district as follows:

1. One to two-and-one-half story buildings shall have a rear yard depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the smaller.

2. Three story buildings shall have a rear yard of not less than thirty feet.

D. Screening. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, a ten-foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the "C-S" district. (Prior code §18-210.6)

Chapter 18.64

C-1 NEIGHBORHOOD SHOPPING DISTRICT

Sections:

- 18.64.010 Intent and purpose of district.
- 18.64.020 District regulations.
- 18.64.030 Use regulations.
- 18.64.040 Intensity of use regulations.
- 18.64.050 Height regulations.
- 18.64.060 Yard regulations.

18.64.010 Intent and purpose of district. It is the intent of the C-1 neighborhood shopping district to permit retail of convenience goods and services. It is intended that this district be employed only in areas occupied by existing businesses serving a useful shopping function to other residents of the neighborhood. It is intended that all new businesses will locate in grouped "shopping center" areas. (Prior code §18-211.1)

18.64.020 District regulations. In the C-1 district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.64.030. (Prior code §18-211.2)

18.64.030 Use regulations. The following are the permitted uses in the C-1 district:

1. Apartments on other than the ground floor.
2. Banks and other savings and lending institutions.
3. Barber shops.
4. Beauty shops.
5. Boarding and lodging houses.
6. Candy and ice cream stores (except drive-ins).
7. Churches.
8. Cleaners.
9. Custom dressmaking, furrier, millinery, tailor shops (employing less than five persons).
10. Drug stores and proprietor stores with not over two thousand five hundred feet of selling area.
11. Electric and telephone substations.
12. Fix-it shops (radio, TV and small appliances).
13. Flower and gift shops.
14. Food stores (grocery, meat and delicatessen).
15. Hardware stores.
16. Laundries.
17. Key shops.
18. Medical, dental and health clinics (for people only).
19. Messenger and telegraph stations.
20. Motels.
21. Newsstands.
22. Nonprofit religious, educational and philanthropic institutions, but not penal or mental institutions.
24. Parks, playgrounds and community buildings owned and operated by a public agency.
25. Parking lots, commercial.
26. Photographer.
27. Restaurants and tea rooms (except for drive-ins)
28. Service stations.
29. Shoe repair and shoe shine shops.
30. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary, to include, but not be limited to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Drive-in theaters;
  - b. Mortuary;
  - c. Private clubs, fraternities, sororities and lodges;
  - d. Taverns. (Prior code §18-211.3)

18.64.040 Intensity of use regulations. Area occupied by buildings in this district shall not exceed thirty percent of the ground area on which the building is located. (Prior code §18-211.4)

18.64.050      Height regulations. No building shall exceed forty feet in height. (Prior code §18-211.5)

18.64.060      Yard regulations.

A.      Front Yards.

1.      No front yard setback is required for existing uses. Additions and new structures shall provide a front yard having a depth of not less than twenty-five feet measured from the front property line except if located on a collector street, the front yard shall be sixty-five feet measured from the centerline of the street and if located on an arterial, the front yard shall be seventy-five feet measured from the centerline of the street.

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

3.      Where a lot is located at the intersection of two or more streets, there shall be front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight feet except where necessary to provide a yard on the side street not less than five feet in width.

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

B.      Side Yards. There shall be a side yard on each side of a building, and the side yard shall not be less than five feet.

C.      Rear Yards. There shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the smaller.

D.      Screening. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, a ten-foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the C-1 district. (Prior code §18-211.6)

Chapter 18.68

C-1A COMMERCIAL OFFICE DISTRICT

Sections:

- 18.68.010      Intent and purpose of district.
- 18.68.020      District regulations.
- 18.68.030      Use regulations.
- 18.68.040      Intensity of use regulations. 18.68.050 Height regulations.
- 18.68.060      Yard regulations.

18.68.010      Intent and purpose of district. It is the intent of the C-1A commercial office district to provide locations for offices for purposes of professional service and public use.(Ord. 620 §1(18-211.01), 1981)

18.68.020      District regulations. In the C-1A district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.68.030. (Ord. 620 §1(18-211.02), 1981)

18.68.030      Use regulations. The following are the permitted uses in the C-1A district:

- 1.      Offices: business, professional and public.
- 2.      Offices for medical, dental and health clinics having for their principal occupation the treatment and examination of people; treatment or examination of animals in the C-1A district is not allowed. (Ord. 620 §1(18-211.03), 1981)

18.68.040 Intensity of use regulations. The area occupied by buildings in this district shall not exceed thirty percent of the ground area on which the building is located. (Ord. 620 §1(18-211.04), 1981)

18.68.050 Height regulations. No building shall exceed forty feet in height. (Ord. 620 S1(18-211.05), 1981)

18.68.060 Yard regulations.

A. Front Yards.

1. No front yard setback is required for existing uses. Additions and new structures shall provide a front yard having a depth of not less than twenty-five feet measured from the front property line except if located on a collector street, the front yard shall be sixty-five feet measured from the centerline of the street and if located on an arterial street, the front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight feet except where necessary to provide a yard on the side street not less than five feet in width.

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

B. Side Yards. There shall be a side yard on each side of a building, and the side yard shall not be less than five feet.

C. Rear Yards. There shall be a rear yard' for buildings in this district which rear yard shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the smaller.

D. Screening. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high, shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the commercial development are separated by a public right-of-way, a ten-foot landscape buffer which shall consist of trees, shrubs and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the C-IA district. (Ord. 620 §1(18-211.06), 1981)

## Chapter 18.72

### C-2 GENERAL COMMERCIAL DISTRICT

#### Sections:

18.72.010	Intent and purpose of district.
18.72.020	District regulations.
18.72.030	Use regulations.
18.72.040	Intensity of use regulations.
18.72.050	Height regulations.
18.72.060	Yard regulations.
18.72.070	Parking regulations.

18.72.010 Intent and purpose of district. The C-2 general commercial districts is intended for the purpose of allowing basic retail, service and office uses in addition to those normally permitted in neighborhood centers. This district is also intended to provide locations for commercial activities that do not require a central location downtown but do require a location

easily accessible to the downtown shoppers. Business uses needing large floor areas, particularly those of a service nature, not compatible with the central business district are included in this district. (Prior code §18-212.1)

18.72.020 District regulations. In the C-2 district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.72.030. Notwithstanding the above, the lawful use and location of any residence existing at the time of the enactment of the ordinance codified in this title may be continued even though the use or location does not conform to the requirements of this chapter.

. A. Repairs. Ordinary repairs and maintenance of a nonconforming residence shall be permitted.

. B. Restoration. A nonconforming residence which has been damaged by fire or a calamity other than natural deterioration may be restored to its original condition; provided, that the work is commenced within one year of the calamity.

. C. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, the use shall not thereafter be reestablished, and any future use shall be in conformance with the provisions of this chapter.

. D. A nonconforming use shall not be changed to a use other than provided for in this chapter.

E. Extensions. A nonconforming use shall not be increased in area nor shall a building containing a nonconforming use be extended, except if said nonconforming use exists as a single-family residence, said residence may be increased in area, extended or remodeled provided said residence retains its character as a single-family residence. (Ord. 589 S2, 1979: prior code S18-212.2)

18.72.030 Use regulations. The following are the permitted uses in the C-2 district:

1. Adding machine and other small business machine repair, sales and service.
2. Amusement places (indoor).
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments on floors other than the ground floor.
6. Apparel and accessory stores.
7. Appliance sales and service.
8. Armory.
9. Art and art supply stores.
10. Auditorium and similar places of public assembly.
11. Auto repair and body shop, providing that all work is done within an enclosed building and that no inoperable autos are held or stored on the site, unless within an enclosed building.
12. Auto supply stores.
13. Automobile, truck, motorcycle and mobile home sales and service.
14. Automobile parking lots and garages (public and private).
15. Banks and other savings and lending institutions.
16. Barber and beauty shops.
17. Bicycle shops.
18. Books and stationery stores.
19. Bowling alleys and recreation buildings.
20. Business and technical schools and schools for photography, music and dancing.
21. Carpenter and cabinet shops employing five persons or less.
22. Churches and parish homes.
23. Cigar and tobacco stores.
24. Clothing and costume rental.
25. Commercial recreation uses.

- less.
26. Custom dressmaking, furrier, millinery and tailor shops employing five persons or less.
  27. Delicatessens and catering establishments.
  28. Department stores.
  29. Drug stores and prescription shops.
  30. Dry goods and notion stores.
  31. Dry cleaning and laundry establishments.
  32. Electric repair shops (household appliances).
  33. Field crops, nurseries, tree crops and truck gardens.
  34. Fire stations, police stations and jail.
  35. Fix-it shops (radio, TV and small appliances repair).
  36. Florist and gift shops.
  37. Furniture and home furnishing stores.
  38. Garage (public and private).
  39. Golf courses (including miniature golf and driving tees).
  40. Government administration buildings.
  41. Grocery stores (including retail meat markets and produce stores).
  42. Hardware stores.
  43. Hobby, stamp and coin shops.
  44. Hotels and motels.
  45. Household appliance stores.
  46. Implement sales and service.
  47. Interior decorator's shops.
  48. Jewelry and metal craft stores.
  49. Leather goods and luggage stores.
  50. Library and museums.
  51. Lock and key shops.
  52. Lumber yards.
  53. Mail order catalog stores.
  54. Medical, dental and health clinics.
  55. Medical and orthopedic appliance stores.
  56. Meeting halls and auditoriums.
  57. Messenger or telegraph service stations.
  58. Mortuary.
  59. Musical instrument sales and repair shops.
  60. Music studios, radio and television stores.
  61. Newspaper offices.
  62. Newsstands.
  63. Offices and office buildings.
  64. Office supply, office buildings and office equipment stores.
  65. Optician and optometrist shops.
  66. Package and liquor stores.
  67. Paint stores.
  68. Parking lots and garages (commercial, public and private).
  69. Parks and recreation areas.
  70. Pawn shops.
  71. Pet shops.
  72. Photographic equipment and supply stores.
  73. Photographic studios.
  74. Picture frame shops.
  75. Plumbing shops employing five persons or less.
  76. Post office and court buildings.
  77. Printing and publishing houses.
  78. Private clubs, fraternities, sororities and lodges.
  79. Public and parochial schools (elementary through high school).
  80. Radio and television studios.

81. Restaurants and tea rooms (including drive-ins).
82. Self-service laundries.
83. Service stations.
84. Sewing machine stores.
85. Sheet metal shops employing five persons or less.
86. Shoe repair and shoe-shine shops.
87. Shoe stores.
88. Sporting and athletic goods stores.
89. Tailor shops employing five persons or less.
90. Taverns.
91. Theaters.
92. Tinsmith shops employing five persons or less.
93. Tire repair shops.
94. Toy stores.
95. Travel bureaus.
96. Undertaking establishments.
97. Used car lots.
98. Utility company offices.
99. Variety stores and shops.
100. Wallpaper stores and shops.
101. Warehouses.
102. Watch repair shops.
103. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature, such as storage of anhydrous ammonia, propane, butane, petroleum products or other similar products.
104. Accessory uses customarily incidental to the above uses. (Prior code §18-212.3)

18.72.040 Intensity of use regulations.

- A. There are no requirements for commercial uses except to meet fire regulations.
- B. Fifteen hundred square feet of lot area shall be required for each apartment built above ground floor. (Prior code §18-212.4)

18.72.050 Height regulations. No building shall exceed forty-five feet. (Prior code §18-212.5)

18.72.060 Yard regulations.

- A. No setback is required for existing structures. All new structures shall set back a minimum of forty feet from the centerline of a collector street and a minimum of fifty feet from the centerline of an arterial route.
- B. Side Yards. None required, except adjacent to residential land use then the side yard shall be five feet. Existing uses otherwise complying shall not be required to provide a side yard.
- C. Rear Yards. None required, except adjacent to residential land use then the rear yard shall be fifteen feet. Existing uses otherwise complying shall not be required to provide a rear yard.
- D. Landscaping and Screening.
  1. A solid or semisolid wall, fence or evergreen hedge not less than five feet nor more than eight feet high shall be installed and maintained by the owner when the district abuts a residential district.
  2. A landscape strip of trees, shrubs, evergreens or other suitable planting materials not less than ten feet in width shall be installed and properly maintained by the owner when the district abuts a residential district. (Prior code §18-212.6)

18.72.070 Parking regulations. Off-street parking is not required in this district for existing structures. Any new structures or any structure with additions increasing its floor area shall comply with the requirements of Chapter 18.100. (Prior code §18-212.8)

## Chapter 18.76

### C-3 CENTRAL BUSINESS DISTRICT

#### Sections:

18.76.010	Intent and purpose of district.
18.76.020	District regulations.
18.76.030	Use regulations.
18.76.040	Intensity of use regulations.
18.76.050	Height regulations.
18.76.060	Yard regulations.
18.76.070	Parking regulations.

18.76.010 Intent and purpose of district. The C-3 central business district is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and service, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business district. (Prior code §18-213.1)

18.76.020 District regulations. In the C-3 district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.76.030. (Prior code §18-213.2)

18.76.030 Use regulations. The following are the permitted uses in the C-3 district:

1. Adding machine and other small business machine repair, sales and service.
2. Amusement places.
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments on floors other than the ground floor.
6. Apparel and accessory stores.
7. Art and art supply stores.
8. Artist studio.
9. Auditorium and similar places of public assembly.
10. Automobile accessory and supply store.
11. Automobile parking lots and garages.
12. Bakery and pastry shop (retail only).
13. Banks and other savings and lending institutions.
14. Barber shops, beauty shops, chiropody, massage or similar personal services.
15. Bicycle shops.
16. Books and stationery stores.
17. Bowling alleys and recreation buildings.
18. Business and technical schools and schools for photography, dancing and music.
19. Churches and parish homes.
20. Cigar and tobacco stores.
21. Clothing and costume rental.
22. Commercial recreation uses.
24. Delicatessens and catering establishments.
25. Department stores.
26. Drug stores and prescription shops.
27. Dry goods and notion stores.

28. Dry cleaning and laundry establishments.
29. Electric repair shops.
30. Fire stations, police stations and jail.
31. Fix-it shops (radio, TV and small household appliances).
32. Florist and gift shops.
33. Furniture and home furnishing stores.
34. Garage and auto repair shops but not including auto body and fender work and auto painting.
35. Government buildings.
36. Grocery, fruit and vegetable stores.
37. Hardware stores.
38. Hobby, stamp and coin shops.
39. Hotels and motels.
40. Household appliance stores.
41. Interior decorator's shops.
42. Jewelry and metal craft stores and shops.
43. Laundry and laundrettes.
44. Leather goods and luggage stores.
45. Library and museums (public).
46. Lock and key shops.
47. Mail order catalog stores.
48. Medical, dental and health clinics.
49. Medical and orthopedic appliance stores.
50. Meeting halls and auditoriums.
51. Messenger and telegraph service stations.
52. Milk and milk products distribution stations.
53. Music instrument sales and repair shops.
54. Music stores and studios.
55. Newspaper offices.
56. Newsprint, job printing and printing supply stores.
57. Newsstands.
58. Offices and office buildings.
59. Office supply and office equipment stores.
60. Optician and optometrist shops.
61. Package liquor stores.
62. Paint stores.
63. Parking lots and garages.
64. Parks and open spaces.
65. Pawn shops.
66. Pet shops.
67. Photographic equipment sales and supply stores.
68. Photographic studios.
69. Picture framing shops.
70. Prescription shops.
71. Printing and publishing houses (including newspapers).
72. Public buildings.
73. Radio and television studios.
74. Railway, taxi and bus passenger stations.
- Restaurants and tea rooms (excluding drive-ins).
76. Self-service laundries.
77. Service stations.
78. Sewing machine shops and stores.
79. Shoe repair and shoe-shine shops.
80. Shoe stores.
81. Sporting and athletic goods stores.
82. Stores and shops for the conduct of retail business similar to the uses listed in

this section.

83. Tailor shops.
84. Taverns.
85. Theaters.
86. Toy stores.
87. Travel bureaus.
88. Utility company offices.
89. Variety stores.
90. Wallpaper and paint stores.
91. Watch repair shops.
92. Accessory uses customarily incidental to the above uses. (Prior code §18-213.3)

18.76.040 Intensity of use regulations. No requirement except those to meet fire regulations. (Prior code §18-213.4)

18.76.050 Height regulations. A building may be erected to any height not in conflict with other regulations. (Prior code §18-213.5)

18.76.060 Yard regulations.  
A. Front Yards. No front yard is required for any building in the C-3 district.  
B. Side Yards. No side yard is required for any building in the C-3 district.  
C. Rear Yards. No rear yard is required for any building in the C-3 district. (Prior code §18-213.6)

18.76.070 Parking regulations. Off-street parking is not required. (Prior code §18-213.7)

## Chapter 18.80

### I-1 LIGHT INDUSTRIAL DISTRICT

#### Sections:

- 18.80.010 Intent and purpose of district.
- 18.80.020 District regulations.
- 18.80.030 Use regulations.
- 18.80.040 Intensity of use regulations.
- 18.80.050 Height regulations.
- 18.80.060 Yard regulations.

18.80.010 Intent and purpose of district.  
A. The I-1 light industrial district is intended for the purpose of allowing certain industrial uses which do not:  
1. Require intensive land coverage;  
2. Generate large volumes of vehicular traffic;  
3. Create obnoxious sounds, glare, dust or odor. B. Height and land coverage are controlled to ensure compatibility with adjoining uses. (Prior code §18-214.1)

18.80.020 District regulations. In the I-1 district, no structure or land shall be used and no structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in Section 18.80.030. (Prior code §18-214.2)

18.80.030 Use regulations. The following are the permitted uses in the I-1 district:  
1. Animal hospitals or clinics.  
2. Automobile repair and body shop, providing that all work is done within an enclosed building and that no inoperable autos or materials are held or stored on the site, unless within an enclosed building.

3. Bottling works.
4. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor and smoke).
5. Carpenter, cabinet, plumbing or sheet metal shops, providing that the storage yard is completely enclosed with a six-foot-high solid fence, wall, or hedge.
6. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six-foot-high solid fence, wall, or hedge.
7. Dog kennels.
8. Dry cleaning and/or laundry plants.
9. Frozen food lockers.
10. Greenhouses and nurseries, retail and wholesale.
11. Light manufacturing operations, provided that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor and smoke.
12. Machinery sales, service repairs, painting and storage.
13. Monument sales and manufacture.
14. Motor vehicle sales, services, repairs and painting.
15. Public utility and public service uses as follows:
  - a. Substations;
  - b. Railroads;
  - c. Telephone exchange, microwave towers, radio towers, telephone transmission buildings, electric power plants;
  - d. Public utility storage yards when the entire storage area is enclosed by at least a six-foot-high solid wall or fence.
16. Restaurants (not including drive-ins).
17. Service stations.
18. Sign printing and manufacturing.
19. Truck and rail terminals.
20. Upholstery shops.
21. Warehouses.
22. Wholesale merchandise sales and storage, except those which handle products of a highly explosive, combustible or volatile nature, such as storage of anhydrous ammonia, propane, butane, petroleum products or other similar products. (Prior code §18-214.3)

18.80.040 Intensity of use regulations. A building, structure or use allowed in this district, may occupy all that portion of the lot except that area required for off-street parking and off-street loading and unloading and their access roads and except as provided in Section 18.80.060. (Prior code §18-214.4)

18.80.050 Height regulations.

- A. When a building or a structure is within one hundred and fifty feet of a residential district, said building or structure shall not exceed forty-five feet in height.
- B. When a building or structure is more than one hundred and fifty feet from a residential district, said building or structure shall not exceed seventy-five feet in height. (Prior code §18-214.5)

18.80.060 Yard regulations.

- A. Front Yards.
  1. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than twenty-five feet measured from the front property line except if located on a collector street, the front yard shall be sixty-five feet measured from the centerline of the street and if located on an arterial street, the front yard shall be seventy-five feet measured from the centerline of the street.
  2. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
  3. Where a lot is located at the intersection of two or more streets, there

shall be a front yard on each street side of the corner lot except the build able width of such lot shall not be reduced to less than twenty-eight feet except where necessary to provide a yard on the side street not less than five feet in width.

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

B. Side Yards. There shall be a side yard on each side of a building, and the side yard shall not be less than five feet.

C. Rear Yards. There shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the smaller.

D. Landscaping and Screening.

1. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a ten-foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the I-1 district. (Prior code §18-214.6)

## Chapter 18.84

### 1-2 HEAVY INDUSTRIAL DISTRICT

#### Sections:

18.84.010	Intent and purpose of district.
18.84.020	District regulations.
18.84.030	Use regulations.
18.84.040	Intensity of use regulations.
18.84.050	Height regulations.
18.84.060	Yard regulations.

18.84.010 Intent and purpose of district. The 1-2 heavy industrial district is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. (Prior code §18-215.1)

18.84.020 District regulations. In the 1-2 district, no structure or land shall be used and no structure erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in Section 18.84.030. (Prior code §18-215.2)

18.84.030 Use regulations. The following are the permitted uses in the 1-2 district:

1. Animal hospitals or clinics.
2. Bottling works.
3. Blacksmith shop.
4. Building materials, storage and sales.
5. Carpenter, cabinet, plumbing and sheet metal shop.
6. Contractor's office and equipment storage yard.
7. Dog kennels.
8. Dry cleaning and laundry plants.
9. Feed and seed stores.
10. Frozen food lockers.
11. Grain elevators.
12. Greenhouse and nurseries, retail and wholesale.
13. Lumber yards.

14. Machinery sales and storage lots.
15. Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
16. Motor vehicle sales and storage.
17. Poultry storage or slaughtering.
18. Public utility and public service uses.
19. Radiator repair shops.
20. Restaurants.
21. Truck and rail terminals.
22. Upholstering shops.
23. Warehouses or storage houses.
24. Food processing and manufacturing.
25. Wholesale establishments, except those which handle products of a highly explosive, combustible or volatile nature, such as storage of anhydrous ammonia, propane, butane, petroleum products or other similar products.
26. The board of adjustment may, by conditional use permit, authorize the following exemptions subject to such conditions as the board deems necessary to include, but not restricted to, proper setbacks, landscaping, screening, fencing, maintenance provisions and other similar requirements:
  - a. Auto wrecking yards, junk yards, salvage yards and scrap processing yards subject, however, to the following:
    - (1) Auto wrecking yards, junk yards, salvage yards and scrap processing yards shall be located on a tract of land at least three hundred feet from a residential zone.
    - (2) 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, 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 material within the yard.
    - (3) 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.
    - (4) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department. The burning, when permitted, shall be done only during daylight hours.
    - (5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
    - (6) The use shall not be located on or visible from an arterial or major street or highway.
  - b. Petroleum refining and fuel storage.
  - c. Ready-mix concrete and asphalt mix plants.
  - d. Sanitary land fill.
  - e. Stockyard and slaughter houses.
  - f. Manufacturing or storage of bulk oil, gas and explosives.
  - g. Wholesale and storage of products of a highly explosive, combustible or volatile nature, such as anhydrous ammonia, propane, butane, petroleum products and other similar products.
  - h. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration. (Prior code §18-215.3)

18.84.040 Intensity of use regulations.

- A. A building, structure or use, allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street loading or unloading and their access roads and as otherwise required in Chapter 18.96 and Section 18.84.060.

B. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as provided in Section 18.84.060.(Prior code § 18-215.4)

18.84.050 Height regulations.

A. When a building or a structure is within one hundred and fifty feet of a dwelling district zone, said building or structure shall not exceed forty-five feet in height.

B. When a building or structure is more than one hundred and fifty feet from a dwelling district zone, said building or structure shall not exceed one hundred and fifty feet in height. (Prior code §18-215.5)

18.84.060 Yard regulations.

A. Front Yards.

1. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than twenty-five feet measured from the front property line except if located on a collector street, the front yard shall be sixty-five feet measured from the centerline of the street and if located on an arterial, the front yard shall be seventy-five feet measured from the centerline of the street.

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

3. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot except the build able width of such lot shall not be reduced to less than twenty-eight feet except where necessary to provide a yard on the side street not less than five feet in width.

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

B. Side Yards. There shall be a side yard on each side of a building, and the side yard shall not be less than five feet.

C. Rear Yards. There shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than twenty-five feet or twenty percent of the depth of the lot, whichever is the smaller.

D. Landscaping and Screening. A solid or semi-solid fence or wall at least six feet, but not more than eight feet high shall be provided adjacent to any adjoining residential district; however, in the event the adjacent residential district and the industrial development are separated by a public right-of-way, a ten-foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property in the 1-2 district. (Prior code §18-215.6)

Chapter 18.88

I-P INDUSTRIAL PARK DISTRICT

Sections:

18.88.010	Intent and purpose of district.
18.88.020	District regulations.
18.88.030	General requirements.
18.88.040	Use regulations.
18.88.050	Intensity of use regulations.
18.88.060	Height regulations.
18.88.070	Yard regulations.
18.88.080	Performance.

18.88.010 Intent and purpose of district. It is the intent of the I-P industrial park district to allow certain industrial land uses in a park-like atmosphere and this type of use, setback loading and unloading to be controlled. This type of zone will be more compatible with adjoining residential and commercial land uses. (Prior code § 18216.1)

18.88.020 District regulations. The regulations set forth in this chapter or elsewhere in this title when referred to in this title are the regulations for the I-P industrial park district. No structure or land use shall be used and no structure altered, enlarged, or erected which is arranged, intended or designed for other than the uses listed in Section 18.88.040. (Prior code §18-216.2)

18.88.030 General requirements.

A. The tract for use as an industrial park district shall not be less than ten acres in area.

B. The applicant shall prepare and submit a preliminary development plan for review and approval by the planning commission which shall include:

1. A plot plan showing:
  - a. Contours at intervals of one foot;
  - b. Setback lines or general building locations on the tract to conform with the yard requirements of this district;
  - c. Points of ingress and egress;
  - d. All streets adjoining the subject property and the width of existing right-of-way;
  - e. Designation of individual tracts or parcels if the area is to contain more than one building site;
  - f. Landscaped buffer strips and screening walls in conformance with Section 18.88.070.

2. A location map showing the development and zoning of the adjacent property, including the location and the type of buildings and structures thereon.

3. The full legal description of the boundaries of the properties to be included in the area to be zoned as the I-P district.

4. A map showing the general arrangement of streets within an area of one thousand feet from the boundaries of the area to be zoned as the I-P district.

5. A map showing location of proposed sewers, water and other utility lines.

6. If the applicant desires, he may submit a description or rendering or drawing of the general character of the proposed buildings.

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

D. Any substantial deviation, as determined by the enforcement officer, from the approved industrial park plan shall constitute a violation of the building or zoning permit authorizing the construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the planning commission and governing body prior to the issuance of a building or zoning permit. (Prior code §18216.3)

18.88.040 Use regulations. The following are the permitted uses in the I-P district:

1. Animal hospitals or clinics.
2. Bottling works.
3. Building materials, storage and sales.
4. Carpenter, cabinet, plumbing and sheet metal shop, providing outdoor storage is completely enclosed with a six foot solid fence or wall.
5. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six-foot high solid fence or wall.
6. Dog kennels.
7. Dry cleaning and laundry plants.
8. Feed and seed stores.
9. Frozen food lockers.
10. Grain elevators.
11. Greenhouses, retail and wholesale.
12. Lumber yards.

14. Signs as stipulated in Chapter 18.104. (Prior code §18-217.3)

18.92.040 Intensity of use regulations. No structures are permitted in this district. (Prior code §18-217.4)

18.92.050 Height regulations. None required, since no structures are permitted in this district. (Prior code §18-217.5)

18.92.060 Yard regulations. None required, since no structures are permitted in this district. (Prior code §18-217.6)

18.92.070 Loading and unloading regulations. None required, since no structures are permitted in this district. (Prior code §18-217.8)

#### Chapter 18.94

### W-P WATER TOWER AND PARK DISTRICT

#### Sections:

18.94.010 Intent.  
18.94.020 Regulations.

18.94.010 Intent. Certain areas are necessary for placement of water towers together with surrounding park areas to preserve the health, safety and welfare of the residents of the town. The water tower and park zoning district is provided to promote placement of water towers in areas conducive to the same and to restrict property use in order to exclude possible later damages. (Ord. 716 §1(18218.00), 1984)

18.94.020 Regulations. In the W-P zoning district only water towers and parks for the recreation and enjoyment of the public, together with accessory structures, will be allowed. (Ord. 716 §1(18-218.01), 1984)

#### Chapter 18.96

### SUPPLEMENTARY DISTRICT REGULATIONS

#### Sections:

18.96.010 Qualifications and supplementations to districts.  
18.96.020 Front yards.  
18.96.030 Fences.  
18.96.040 Inoperable or unlicensed motor vehicle storage.  
18.96.050 Mobile homes.

18.96.010 Qualifications and supplementations to districts. The district regulations set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title.

A. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in this title.

B. No accessory building shall be erected in any required front or side yard and no detached accessory building shall be erected closer than five feet to any other building. Accessory buildings may be located in the rear yard and may abut the rear lot line, except where vehicular entrance to a structure is made from an alley, in which case, the setback from the rear lot line shall be twenty feet, and in all instances the furthest projection shall not be closer than two feet to the side lot line.

- C. No buildings or structures shall be erected, installed, enlarged, moved in or reconstructed with less than the following requirements:
1. All residential units shall be provided with a water closet which is installed in a room or compartment separated from other portions of the dwelling unit by partitions extending from the floor to the ceiling with entrances provided by a solid door. All water closets shall be connected with a water supply and a sewage disposal system approved by the zoning officer.
  2. All dwelling units shall contain a kitchen sink, with running water properly installed.
  3. All residential structures shall be enclosed with a permanent type exterior wall surface, other than tar paper, corrugated metal, unfinished slab siding or equivalent quality.
  4. No basement or cellar, not covered by an aboveground, completed storage structure, shall be occupied for residential purposes.
  5. No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no other accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.
- D. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the zoning officer for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.
- E. Where a lot or tract is used for other than a single-family or two-family dwelling, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.
- F. Whenever the number of employees is restricted in connection with any use in the neighborhood shopping or commercial districts, such maximum number applies only to employees principally engaged in processing, selling or treating of materials or products on the premises and not to employees engaged in delivery or similar activities.
- G. Radio and television towers shall be permitted in any district with a conditional use permit, providing the height of the radio or television tower does not conflict with any airport approach or landing zone or with any other regulations.
- H. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the grades of the bottom of the curb of the intersecting streets, from the point of intersection ninety feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the ninety-foot distance shall be increased to one hundred and twenty feet.
- I. Major recreational equipment such as boats, boat trailers, travel trailers, pickup campers or coaches, camping buses or converted trucks, and tent trailers, all which do not exceed twenty feet in overall length, may be stored in any district other than the front yard. Further, no such recreational or residential equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.
- J. No land which is located in a residence district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.
- K. The building setback lines shall be determined by measuring the horizontal distance from the property line to the furthest architectural projection of the existing or proposed structure.
- L. Temporary structure incidental to construction work, but only for the period of such work, are permitted in all districts; however, basements and cellars shall not be occupied for residential purposes until the building is completed.
- M. In all districts permitting residents, the renting of not to exceed two sleeping rooms with a total occupancy of not to exceed three persons for whom board may be furnished, but with the prohibition of separate culinary accommodations for such tenants shall be permitted for each dwelling unit except that the floor area of the rented space shall not exceed twenty-five percent of the total floor area of the dwelling. (Ord. 590 §1, 1979; prior code §18-218.1)

18.96.020 Front yards. The front yards established elsewhere in this title shall be adjusted in the following cases:

A. Where forty percent or more of the frontage in a platted block on one side of the street is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

B. Where forty percent or more of the frontage in a platted block on one side of the street is developed with buildings that have not observed a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within one hundred feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or;

2. Where a building is to be erected on a parcel of land that is within one hundred feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

C. Where a building cannot be erected as close to the street as is allowed by the district regulations because of the provisions of subsections A and B above, the governing body, upon petition signed by at least one property owner in the block affected and after report upon the same by the planning commission, may establish a front yard line for the block affected as close to the street as allowed by the district regulations for that block. (Prior code §18-218.2)

18.96.030 Fences. Except as specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences. (The building code does require a building permit for fence construction.)

A. No fence shall be constructed which will constitute a traffic hazard.

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

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

D. No fence, except fences erected upon public or parochial school grounds or in public parks or playgrounds, shall be constructed to a height greater than three feet in the front yard, except an open mesh-wire fence may be of a height no greater than four feet, or six feet in any other yard; provided, however, that the board of adjustment may, by conditional use permit, authorize the construction of a fence higher than six feet if the board finds the public welfare is preserved.

E. All fences shall conform to the construction standards of the building code, if any. (Ord. 590 §2, 1979; prior code §18-218.3)

18.96.040 Inoperable or unlicensed motor vehicle storage.

A. It is the intent of this regulation to prevent the repair, remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in a district permitting and regulating such occurrence.

B. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or whole and is unable to move under its own power for a period in excess of forty-eight hours.

C. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure in any district of these regulations. (Prior code §18-218.4)

18.96.050 Mobile homes. The board of adjustment may, by conditional use permit, authorize the placement of a mobile home on any property in any district on a temporary basis, subject to the following conditions and requirements:

- A. The board of adjustment shall determine a reasonable time limit to be attached to each individual case.
- B. The applicant shall show due cause that a hardship exists and that this hardship cannot be alleviated without the granting of this permit.
- C. The location of such mobile home shall conform to all regulations of the district in which it is located.
- D. The board of adjustment may include additional conditions as they deem necessary to include, but not limited to, extraordinary setbacks, screening, landscaping and installation of utilities.
- E. It shall also be necessary to obtain a mobile home park license in accordance with the licensing code.
- F. Travel trailers (not to exceed twenty feet in overall length) shall be stored but not occupied for residential purposes as per this chapter. (Prior code §18-218.5)

ORDINANCE NO. 849

AN ORDINANCE CREATING CHAPTER 18.95 AND  
ESTABLISHING ZONING REGULATIONS. HEREIN  
AFTER TO BE KNOWN AS "L.F. Zone"  
(DESIGNATING = LANDFILL)

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TORRINGTON, WYOMING.

Intent: Section 1. That it has been determined by the Town Council and recommended by the Water Quality Division of the DEQ, that zoning regulations be established to govern landfill sites, and that the area within a one mile radius of said land-fill sites, create and establish a new zone, herein after called an "L.F. Zone."

Regulations:

- (a) That no potable water wells be drilled or permitted within this one mile radius of an "L.F. Zone."
- (b) Irrigation wells will be permitted, but must be designated with a sign stating, "Not Potable Water, Unsafe for Drinking."
- (c) Within said one mile radius, well permits issued by the state, will be required to carry a DEQ Water Quality Division approval.
- (d) Hazardous waste such as oil, gasoline, chemicals, pcb's, radio active material, etc., cannot be disposed of in this "L.F. Zone." This includes empty discarded underground storage tanks that have been used for storage of any of the above.

Section 2. This Ordinance shall be in full force and effective from and after its passage and approval and publication as required by law.

Passed and Approved on first reading the 7th May, 1991.

Passed and Approved on second reading the 21st June, 1991.

Passed and Approved on third and final reading the **3rd June, 1991.**

Chapter 18.100

PARKING AND LOADING REGULATIONS

Sections:

- 18.100.010 Intent and purpose.
- 18.100.020 General provisions
- 18.100.030 Required spaces
- 18.100.040 Exemption--Conditional permit
- 18.100.050 Loading and unloading regulations.

18.100.010 Intent and purpose. It is the intent and purpose of this chapter to establish minimum requirements as to the number of spaces, design and construction for

off-street parking and loading areas. (Prior code §18-301)

18.100.020    General provisions.

A.        Spaces shall be provided in other than the front yard in all residential districts. Parking also shall not be permitted closer to any side property line than half the distance of the required side yard.

B.        Off-street parking shall be considered as an accessory use to the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this title relating to off-street parking exceptions.

C.        Required accessory off-street parking facilities provided for the uses listed in this section shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

D.        Area. A required off-street parking space shall be at least eight and one-half feet in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, office or work areas.

E.        Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient access to such parking space.

F.        Design. Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the governing body.

G.        Surfacing. All open off-street parking and loading areas shall be graded and paved or otherwise improved with an all-weather material.

H.        Lighting. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

I.        Repair and Service. No motor vehicle repair work shall be permitted in association with any off-street parking facilities.

J.        Computation. When determination of the number of off-street parking spaces required by this chapter 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.

K.        Off-street parking and loading space, as required in this title shall be provided for all new buildings and structures and for additions to existing buildings or structures. Off-street parking and loading space shall be required for any existing building or structure which is altered in any manner as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy off-street parking for any new structures or additions to existing buildings, structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main building, structure or use remains, unless an equivalent number of such spaces are provided as elsewhere provided in this chapter.

L.        In no instance shall off-street parking required by this chapter be located more than three hundred feet (as measured along lines of public access) from the use which it serves.

M.        Plans and Approval Required. Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the zoning officer prior to issuance of a zoning or building permit. Before approving any parking layout, the zoning officer shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked. (Prior code §18302)

18.100.030    Required spaces. Off-street parking spaces shall be provided as follows:

A.        Dwelling and Lodging Uses.

1.        Boarding or lodging houses: One parking space per each three sleeping rooms.

2. Dormitories, fraternities and sororities: Two parking spaces for each three occupants based on the design maximum capacity of the building.
3. Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms and other affiliated facilities provided.
4. Mobile home parks: One parking space per each mobile home plus one additional space for each two mobile homes.
5. Nursing homes, rest homes, etc: One parking space per each five beds based on the designed maximum capacity of the building plus one parking space for each employee.
6. Single-family residences: One space per dwelling unit.
7. Two-family and multiple-family residences: One and one-half spaces per dwelling unit.

B. Business, Commercial and Industrial Uses.

1. Automobile, truck, trailer and mobile home sales and rental lots: One parking space for each three thousand square feet of open sales lot area devoted to the sale, display and rental of such vehicles plus one parking space for each service bay and employee.
2. Automobile wrecking yards: One parking space for each employee plus one parking space for each ten thousand square feet of storage area.
3. Banks, post office, business and professional office: One parking space for each three hundred square feet of gross floor area.
4. Bowling alleys: Five parking spaces for each alley.
5. Cartage, express parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a twenty-four-hour period plus one parking space for each vehicle maintained on the premises.
6. Car wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.
7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor plus one additional parking space for each employee and each vehicle maintained on the premises.
8. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each four hundred square feet of floor area.
9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One parking space per three employees based upon the largest working shift in any twenty-four-hour period.
10. Medical and dental clinics or offices: One parking space for each one hundred square feet of gross floor area; provided, however, that all clinics or offices shall have a minimum of at least ten spaces.
11. Restaurants, night clubs, taverns and lounges: One parking space for each two and one-half seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
12. Retail stores and shops: One space per two hundred square feet of floor area.
13. Service stations: One parking space for each employee plus two spaces for each service bay.
14. Theaters, auditoriums and places of assembly with fixed seats: One space for each three and one-half seats.
15. Theaters, auditoriums and places of assembly without fixed seats: One parking space for each three people based upon the designed maximum capacity of the building.
16. Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any twenty-four-hour

period.

17. All other business and commercial establishments not specified above: One parking space for each three hundred square feet of floor area.

C. Other Uses.

1. Churches: One parking space for each four seats based upon the maximum designed capacity including choir lofts.
2. Elementary, junior high and equivalent parochial and private schools: Two for each classroom.
3. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom plus one space for each two employees.
4. Hospitals: One parking space for each two beds plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any twenty-four-hour period.
5. Launderettes: One space for each two washing machines.
6. Nursery schools and day care centers, public or private: One parking space for each employee.
7. Private clubs, lodges and union headquarters: One parking space for each three seats based upon the designed maximum seating capacity.
8. Swimming pools and clubs: One parking space for each thirty-eight square feet of water area.
9. Trade and commercial schools: One parking space for each three students and employees. (Prior code §18-303)

18.100.040 Exemption--Conditional permit. In order to provide off-street parking areas, the board of adjustment may, after public notice and hearing, grant as an exemption a conditional use permit for the establishment of parking areas in any zoning district under the provisions set forth in this section.

A. Location. Parking provided under this section must be within three hundred feet (along lines of public access) from the boundary of the use for which the parking is provided.

B. Use. The parking area shall be used for customer and employee vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

C. Improvements.

1. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the board of adjustment and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

2. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.

3. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or dwelling district.

4. A fence (such as a solid-wall masonry, wood, louvered wood, metal or other similar materials) not less than six feet high, shall be erected along any property line adjoining or across the street or alley from any dwelling district to eliminate the passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required in a front yard, such fence shall not be higher than three feet and such fence shall be located within one foot of the front yard setback line.

5. When located in a dwelling district, parking shall not be located within a front yard and the front yard shall remain unpaved and shall be landscaped.

6. The board of adjustment shall determine the necessity of additional improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be restricted to, proper setbacks, screening walls,

grass, shrubs, trees and maintenance.

7. The board of adjustment shall have the right to recommend a conditional use permit where existing available space and structure conditions of uses existing at the time of adoption of this title are such as to constitute real confiscation of right of use or prevent all reasonable use of property by the full conformance to these parking regulations. The grant of this conditional use permit shall be issued with the conditions that when conditions shall permit reasonable conformance to these regulations, the conditional use permit shall be cancelled.

E. Permit Revocable. The zoning officer shall be responsible for the enforcement of the conditions and requirements made by the board of adjustment in the approval of any off-street parking conditional use permit. The zoning officer upon discovery of any violation of this regulation or the conditions and requirements established by the board, shall notify the board through its secretary as to such violations. The board of adjustment is hereby authorized to revoke the conditional use permit after public hearing for any of the following reasons:

1. Abandonment of the area for parking purposes for 'six months;
2. Failure to comply with the requirements contained in this section, or imposed by the board. (Prior code §18-304)

18.100.050 Loading and unloading regulations. Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning or other uses, involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located as to avoid undue interference with public use of streets, alleys and walkways. Such space shall include a ten-foot by fifty-foot loading space with a minimum of fourteen feet of height clearance. Number of spaces shall be provided as follows:

<u>Number of Spaces</u>	<u>Gross Floor Area in Square Feet</u>		
1	3,000	to	20,000
2	20,000	to	40,000
3	40,000	to	60,000
4	60,000	to	80,000
5	80,000	to	100,000

(Prior code §18-305)

Chapter 18.104  
SIGN REGULATIONS

Sections:

- 18.104.010 Intent and purpose.
- 18.104.020 Use regulations.
- 18.104.030 Classification of signs.
- 18.104.040 General standards.
- 18.104.050 Exemptions.
- 18.104.060 District regulations.

18.104.010 Intent and purpose. It is the intent and purpose of these sign regulations to qualify, supplement, or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this title. (Prior code §18-401)

18.104.020 Use regulations. Any sign shall, by definition, be a structure. No land or building shall be used for sign purposes except within the stipulated districts listed in this section. All signs legally existing at the time of passage of this title may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this title, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a sign permit, and a sign permit shall be legally issued only when in compliance with this regulation. All signs shall be constructed in compliance with the building codes and 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 officer in application for a sign permit for all signs. (Prior code §18-402)

18.104.030 Classification of signs.

A. Functional Types.

1. "Advertising signs" means a sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
2. "Bulletin board sign" means a sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
3. "Business sign" means a sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
4. "Construction sign" means a temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
5. "Identification sign" means a sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partially devoted to a readily recognized symbol.
6. "Name plate sign" means a sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional status.
7. "Real estate sign" means a sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.

B. Structural Types.

1. "Awning, canopy or marquee sign" means a sign that is mounted or painted on, or attached, to an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.
2. "Ground sign" means any sign placed upon, or supported by, the ground independently of the principal building or structure on the property, where the bottom edge of the sign is under six feet.
3. "Pole sign" means any sign placed upon, or supported by, the ground independently of the principal building or structure on private property where the bottom edge of the sign is ten feet or more above the ground level.
4. "Projecting sign" means a sign that is wholly or partially dependent upon a building for support and which projects more than twelve inches from such building.
5. "Wall sign" means a sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve inches from

such building.

6. "Roof sign" means a sign totally supported on the roof of a structure. Roof signs shall not project more than twelve inches beyond the face of the building. (Prior code S18-403)

18.104.040 General standards.

A. "Gross area of sign" means the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then it shall also be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area permitted by this title.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

B. Sign Height. Sign height shall be measured from the ground elevation at the base of the sign or, in the event of a roof sign, from the roof elevation at the base of the sign to the highest element of the sign.

C. "Illuminated sign" means a sign designed to give forth artificial light or designed to reflect light derived from any source.

1. Illuminated signs shall be designed to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of eleven p.m. and seven a.m.

2. Lighted signs in direct vision of a traffic signal shall not be in red, amber or green illumination.

D. "Flashing or moving sign" means any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this regulation, any revolving, rotating, moving, animated, signs with moving lights or signs which create the illusion of movement shall be considered as a flashing sign.

1. Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.

2. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed as a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature and are not more frequent than every fifteen seconds.

E. Accessway or Window. No sign shall block any required accessway or window.

F. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole, whether on public or private property.

G. Metal Signs.

1. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to grade.

2. No metal ground sign shall be located within eight vertically and four feet horizontally of electric wires or conductors in free air carrying more than forty-eight volts, whether or not such wires or conductors are insulated or otherwise protected.

H. Traffic Safety.

1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad sign, signal or device, or where it may interfere with, mislead, or confuse traffic. All signs shall conform to laws of the state.

2. Any sign located within three feet of a driveway or within a parking area shall have its lowest level at least ten feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way, except as

specifically permitted in these regulations.

3. Under no circumstances shall any sign be placed in the sight triangle as defined by this title.

I. Setbacks. No sign shall project beyond the front, side or rear building setback lines for the district set forth in this title, except as specifically permitted in subsection G of Section 18.104.060.

J. Lineal Street Frontage. In those districts where gross sign area is allocated based on lineal street frontage, and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:

1. For those tracts or parcels located on major streets as designated in the circulation plan of the comprehensive plan, the lineal street frontage shall be the distance of that property line abutting the major street.

2. For those tracts or parcels not located on a major street, the lineal street frontage shall one-half the sum of all the street frontages. (Prior code §18-404)

#### 18.104.050 Exemptions.

A. The following signs shall be exempt from the requirements of this chapter:

1. Flags or emblems of a governmental or of a political, civic, philanthropic, educational or religious organization displayed on private property.

2. Signs of a duly constituted governmental body, including but not limited to, traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.

3. Memorial signs and tablets displayed on private property.

4. Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and other similar signs.

5. Score boards in athletic stadiums.

B. The following signs are exempt from the sign permit section of this chapter, but shall comply with all of the other regulations imposed by this chapter:

1. Name plate signs not exceeding two square feet in gross area accessory to a single-family or two-family dwelling.

2. Bulletin board signs not exceeding fifteen square feet in gross area accessory to a church, school or public or nonprofit institution. (Prior code §18-405)

#### 18.104.060 District regulations.

A. A-L Agricultural District.

1. Functional Types Permitted.

a. Bulletin board signs.

b. Business signs, pertaining only to the sale of agricultural products produced on the premises and home occupations.

c. Advertising signs.

d. Construction signs.

e. Identification signs.

f. Name plate signs.

g. Real estate signs.

2. Structural Types Permitted.

a. Ground signs.

b. Wall signs.

3. Number of signs permitted: One sign per zoning lot.

4. Maximum Gross Area.

a. Bulletin board and identification signs: One per zoning lot.

b. Business signs--Home occupations: Two square feet; agricultural, twenty square feet.

- c. Construction signs: Twenty square feet.
  - d. Name plate signs: Two square feet.
  - e. Real estate signs: Twelve square feet.
  - f. Advertising signs: One thousand square feet.
5. Maximum Height: Twenty feet.
  6. Required Setbacks. One hundred feet back of the property line adjacent to a public road, and the spacing of the signs shall be a minimum of six hundred feet.
  7. Illumination. Bulletin board and identification signs that do not exceed twelve square feet on one face for churches, hospitals, police stations, fire stations and other similar public facilities, but no flashing or moving signs shall be permitted.
- B. R-S Residential Suburban District, R-1 and R-2 Single-family Dwelling Districts, R-3 Two-family Dwelling District, and R-4 Multiple-family Dwelling District.
1. Functional Types Permitted.
    - a. Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this title.
    - b. Bulletin board signs.
    - c. Construction signs.
    - d. Identification signs.
    - e. Name plate signs.
    - f. Real estate signs.
  2. Structural Types Permitted.
    - a. Ground signs.
    - b. Wall signs.
  3. Number of Signs Permitted: One sign per zoning lot, except no restriction for churches and religious institutions.
  4. Maximum Gross Area.
    - a. Business signs--Home occupations: Two square feet.
    - b. Bulletin board and identification signs: Twenty-four square feet.
    - c. Construction signs: Twenty square feet.
    - d. Name plate signs: Two square feet.
    - e. Real estate signs: Six square feet, provided that one sign not more than one hundred square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. The sign shall be removed at the end of three years or when seventy-five percent of the lots have been sold, whichever occurs sooner.
  5. Maximum Height: Fifteen feet.
  6. Required Setback: No sign shall be placed closer to the front property line than half the distance of the front yard.
  7. Illumination: Bulletin boards and identification signs may be indirectly illuminated with incandescent or fluorescent lighting, but no flashing or moving signs shall be permitted.
- C. M-P Mobile Home Park District.
1. Functional Types Permitted.
    - a. Construction signs.
    - b. Identification signs.
    - c. Real estate signs.
  2. Structural Types Permitted.
    - a. Ground signs.
    - b. Wall signs.
  3. Number of Signs Permitted: Two per zoning lot.
  4. Maximum Gross Area: Twenty square feet on one face or not more than forty square feet total.
  5. Maximum Height: Twenty feet.
  6. Required Setback: No sign shall be placed closer to the front property line than half the distance of the front yard.
  7. Illumination: Signs may be illuminated indirectly with incandescent or

fluorescent lighting, but no flashing or moving signs shall be permitted.

D. C-S Highway Service District.

1. Functional Types Permitted.
  - a. Advertising signs.
  - b. Bulletin board signs.
  - c. Business signs.
  - d. Construction signs.
  - e. Identification signs.
  - f. Name plate signs.
  - g. Real estate signs.
2. Structural Types Permitted.
  - a. Awning, canopy or marquee signs.
  - b. Ground signs.
  - c. Pole signs.
  - d. Projecting signs.
  - e. Roof signs.
  - f. Wall signs.
3. Number of Signs Permitted.
  - a. Awning, canopy or marquee signs: No limitations.

Ground signs and pole signs: Two per zoning lot.

- c. Projecting signs: One per zoning lot.
- d. Roof signs: One per zoning lot.
4. Maximum Gross Surface Area: Two square feet for each lineal foot of street frontage, provided that no single sign shall exceed a gross surface area of four hundred square feet, except advertising signs which are permitted one thousand square feet.
5. Maximum Height: No restriction.
6. Required Setback: None except that advertising signs shall maintain the same setback that is required for principal structures.
7. Illumination: Illuminated signs shall be permitted.

E. C-1 Neighborhood Shopping District.

1. Functional Types Permitted.
  - a. Bulletin board signs.
  - b. Business signs.
  - c. Construction signs.
  - d. Identification signs.
  - e. Name plate signs.
  - f. Real estate signs.
2. Structural Types Permitted.
  - a. Awning, canopy or marquee signs.
  - b. Ground signs.
  - c. Pole signs.
  - d. Wall signs.
3. Number of Signs Permitted.
  - a. Awning, canopy or marquee signs: No limitations.
  - b. Ground and pole signs: One per zoning lot.
  - c. Wall signs: No limitations.

4. Maximum Gross Area: One square foot of sign area for each one foot of lineal street frontage.

5. Maximum Height: Thirty feet.
6. Required Setback: Ten feet for wall sign on face of existing structure.
7. Illumination: Illuminated signs shall be permitted.

F. C-2 General Commercial District.

1. Functional Types Permitted.
  - a. Advertising signs.
  - b. Bulletin board signs.

- c. Business signs.
- d. Construction signs.
- e. Identification signs.
- f. Name plate signs.
- g. Real estate signs.
- 2. Structural Types Permitted.
  - a. Awning, canopy or marquee signs.
  - b. Ground signs.
  - c. Pole signs.
  - d. Projecting signs.
  - e. Wall signs.
  - f. Roof signs.
- 3. Number of Signs Permitted.
  - a. Awning, canopy, marquee or wall signs: No limitations.
  - b. Ground and pole signs: Two per zoning lot.
  - c. Projecting signs: One per zoning lot.
  - d. Roof signs: One per zoning lot.
- 4. Maximum Gross Surface Area: Two square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of four hundred square feet.
- 5. Maximum Height: Thirty feet.
- 6. Required Setback: None, except that advertising signs and any other sign that exceeds two hundred square feet in gross surface area shall maintain the same setback that is required for principal structures.
- 7. Illumination: Illuminated signs shall be permitted.
- G. C-3 Central Business District.
  - 1. Functional Types Permitted.
    - a. Bulletin board signs.
    - b. Business signs.
    - c. Construction signs.
    - d. Identification signs.
    - e. Name plate signs.
    - f. Real estate signs.
    - g. Special welcome and information signs over the street when specifically approved by the public body.
  - 2. Structural Types Permitted.
    - a. Awning, canopy or marquee signs.
    - b. Ground signs.
    - c. Pole signs.
    - d. Projecting signs.
    - e. Wall signs.
    - f. Roof signs.
  - 3. Number of Signs Permitted: No limitation.
  - 4. Maximum Gross Surface Area: No limitations.
  - 5. Maximum Height: No sign shall exceed a height of more than thirty feet above the highest point of the roof on which it is located. The lower edge of a pole sign shall be no less than ten feet above the top of curb or the crown of the roadway, whichever is the higher. All signs which are specifically permitted to overhang the public right-of-way shall have the lower edge of the sign not less than ten feet above the top of the curb or the crown of the roadway, whichever is the higher.
  - 6. Required Setback: No setback is required. Business signs shall only be permitted to overhang the public right-of-way, but no further than two feet back of the face of the street curb, edge of paved street, or edge of traveled way.
  - 7. Illumination: Illuminated and flashing signs shall be permitted.
- H. I-1 Light Industrial, 1-2 Heavy Industrial, and I-P Industrial Park Districts.
  - 1. Functional Types Permitted.

- a. Advertising signs.
- b. Bulletin board signs.
- c. Business signs.
- d. Construction signs.
- e. Identification signs.
- f. Name plate signs.
- g. Real estate signs.
- 2. Structural Types Permitted.
  - a. Awning, canopy or marquee signs.
  - b. Ground signs.
  - c. Pole signs.
  - d. Projecting signs.
  - e. Wall signs.
  - f. Roof signs.
- 3. Number of Signs Permitted: Two per zoning lot.
- 4. Maximum Gross Surface Area: Two square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area of four hundred square feet, but shall not exceed fifty feet in length.
- 5. Maximum Height.
  - a. Roof and wall signs: Thirty feet above the highest point of the structure on which the sign is located.
  - b. All other signs: No limitation.
- 6. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures.
- 7. Illumination: Illuminated signs shall be permitted.
- I. F-P Flood Plain District.
  - 1. Functional Types Permitted.
    - a. Business signs.
    - b. Construction signs.
    - c. Real estate signs.
    - d. Advertising signs.
  - 2. Structural Types Permitted.
    - a. Ground signs.
    - b. Wall signs.
  - 3. Number of Signs Permitted.
    - a. Ground signs: One per zoning lot.
    - b. Wall signs: One per zoning lot.
  - 4. Maximum Gross Surface Area.
    - a. Business signs: Not more than thirty square feet on one facade of any sign or more than a total aggregate of seventy-five square feet for one zoning lot.
    - b. Construction signs: Twenty square feet.
    - c. Real estate signs: Twenty square feet.
    - d. Advertising signs: One thousand square feet.
  - 5. Maximum Height: Thirty feet.
  - 6. Required Setback: Fifteen feet.
  - 7. Illumination: Illuminated signs shall be permitted, except for flashing or moving signs. (Prior code §18-406)

Chapter 18.108

NONCONFORMING USES

Sections:

- 18.108.010 Uses which may be continued.
- 18.108.020 Uses which may not be continued.

18.108.010 Uses which may be continued. The following lawful uses of land may be continued:

- A. A use of land which existed prior to the effective date of the original zoning regulations dated May 19, 1971.
- B. A use of land existing at the time of the annexation of such land to the city.
- C. A use of land existing at the time an amendment is made to the zoning regulations which changes such land to a more restricted district, although any such use does not conform to the provisions of this title. However, if such nonconforming use, or another nonconforming use to which the land may be changed, is discontinued for a period of one year or more, then any future use of said premises shall only be in accordance with the provisions of the applicable zoning regulations.

The lawful use of a building or premises located upon any land except as provided in Section 18.108.020, may be continued although such use does not conform to with the provisions of the zoning regulations and such use may be continued throughout the building if no structural alterations which would increase or enlarge the size of the building are made therein, except those required by law or regulation. If no structural alterations are made in such building, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made nonconforming by any subsequent amendment or change of the zoning regulations.

Any nonconforming building which has been damaged to any extent by fire, explosion, act of God, or public enemy may be restored in part or whole, but under no circumstances shall the rebuilt structure be increased in size or capacity from the original nonconforming building. (Prior code §18-502)

#### Chapter 18.112

### ENFORCEMENT AND PENALTIES

#### Sections:

- 18.112.010 Enforcement.
- 18.112.020 Permits.
- 18.112.030 Violation and penalty.

18.112.010 Enforcement. A zoning officer shall be appointed by the governing body and it shall be the duty of said zoning officer to enforce this title. Appeal from the decision of the zoning officer may be to the Board of adjustment. (Prior code §18-7010)

#### 18.112.020 Permits.

A. Zoning Permit. Prior to the erection of any structures for agricultural uses, an application for a zoning permit shall be prepared on forms provided and shall be submitted to the zoning officer accompanied by a plot plan in duplicate, drawn to scale showing the size, shape and location of the building to be erected, required setbacks, points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces, service areas, and such other information as may be necessary to provide for the enforcement of this title. A record of the applications, plans and permits shall be kept in the office of the zoning officer.

B. Building Permit. Where building codes have been adopted, the above zoning permit information may be incorporated into the building permit so that it is necessary to issue only one permit for new development.

C. Occupancy Permit. Prior to the occupancy of any new structure or any vacant parcel of land or the change of use of an existing structure or parcel of land, an application for an occupancy permit shall be approved by the zoning officer. An occupancy permit shall certify that an on-site inspection has been performed and that any changes or improvements are in compliance with the zoning or building permit requested. The occupancy permit may be combined with the zoning or building permit for ease of administration. (Prior code §18-702)

18.112.030 Violation and penalty. The owner or agent of a building or premises upon which a violation of any provision of this title has been committed or exists; or the agent, architect, building contractor or any other person who commits, atkes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or exists, shall be punished by a fine not to exceed one hundred fifty dollars for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this title, the appropriate authorities of the area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land. (Prior code §18-703)

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