

ARTICLE IV

DISTRICT REGULATIONS

RESIDENTIAL DISTRICTS

4-101. RS. Single-Family Residential Suburban District. The RS District is designed for single-family dwellings, and compatible uses, at a density no greater than one dwelling unit per 20,000 square feet.

(A) Permitted Uses.

- (1) Agriculture.
- (2) Churches, chapels, temples and synagogues.
- (3) Group Homes.
- (4) Parks and playgrounds.
- (5) Schools.
- (6) Single-family detached dwellings.

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.
- (3) Golf courses, including accessory clubhouses and driving ranges.
- (4) Group day care centers and nursery schools.
- (5) Health, fitness and service clubs.
- (6) Lodging/boarding houses.
- (7) Nonprofit Social Service Facilities.
- (8) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.

(C) Lot Size Requirements.

- (1) Minimum lot area: 20,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum lot depth: 150 feet.

(D) Bulk Regulations.

(1) The maximum structure height: Thirty-five (35) feet.

(2) Yard requirements:

(a) Minimum front yard: Thirty (30) feet on all sides abutting a street.

(b) Minimum side yard:

(1) Residential Buildings: Eight (8) feet on each side of the zoning lot.

(2) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.

(c) Minimum rear yard: Twenty-five (25) feet.

(3) Maximum lot coverage: Thirty (30) percent.

(E) Use Limitations.

(1) Agricultural uses shall not include the following activities:

(a) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;

(b) Wholesale or retail sales as an accessory use unless permitted in these regulations;

(c) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line;

(d) The feeding of garbage to animals, the raising of poultry or fur bearing animals as a principle use, or the operation or maintenance of a commercial stockyard or feedyard.

(2) Bed and Breakfast Homes.

(a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an

annual inspection by all applicable agencies.

- (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

(3) Bed and Breakfast Inns.

- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-102. R. Single-Family Residential District. The R, Single-Family Residential District is designed to provide a single-family dwelling zone at a density no greater than one dwelling unit per 10,000 square feet.

(A) Permitted Uses.

- (1) Agriculture.
- (2) Churches, chapels, temples and synagogues.
- (3) Group Homes.
- (4) Parks and playgrounds.
- (5) Schools.
- (6) Single-family detached dwellings.

- (B) Conditional Uses.
 - (1) Bed and Breakfast Homes.
 - (2) Bed and Breakfast Inns.
 - (3) Golf courses, including accessory clubhouses and driving ranges.
 - (4) Group day care centers and nursery schools.
 - (5) Health, fitness and service clubs.
 - (6) Lodging/boarding houses.
 - (7) Nonprofit Social Service Facilities.
 - (8) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (C) Lot Size Requirements.
 - (1) Minimum lot area: 10,000 square feet.
 - (2) Minimum lot width: Seventy-five (75) feet.
 - (3) Minimum lot depth: 100 feet.
- (D) Bulk Regulations.
 - (1) Maximum structure height: Thirty-five (35) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (3) Maximum lot coverage: Thirty (30) percent.

- (E) Use Limitations.
- (1) Agricultural uses shall not include the following activities:
 - (a) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted;
 - (b) Wholesale or retail sales as an accessory use unless permitted in these regulations;
 - (c) The feeding, grazing, or sheltering of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line;
 - (d) The feeding of garbage to animals, the raising of poultry or fur bearing animals as a principle use, or the operation or maintenance of a commercial stockyard or feedyard.
 - (2) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
 - (3) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.

- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-103. R-1. Single-Family Residential District. The R-1, Single-Family Residential District is designed to provide a dwelling zone at a density no greater than one dwelling unit per 6,500 square feet.

(A) Permitted Uses.

- (1) Churches, chapels, temples and synagogues.
- (2) Group Homes.
- (3) Parks and playgrounds.
- (4) Schools.
- (5) Single-family detached dwellings.

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.
- (3) Golf courses, including accessory clubhouses and driving ranges.
- (4) Group day care centers and nursery schools.
- (5) Health, fitness and service clubs.
- (6) Hospitals and nursing homes.
- (7) Lodging/boarding houses.
- (8) Nonprofit Social Service Facilities.
- (9) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.

(C) Lot Size Requirements.

- (1) Minimum lot area:

- (a) Single-family detached dwellings: 6,500 square feet in area.
 - (b) All other permitted and conditional uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Single-family detached dwellings: Fifty (50) feet.
 - (b) All other permitted and conditional uses: Seventy-five (75) feet.
 - (3) Minimum lot depth: 100 feet.
- (D) Bulk Regulations.
- (1) Maximum structure height: Thirty-five (35) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential Buildings: Eight (8) feet on each side of the zoning lot.
 - (2) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (3) Maximum lot coverage: Thirty-five (35) percent.
- (E) Use Limitations.
- (1) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
 - (2) Bed and Breakfast Inns.

- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-104. R-2. Two-Family Residential District. The R-2, Two-Family Residential District is designed to provide a dwelling zone at a density no greater than two (2) attached dwelling units per 7,500 square feet.

(A) Permitted Uses.

- (1) Churches, chapels, temples, and synagogues.
- (2) Group homes.
- (3) Parks and playgrounds.
- (4) Schools.
- (5) Single-family attached dwellings, provided that there be no more than two dwelling units per structure, and provided that such dwellings are not conditional uses pursuant to (B) (3).
- (6) Single-family detached dwellings.
- (7) Two-family dwellings, provided that such dwellings are not conditional uses pursuant to (B) (3).

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.

- (3) Single-family attached dwellings, provided that there be no more than two dwelling units per structure, and Two-family dwellings. In either case, these uses are only Conditional, and not Permitted, if the structure has two or more habitable stories partially or entirely above ground level and if the use meets any two (2) of the following criteria:
 - (a) One or both dwelling units in the structure have no attached garage.
 - (b) The principal structure is greater than or equal to 30% lot coverage.
 - (c) Off-street parking is proposed both in front of, and behind the structure.
 - (d) The entire structure containing both dwelling units is on one lot.
 - (4) Fraternities and sororities.
 - (5) Golf courses, including accessory clubhouses and driving ranges.
 - (6) Group day care centers and nursery schools.
 - (7) Health, fitness and service clubs.
 - (8) Hospitals and nursing homes.
 - (9) Lodging/boarding houses.
 - (10) Multiple-family dwelling units established prior to June 3, 1969, which have been determined to be nonconforming uses. As a conditional use the Board of Zoning Appeals shall require that the property be brought into compliance with all applicable zoning, fire, health, and the existing building codes which are in effect, before an occupancy permit can be issued.
 - (11) Nonprofit Social Service Facilities.
 - (12) Public utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (C) Lot Size Requirements.
- (1) Minimum lot area:
 - (a) Single-family detached dwellings: 6,000 square feet in area.
 - (b) Single-family attached dwellings: 3,750 square feet per dwelling unit in area.

- (c) Two-family dwellings: 7,500 square feet in area.
 - (d) All other permitted and conditional uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Single-family detached dwellings: Fifty (50) feet.
 - (b) Single-family attached: Twenty-five (25) feet.
 - (c) Two-family dwellings: Fifty (50) feet.
 - (d) All other permitted and conditional uses: Sixty (60) feet.
 - (3) Minimum lot depth: 100 feet.
- (D) Bulk Regulations.
 - (1) Maximum structure height: Forty (40) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Single-family detached and two-family dwellings: Six (6) feet on each side of the zoning lot.
 - (2) Single-family attached: Six (6) feet, except there shall be no required side yard for the principal structure on side lot lines along which dwelling units are attached.
 - (3) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (3) Maximum lot coverage: Thirty-five (35) percent.
- (E) Use Limitations.
 - (1) All single-family attached dwelling units, whether developed as permitted uses or as conversions of two-family dwellings, shall have covenants or restrictions which run with the land upon which the units are located. These covenants or restrictions shall specify methods for

dealing with common expenses among owners within a residential structure, and other maintenance agreements consistent with shared property or easements.

- (2) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
- (3) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (d) Licensing: A city lodging license and a food establishment license shall be required.

4-105. R-M. Four-Family Residential District. The R-M, Four-Family Residential District is designed to promote a medium density mixture of single-family, two-family, and small multi-family residential developments, with a maximum of four (4) dwelling units per structure on a single lot and at a density no greater than four (4) dwelling units per 9,000 square feet.

- (A) Permitted Uses.
 - (1) Churches, chapels, temples, and synagogues.

- (2) Four-family dwellings.
 - (3) Group homes.
 - (4) Parks and playgrounds.
 - (5) Schools.
 - (6) Single-family attached dwellings, provided that there be no more than two dwelling units per structure, and provided that such dwellings are not conditional uses pursuant to (B) (3).
 - (7) Single-family detached dwellings.
 - (8) Three-family dwellings.
 - (9) Two-family dwellings, provided that such dwellings are not conditional uses pursuant to (B) (3).
- (B) Conditional Uses.
- (1) Bed and Breakfast Homes.
 - (2) Bed and Breakfast Inns.
 - (3) Single-family attached dwellings, provided that there be no more than two dwelling units per structure, and Two-family dwellings. In either case, these uses are only Conditional, and not Permitted, if the structure has two or more habitable stories partially or entirely above ground level and if the use meets any two (2) of the following criteria:
 - (a) One or both dwelling units in the structure have no attached garage.
 - (b) The principal structure is greater than or equal to 30% lot coverage.
 - (c) Off-street parking is proposed both in front of, and behind the structure.
 - (d) The entire structure containing both dwelling units is on one lot.
 - (4) Fraternities and sororities.
 - (5) Golf courses, including accessory clubhouses and driving ranges.
 - (6) Group day care centers and nursery schools.
 - (7) Health, fitness and service clubs.
 - (8) Hospitals and nursing homes.

- (9) Lodging/boarding houses.
 - (10) Multiple-family dwelling units established prior to June 3, 1969, which have been determined to be nonconforming uses. As a conditional use the Board of Zoning Appeals shall require that the property be brought into compliance with all applicable zoning, fire, health, and the existing building codes which are in effect, before an occupancy permit can be issued.
 - (11) Nonprofit Social Service Facilities.
 - (12) Public utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (C) Lot Size Requirements.
- (1) Minimum lot area:
 - (a) Single-family detached dwellings: 6,000 square feet in area.
 - (b) Single-family attached dwellings: 3,750 square feet per dwelling unit in area.
 - (c) Two-family dwellings: 7,500 square feet in area.
 - (d) Three-family dwellings: 9,000 square feet in area.
 - (e) Four-family dwellings: 9,000 square feet in area.
 - (f) All other permitted and conditional uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Single-family detached dwellings: Fifty (50) feet.
 - (b) Single-family attached: Twenty-five (25) feet.
 - (c) Two-family dwellings: Fifty (50) feet.
 - (d) Three and four family dwellings: Sixty (60) feet.
 - (e) All other permitted and conditional uses: Sixty (60) feet.
 - (3) Minimum lot depth: 100 feet.
- (D) Bulk Regulations.

- (1) Maximum structure height: Forty (40) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential buildings: Eight (8) feet on each side of the zoning lot, except that residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten (10) feet on the side of the building, on which such entrances are located.
 - (2) Single-family attached: Eight (8) feet, except that there shall be no required side yard for the principal structure on side lot lines along which dwelling units are attached.
 - (3) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (3) Maximum lot coverage: Thirty-five (35) percent.
- (E) Use Limitations.
- (1) All single-family attached dwelling units, whether developed as permitted uses or as conversions of two-family dwellings, shall have covenants or restrictions which run with the land upon which the units are located. These covenants or restrictions shall specify methods for dealing with common expenses among owners within a residential structure, and other maintenance agreements consistent with shared property or easements.
 - (2) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

- (3) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (d) Licensing: A city lodging license and a food establishment license shall be required.

4-106. R-3. Multiple-Family Residential District. The R-3 District is designed to provide for multiple-family development at a density no greater than one (1) dwelling unit per 1,000 square feet

- (A) Permitted Uses.
 - (1) Bed and Breakfast Homes.
 - (2) Churches, chapels, temples and synagogues.
 - (3) Fraternities and sororities.
 - (4) Group homes.
 - (5) Lodging/boarding houses.
 - (6) Multiple-family dwellings.
 - (7) Parks and playgrounds.
 - (8) Schools.
 - (9) Single-family attached dwellings.
 - (10) Single-family detached dwellings.

- (11) Two-family dwellings.
- (B) Conditional Uses.
- (1) Bed and Breakfast Inns.
 - (2) Golf courses, including accessory clubhouses and driving ranges.
 - (3) Group day care centers and nursery schools.
 - (4) Health, fitness and service clubs.
 - (5) Hospitals and nursing homes.
 - (6) Mortuaries.
 - (7) Multiple-family dwelling units established prior to June 3, 1969, which have been determined to be nonconforming uses. As a conditional use the Board of Zoning Appeals shall require that the property be brought into compliance with all applicable zoning, fire, health, and the existing building codes which are in effect, before an occupancy permit can be issued.
 - (8) Nonprofit Social Service Facilities.
 - (9) Public utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (C) Lot Size Requirements.
- (1) Minimum lot area:
 - (a) Single-family detached dwellings: 5,000 square feet in area.
 - (b) Single-family attached dwellings: 3,750 square feet in area per dwelling unit.
 - (c) Two-family dwellings: 7,500 square feet in area.
 - (d) Multiple-family dwellings: 1,000 square feet per family, but not less than 6,000 square feet in area.
 - (e) Other permitted and conditional uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Single-family dwelling: Fifty (50) feet.

- (b) Two-family dwelling: Fifty (50) feet.
 - (c) Multiple-family dwellings and other permitted and conditional uses: Sixty (60) feet.
 - (3) Minimum Lot Depth: 100 feet.
- (D) Bulk Regulations.
 - (1) Maximum structure height: None; except as provided in 4-106(D)(2)(b)(3).
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential buildings: Eight (8) feet on each side of the zoning lot, except that residential buildings which have the entrances to two or more units facing the side yard shall have a minimum side yard of ten (10) feet on the side of the building, on which such entrances are located.
 - (2) All other permitted and conditional uses shall have a side yard on each side of fifteen (15) feet.
 - (3) There shall be an additional side yard setback of one (1) foot for each (2) two feet of height over forty (40) feet.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (3) Maximum lot coverage: Forty (40) percent.
- (E) Use Limitations.
 - (1) All single-family attached dwelling units, whether developed as permitted uses or as conversions of two-family dwellings, shall have covenants or restrictions which run with the land upon which the units are located. These covenants or restrictions shall specify methods for dealing with common expenses among owners within a residential structure, and other maintenance agreements consistent with shared property or easements.
 - (2) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an

annual inspection by all applicable agencies.

- (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

(3) Bed and Breakfast Inns.

- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-107. R-4. General Residential District. The R-4 Residential District is designed to provide a dwelling zone which is identical in density to the R-1 district, but provides for site built dwellings, residential-design manufactured homes, manufactured homes, and mobile homes, all on individually owned lots.

(A) Permitted Uses.

- (1) Churches, chapels, temples and synagogues.
- (2) Group homes.
- (3) Manufactured homes and mobile homes on individual zoning lots, provided they are placed on permanent foundations with anchor bolts.
- (4) Parks and playgrounds.
- (5) Schools.

- (6) Single-family detached dwelling.
- (B) Conditional Uses.
 - (1) Golf courses, including accessory clubhouses and driving ranges.
 - (2) Group day care centers and nursery schools.
 - (3) Health, fitness and service clubs.
 - (4) Hospitals and nursing homes.
 - (5) Nonprofit Social Service Facilities.
 - (6) Public utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (C) Lot Size Requirements.
 - (1) Minimum lot area:
 - (a) Single-family detached dwellings, manufactured homes and mobile homes on individual zoning lots: 6,500 square feet in area.
 - (b) All other permitted and conditional uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Single-family dwellings, individual manufactured homes and mobile homes: Fifty (50) feet.
 - (b) All other permitted uses: Sixty (60) feet.
 - (3) Minimum lot depth: 100 feet.
- (D) Bulk Requirements.
 - (1) Maximum structure height: Thirty-five (35) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard:

-
- (1) Residential buildings, manufactured homes and mobile homes: Eight (8) feet on each side of the zoning lot.
 - (2) All other permitted and conditional uses: Fifteen (15) feet on each side of the zoning lot.
- (c) Minimum rear yard: Twenty-five (25) feet.
- (3) Maximum lot coverage: Thirty (30) percent.
- 4-108. R-5. Manufactured Home Park District: The R-5 District is designed to accommodate manufactured and mobile homes in a manufactured home park.
- (A) Permitted Uses.
- (1) Churches, chapels, temples and synagogues.
 - (2) Golf courses, including accessory clubhouses and driving ranges.
 - (3) Group day care centers and nursery schools.
 - (4) Group homes.
 - (5) Health, fitness and service clubs.
 - (6) Manufactured home parks.
 - (7) Parks and playgrounds.
 - (8) Schools.
- (B) Lot Size Requirements.
- (1) Minimum lot area:
 - (a) Manufactured home parks: Five (5) acres in area.
 - (b) Other permitted uses: 10,000 square feet in area.
 - (2) Minimum lot width:
 - (a) Manufactured home parks: 150 feet.
 - (b) Other permitted uses: 100 feet.
 - (3) Minimum lot depth: 100 feet.
- (C) Bulk Regulations.

- (1) Maximum structure height: Thirty-five (35) feet.
- (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard: Fifteen (15) feet.
 - (c) Minimum rear yard: Twenty-five (25) feet.
- (D) Use Limitations:
 - (1) A site plan shall be submitted for review and approval by the Manhattan Urban Area Planning Board in the following instances:
 - (a) At the time of application to rezone a tract of land to R-5, Manufactured Home Park District; or
 - (b) Prior to the extension of an existing manufactured home park (the required site plan shall apply only to the land contained in the extension); or
 - (c) Prior to the modification of an existing manufactured home park in which 50% or more of the total acreage of the existing manufactured home park requires the modification or reconstruction of facilities for serving manufactured home lots on which manufactured homes will be placed, including at a minimum, the installation of utilities, the construction of streets, and the grading of the site or preparing manufactured home stands.
 - (2) A preliminary and final plat shall be required, and the final plat shall be of record prior to the issuance of a permit to construct or extend a manufactured home park.
 - (3) No permit to construct or extend a manufactured home park shall be issued unless the manufactured home park is allowed in the zoning district in which it is located.
 - (4) Issuance of a permit to construct or extend a manufactured home park shall be subject to the provisions of the Code of Ordinances of the City of Manhattan.
 - (5) A manufactured home park shall, at a minimum, meet the following standards in addition to the provisions of the Code of Ordinances:

- (a) The maximum gross density shall be no more than seven (7) manufactured home lots per gross acre remaining after deducting the recreational area.
- (b) Manufactured home lots shall be no less than four thousand (4,000) square feet in area.
- (c) Manufactured homes shall be separated from each other and from other buildings, and accessory structures by at least twenty (20) feet; provided that manufactured homes placed end to end may have a clearance of fifteen (15) feet when opposing rear walls are staggered. An accessory structure such as an awning, storage unit, carport, windbreak or porch, that is attached or separate from the manufactured home, shall be considered to be part of the manufactured home.
- (d) All manufactured homes shall maintain a minimum twenty five (25) foot setback from all property lines that abut a public right-of-way, and an abutting residential zoning district boundary, or a rear property line of the manufactured home park. Manufactured homes shall maintain a minimum fifteen (15) foot setback from all other property lines.
- (e) A minimum distance of fifteen (15) feet shall be maintained between a manufactured home and the abutting manufactured home park street.
- (f) In all manufactured home parks accommodating or designed to accommodate twenty-five (25) or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents on hard surfaced walks. A minimum of eight (8) percent of the gross site area shall be devoted to recreational areas. The topography of the recreation areas shall be suitable for recreational uses. Recreational areas shall be located so as to be free of traffic hazards and should, where topography permits, be centrally located.
- (g) Maintenance of recreational areas shall be the responsibility of the park management.
- (h) Exposed ground surfaces in areas not used for access, parking, circulation, buildings, manufactured home stands or utility service shall be landscaped according to an approved landscape plan. The landscape plan shall include trees and other vegetation that are consistent with landscaping found throughout the community. Park management shall maintain the entire site in good condition

including all grounds, shrubs, trees or any other landscaping.

- (i) All surface areas of the manufactured home park shall be graded to drain all surface waters in a manner consistent with the policies of the Stormwater Management Master Plan.
- (j) All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways or other means. No individual manufactured home shall have direct access to a public street.
- (k) Park Entrance: Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of twenty-five (25) feet from the property line.
- (l) Internal Streets: Hard surfaced roadways shall be of adequate width to accommodate anticipated traffic and be designed according to the Code of Ordinances. Street names shall not duplicate existing street names so as to cause confusion or misunderstanding. The street suffix "place" shall be used with street names. Street name and addressing shall be done in a manner similar to a typical subdivision. The numbering system shall be shown on the site plan.
- (m) If a street name and addressing scheme is not feasible, then a master directory board showing each lot and number shall be placed at a convenient location near each entrance to the park. The directory map shall be easily read from a vehicle, and shall have automatically controlled night lighting on a 24 hour basis.
- (n) Each manufactured home lot shall abut an internal street.
- (o) A minimum of two (2) off-street parking spaces shall be provided for each manufactured home lot and at a minimum size of eight and one-half (8 1/2) feet in width by nineteen (19) feet in depth. Off-street parking shall be located adjacent to the manufactured home lot.
- (p) Streets within the manufactured home park shall be illuminated to provide for the safe movement of pedestrians and vehicles.
- (q) Sidewalks shall be provided in a manufactured home park which shall be continuous on at least one side of a street, and be constructed of asphalt or concrete and shall have a minimum

width of four (4) feet.

- (r) All manufactured home stands shall be connected to common walks, to internal streets, or to paved driveways or parking spaces connecting to a paved street. Individual walks shall have a minimum width of two (2) feet.
- (s) Water supply, sewage disposal and utility distribution systems shall be provided in accordance with City Code of Ordinances for manufactured home parks.

(E) Site Plan Review Process and Requirements

(1) Pre-application

- (a) A pre-application meeting shall be conducted with Staff at least 30 days prior to submittal of a site plan for review by the Planning Board to discuss the preliminary plat, site and landscape plans, and other applicable issues.

(2) Site Plan Review

- (a) The Manhattan Urban Area Planning Board shall review the proposed site plan and shall approve, approve with conditions, or deny a site plan, stating their reasons based on the following:
 - (1) That the circulation plan of the proposed manufactured home park provides for safe and convenient ingress and egress to, and within, the park, for both vehicles and pedestrians.
 - (2) The proposed manufactured home park takes into account use limitations concerning manufactured home lot layout, landscaping, off-street parking, street design, drainage and lighting.
- (3) Denial of a site plan may be appealed to the Governing Body within 30 days of the date of denial, and be considered in the same manner as by the Planning Board.
- (4) Revisions may be made to an approved site plan and may be granted by the Manhattan Urban Area Planning Board upon request. Revisions shall be considered in the same manner as for original consideration.
- (5) Prior to the issuance of a permit to construct or extend a manufactured home park, minor changes may be approved by the Zoning Administrator due to unforeseen circumstances related to site

preparation.

(6) Site Plan Contents

- (a) Four (4) copies shall be submitted at a scale not to exceed 1" = 100', and plan sheets shall show the following:
- (1) Name and address of the landowner, developer and the firm preparing the plan.
 - (2) Location and legal description of the tract.
 - (3) North point, scale and date.
 - (4) A site map showing surrounding roads, zoning, and other features outside the park within 1,000 feet of the exterior boundaries.
 - (5) Area and dimensions of the manufactured home park.
 - (6) Existing contours at intervals of not more than 2 feet, and the proposed grading plan.
 - (7) Location of any floodplain areas.
 - (8) Number, location, and the size of all manufactured home spaces and parking facilities.
 - (9) Location and width of streets and walkways.
 - (10) Name of each street.
 - (11) Location of all existing and proposed utilities (sanitary sewer, fire hydrants, water system, storm sewer, gas, telephone, and electrical power).
 - (12) Location and use of all buildings to be constructed within the manufactured home park.
 - (13) Location of lighting to be provided along streets, pedestrian walkways, and other exterior areas.
 - (14) Location and size of recreational areas and facilities.
 - (15) Location of dumpsters and proposed screening materials and height.
 - (16) Location, size, and characteristics of directional signs.

- (17) The direction of surface flow and a general indication of the location and type of storm water facilities to be constructed.
- (18) Location of existing structures.
- (19) A landscaping plan indicating all proposed plant materials including: number, common name, size, ground cover, and any existing trees, their sizes and common name and if they will be retained with development.

4-109. UO. University Overlay District. A district designed to provide for the establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property. The University Overlay District regulations are to be applied in combination with any residential district.

(A) Permitted Uses.

- (1) All uses that are permitted in the underlying zoning district.

(B) Conditional Uses. The following uses shall be conditional uses unless they are designated as a permitted use in the underlying residential district:

- (1) Any conditional use that is allowed in the underlying zoning district.
- (2) Art galleries, libraries and museum.
- (3) Bed and Breakfast Homes.
- (4) Bed and Breakfast Inns.
- (5) Colleges, universities, vocational-technical institutions, theological schools, and other educational institutions and their associated activities.
- (6) Fraternal and service clubs.
- (7) Fraternities and sororities.
- (8) Lodging/boarding houses.
- (9) Offices, meeting rooms, laboratories and other facilities for educational, fraternal, professional, religious and research organizations and institutions, provided that there shall be no noise, smoke, dust, odor, or vibrations emanating from the property that are detectable beyond the property line.
- (10) Private or public parking lots or garages.

- (11) Schools.
- (C) Lot Size Requirements.
- (1) Minimum lot area: All permitted and conditional uses shall comply with the minimum lot area required in the district with which the University Overlay District is combined.
 - (2) Minimum lot width: All permitted and conditional uses shall comply with the minimum lot width required in the district with which the University Overlay District is combined.
 - (3) Minimum lot depth: All permitted and conditional uses shall comply with the minimum lot depth required in the district with which the University Overlay District is combined.
- (D) Bulk Regulations.
- (1) All structures shall comply with the bulk regulations in the underlying zoning district with which the University Overlay District is combined.
 - (2) There shall be an additional one (1) foot setback for each additional two (2) feet of height over forty (40) feet.
- (E) Use Limitations.
- (1) This zoning district shall only be combined with residential districts.
 - (2) All structures shall comply with the use limitations in the underlying zoning district with which the University Overlay District is combined.
 - (3) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
 - (4) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided

that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.

- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-110. U. University District. The University District is designed to permit the establishment of uses normally associated with a University, or other educational institution, and to give these activities more flexibility than within other districts, while providing a landscaped buffer from adjoining zoning districts and public streets.

(A) Permitted Uses.

- (1) Colleges, universities, vocational-technical institutions, theological schools, and other educational institutions and their associated activities.

(B) Conditional Uses.

- (1) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.

(C) Minimum District Size: Five (5) acres in area.

(D) Bulk Regulations.

- (1) Maximum structure height: None; however, there shall be an additional one (1) foot setback for each additional two (2) feet of height over fifty (50) feet.
- (2) Maximum lot coverage: No maximum.
- (3) Minimum setback: Fifty (50) feet from any lot line or public right-of-way that adjoins any other zoning district. This setback may be reduced

from fifty (50) feet to twenty-five (25) feet for off-street parking with adequate screening. Such screening shall consist of densely planted evergreen vegetation of at least six (6) feet in height as measured from the grade of the parking lot and maintained for the purpose of concealing from view the parking area behind such screening. In addition, one (1) tree of two and one-half (2 1/2) caliper shall be planted in the front yard setback for every 2,000 square feet of parking lot area in the front yard.

(E) Use Limitations.

- (1) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.
- (2) All uses within this district shall provide adequate off-street parking and landscaping in accordance with Article VII of this Ordinance.
- (3) This district shall be located adjacent to a collector or arterial street as identified in the Manhattan Functional Classification Plan for streets and highways.

4-111. TNO. Traditional Neighborhood Overlay District. The TNO District is intended to conserve the traditional character of the older neighborhoods through Compatibility Standards. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements characteristic of homes in the traditional neighborhoods. The TNO is used in conjunction with an underlying residential district. (Note: The definitions pursuant to Section 4-111 (G) shall apply to the TNO District.)

(A) Permitted Uses.

- (1) All uses that are permitted in either the underlying residential district, or any other overlay district applied to the underlying residential district, provided those uses are not conditional uses pursuant to Section 4-111 (B).

(B) Conditional Uses.

- (1) All uses listed as conditional uses in either the underlying residential district, or any other overlay district applied to the underlying residential district, except if either Single-family attached dwellings or Two-family dwellings are listed as conditional uses in either underlying district, the criteria regarding such uses shall be governed solely by Section

4-111(B)(2), and the criteria of the underlying district(s) shall not apply.

- (2) Single-family attached dwellings and Two-family dwellings that meet the following criteria:
 - (a) They are permitted uses in the underlying zoning district; and,
 - (b) There are no more than two dwelling units per structure; and,
 - (c) Both of the proposed dwelling units are greater than six-hundred (600) square feet in floor area; or both dwelling units have more than two bedrooms; or one of the dwelling units is greater than six-hundred (600) square feet in floor area and the other dwelling unit has more than two bedrooms.

(C) Lot Size Requirements.

All permitted and conditional uses shall comply with the minimum lot size requirements of the underlying residential district.

(D) Bulk Regulations.

- (1) Maximum structure height: As set forth in the underlying residential district.
- (2) Yard requirements:
 - (a) Front yard: For residential buildings, in no case less than fourteen (14) feet and no more than twenty-five (25) feet. In determining a setback within this range, property owners are encouraged, but not required, to follow a setback that is generally consistent with that of other residences on the same and facing block fronts.
 - (b) Minimum front yard: Except for residential buildings in Section (D)(2)(a) above, all other permitted and conditional uses shall provide a minimum front yard setback as required in the underlying residential district.
 - (c) Minimum side yard: As required in the underlying residential district.
 - (d) Minimum rear yard: As required in the underlying residential district.
- (3) Maximum lot coverage: Thirty (30) percent.

(E) Use Limitations.

- (1) The TNO District does not affect the use limitations required by either the underlying residential district or any other overlay district applied to the underlying residential district; therefore, the use limitations established by such underlying, or other overlay, districts shall apply as though the TNO did not exist.

(F) Compatibility Standards.

New Residential Buildings: Any new structure being constructed as a residential building shall comply with both the following Site Design and Building Design compatibility standards, as applicable.

Additions and Modifications: Any addition or exterior modification to an existing residential building, or improvement to an existing property (other than a new residential building), shall comply with the following Site Design compatibility standards, as applicable; and, shall maintain a similar architectural character as the existing residential building. The Building Design Standards are not applicable to such additions or modifications.

(1) Site Design Standards.

(a) Driveways and Curb Cuts:

- (1) For lots that are reasonably accessible from an alley, any new driveway, and/or parking lot access aisle, shall be constructed in the rear or side yard with access only from the alley. In cases where a lot abuts only an alley and no street(s), driveway access may be located in the functional front yard abutting the alley.
- (2) All new driveways that are located in a front yard shall be single-wide and no greater than ten (10) feet in width. This width limitation shall apply only to that portion of a driveway located between the street and a parallel line drawn through the nearest wall of the façade of the residential building that faces towards the street. However, on corner lots abutting an alley, no part of the driveway, access aisle, or parking lot shall be located in the front yard along any abutting street.
- (3) Lots gaining access from a street shall be limited to one curb cut per lot. The driveway shall extend perpendicular from the street and parallel to the side lot line for that portion of the driveway located between the street and a parallel line drawn through the nearest wall of the facade of the residential

building that faces towards the street.

- (4) A driveway leading from a street towards a residential building shall be offset entirely to one side of the residential building, so as not to terminate in front of the façade that faces towards the street, unless it terminates into an attached garage.
- (5) For driveways and access aisles associated with existing residential buildings, that portion of the driveway or access aisle, located between the street and a façade that faces towards the street, may be maintained or replaced in its existing location, provided it shall not be widened, expanded, lengthened, or altered in any manner that increases its degree of nonconformity from the above requirements of the TNO District, nor extended in a manner that is not perpendicular to the street.

- (b) Parking: There shall be no off-street parking spaces, nor any parking, in the area located between the front lot line and a parallel line drawn through the farthest point back on the façade of the residential building that faces towards the street, except that parking is permitted on the driveway for residential buildings containing no more than two (2) dwelling units.

Driveways and access aisles shall not be counted towards providing the required number of off-street parking spaces for residential buildings containing three (3) or more dwellings units.

- (c) Garages: Attached garages with doors facing a street shall be set back a minimum distance of twelve (12) feet behind the nearest portion of the façade of the residential building that faces towards the street.
- (d) Street Trees: Curb cuts, to the extent reasonably feasible, shall be located to avoid removal of street trees located in the public right-of-way. Any tree that is removed from the public right-of-way shall be replaced by the property owner in the public right-of-way as close to the original location as is safe and practical, with a species and caliper acceptable to the City Forester.

(2) Building Design Standards.

- (a) Windows: The total surface area of the primary façade of new residential buildings shall contain a minimum fifteen (15%) percent window area. It is encouraged that these windows follow a

width-to-height ratio of 2:3.

- (b) Roof Pitch: The roof pitch of a new residential building shall be in the following range; from 6:12 to 12:12 rise to run. Additions shall have similar roof pitches as the existing building to which they are attached. The roof pitch for porches shall not exceed the roof pitch of the residential building to which it is attached.
 - (c) Roof Eave Overhang: The roof eave overhang of residential buildings shall be no less than one (1) foot.
 - (d) Entrances: There shall be a main entrance on the primary façade of any new residential building.
 - (e) Orientation: The residential building shall be placed on the lot so that the primary façade is parallel with the street to which it faces.
 - (f) Porches: Residential buildings are encouraged to include a porch on the primary façade, if a porch is architecturally appropriate for the style of the building in question. It is recommended that porches extend a minimum two-thirds of the width of the primary façade.
- (G) Definitions. For the purposes of the TNO District, the following definitions shall apply, even in cases where a different definition is provided in Article XVI:

Access Aisle: A vehicular driving surface that provides direct access to parking spaces located in a parking lot.

Alley: A dedicated public right-of-way, other than a street, which affords access to abutting property.

Driveway: A vehicular travel-way providing access into a lot or tract of land.

Parking Lot: Areas designed and used for off-street parking, comprised of three (3) or more parking spaces in width and measuring twenty-four (24) feet or more in width.

Primary Façade: The primary façade consists of all exterior walls of the residential building that face towards the front lot line and, when viewed from the abutting street, comprise the front elevation of the building. In the case of a residential building on a corner lot, the property owner may designate which street the primary façade will face.

Residential Building: A structure consisting of a single-family dwelling, single-family attached dwellings, two-family dwellings, three-family dwellings or four-family dwellings.

4-112. M-FRO. Multi-Family Redevelopment Overlay District. The Multi-Family Redevelopment Overlay is designed to ensure that multiple-family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods of Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO is used in conjunction with the underlying R-3, Multiple-Family Residential District. (Note: The definitions pursuant to Section 4-112 (G) shall apply to the M-FRO District.)

(A) Permitted Uses.

- (1) All uses that are permitted in either the underlying R-3, Multiple-Family Residential District, or any other overlay district applied to the underlying R-3, Multiple-Family Residential District.

(B) Conditional Uses.

- (1) All uses listed as conditional uses in either the underlying R-3, Multiple-Family Residential District, or any other overlay district applied to the underlying R-3, Multiple-Family Residential District.

(C) Lot Size Requirements.

All permitted and conditional uses shall comply with the minimum lot size requirements of the underlying zoning district. Provided however, the minimum lot width for three and four-family dwellings, which have no more than eight (8) bedrooms in the structure, shall be fifty (50) feet, regardless of the requirements of the underlying zoning district.

(D) Bulk Regulations.

- (1) Maximum structure height: Buildings shall have no more than three and one-half (3 ½) habitable stories entirely above ground level, and shall not exceed fifty-five (55) feet in height.

(2) Yard requirements:

- (a) Minimum front yard: Fourteen (14) feet on all sides abutting a street, except as follows:

- (1) Bay windows may be as close as twelve (12) feet to the

front property line.

- (2) Front stoops, roof eaves, porches, porticos, and balconies may be as close as ten (10) feet to the front property line.
- (3) Steps leading to a basement and/or first story entrance, stoop, or porch may be as close as six (6) feet to the front property line.

(b) Minimum side yard:

- (1) Residential buildings: Six (6) feet on each side of the zoning lot, except that residential buildings which have entrances to two or more units facing the side yard shall have a minimum side yard of ten (10) feet on the side of the building, on which such entrances are located.
- (2) All other permitted and conditional uses shall have a side yard on each side of fifteen (15) feet.
- (3) There shall be an additional side yard setback of one (1) foot for each (2) two feet of height over forty (40) feet.

(c) Minimum rear yard: As required in the underlying residential district.

(3) Maximum lot coverage: Fifty (50) percent.

(E) Use Limitations.

- (1) The M-FRO District does not affect the use limitations required by either in the underlying residential district or any other overlay district applied to the underlying residential district; therefore, the use limitations established by such underlying, or other overlay, districts shall apply as though the M-FRO did not exist.
- (2) Residential buildings shall not exceed 138 feet in their longest total horizontal dimension (i.e. length, width and/or depth).
- (3) Structured parking shall be prohibited.
- (4) Exterior Mechanical Equipment for Residential Buildings. The following provisions apply to mechanical equipment associated with heating and air conditioning:
 - (a) There shall be no mechanical equipment mounted above the roof

surface.

- (b) Mechanical equipment shall be located to the side or rear of the building.
- (c) Mechanical equipment shall be located behind the three (3) foot side yard setback applicable to accessory uses.
- (d) Except for in-wall heating and cooling equipment, exterior mechanical equipment shall not be mounted on a street facing façade, or higher than eight (8) feet above the ground on a side façade.
- (e) Exterior mechanical equipment located to the side of a residential building, or on the side façade, shall be screened by sight obscuring screening.

(F) Compatibility Standards.

New Residential Buildings: Any new structure being constructed as a residential building shall comply with both the following Site Design and Building Design compatibility standards, as applicable.

Additions and Modifications: Any addition or exterior modification to an existing residential building, or improvement to an existing property (other than a new residential building), shall comply with the following Site Design compatibility standards, as applicable; and, shall maintain a similar architectural character as the existing residential building. The Building Design Standards are not applicable to such additions or modifications.

(1) Site Design Standards.

(a) Driveways and Curb Cuts:

- (1) No curb cuts for new driveways and/or access to parking lots shall be permitted onto arterial streets, unless the lot abuts no other street or alley.
- (2) All new driveways that are located in the front yard of residential buildings containing four (4) or fewer dwelling units shall be single-wide and no greater than twelve (12) feet in width. All new driveways that are located in the front yard of residential buildings containing five (5) or more dwelling units shall be no greater than twenty-four (24) feet in width. These width limitations shall apply only to that portion of a driveway located between the street and a parallel line drawn through the nearest wall of the façade of the residential building that faces towards the street.

- (3) Individual zoning lots shall be limited to one curb cut. Provided however, for zoning lots with two-hundred (200) feet or more of linear frontage along a single street, the City Engineer may consider approving more than one curb cut pursuant to his/her written criteria.
 - (4) Driveways shall extend perpendicular from the street and parallel to the side lot line for that portion of the driveway located between the street and a parallel line drawn through the nearest wall of the façade of the residential building that faces towards the street.
 - (5) A driveway leading from a street towards a residential building shall be offset entirely to one side of the residential building, so as not to terminate in front of the façade that faces towards the street, unless it terminates into an attached garage.
 - (6) For driveways and access aisles associated with existing residential buildings, that portion of the driveway or access aisle, located between the street and a façade that faces towards the street, may be maintained or replaced in its existing location, provided it shall not be widened, expanded, lengthened, or altered in any manner that increases its degree of nonconformity from the above requirements of the M-FRO District, nor extended in a manner that is not perpendicular to the street.
- (b) Parking for Residential Buildings:
- (1) Off-street parking shall be located to the rear and/or side of residential buildings.
 - (2) There shall be no off-street parking spaces, nor any parking, located:
 - (a) Within the required front yard, except that parking is permitted on the driveway for residential buildings containing no more than two (2) dwelling units provided such driveway conforms with the provisions of Section 4-112 (F) (1) (a); nor,
 - (b) In the area directly in front of a residential building's façade that faces towards a public street, such area being bounded by the front lot line, the façade facing the front lot line, and two parallel lines extending from the points

on either side of the façade that are closest to their respective side lot lines, perpendicular to the front lot line. On a corner lot this area consists of the areas described above that are located directly in front of all facades that face public streets and the corner(s) of the lot that lies between such facades.

- (3) Residential buildings containing three (3) or more dwelling units shall provide one (1) off-street parking space per bedroom.
 - (4) Driveways and access aisles shall not be counted towards providing the required number of off-street parking spaces for residential buildings containing three (3) or more dwelling units, even if parking is permitted in such areas nothing contained in this section shall be deemed to permit parking in such areas, if it is otherwise prohibited.
 - (5) For residential buildings containing three (3) or more dwelling units, enclosed garage parking spaces shall count towards no more than thirty (30%) percent of the total number of required off-street parking spaces.
 - (6) For residential buildings containing three (3) or more dwelling units, one (1) bicycle parking space shall be provided for every two (2) bedrooms.
- (c) Garages: For residential buildings containing one or two dwelling units, attached garages with doors facing a street shall be set back a minimum distance of twelve (12) feet behind the nearest portion of the façade of the residential building that faces towards the street. Attached garages associated with residential buildings containing three (3) or more dwelling units shall not face or open towards a street.
- (d) Street Trees: Curb cuts, to the extent reasonably feasible, shall be located to avoid removal of street trees located in the public right-of-way. Any tree that is removed from the public right-of-way shall be replaced by the property owner in the public right-of-way as close to the original location as is safe and practical, with a species and caliper acceptable to the City Forester.
- (e) Buffering of Surface Parking Lots: Off-street parking lots located within twenty-five (25) feet of an adjacent public street right-of-way, shall be buffered utilizing landscaping, berms, walls, fences

or combinations of these. Buffering shall be a minimum height of thirty (30) inches above the grade of the parking surface. At a minimum, if only landscaping is utilized, such buffering shall consist of a continuous row of shrubs, planted at a minimum height of thirty (30) inches, at a maximum separation of three (3) feet on center. When walls and fences are incorporated, they shall be designed to reflect and complement the architectural style of the residential building and incorporate similar materials.

- (f) Building and Foundation Landscaping: Building and foundation plantings, consisting of shrubs and bushes, shall be provided to accent and enhance residential buildings, and to soften the appearance of street-facing walls and/or fences.
 - (g) Green Space: A minimum of fifteen (15) percent of the site shall be maintained as green space, consisting of lawns and other living plant materials. In addition to lawns, front yard areas along streets shall include a minimum of one (1) shade tree of two and one-half (2 1/2) caliper size for every fifty (50) feet of street frontage.
 - (h) Trash Receptacle Screening: Trash receptacle areas shall be screened from public view with a sight obscuring wood fence, or a wall, at least six (6) feet in height. Additional landscaping around trash enclosures is encouraged.
- (2) Building Design Standards. The intent of this section is to create visual interest in front facades and a relationship between buildings and the public streetscape. It is encouraged that building designs incorporate authentic use of architectural features, materials, proportions and massing, as opposed to mere ornamentation of the façade.
- (a) Building Exterior: Design elements, such as variation in massing, use of architectural features, and changes in color, texture, and material, shall be utilized to break up wall surfaces, establish visual interest and accentuate individual dwelling units. Establishing a hierarchy of architectural elements is encouraged.
 - (1) At least two (2) of the following categories of architectural features shall be incorporated into street-facing facades:
 - a. Porches, or porticos;
 - b. Balconies;
 - c. Dormers;
 - d. Gables;
 - e. Bay windows;
 - f. Door and window ornamentation which may include

surrounds, pediments, lintels and sills, hoods, and/or shutters.

- (2) A minimum of thirty (30) percent of the total surface area of each building façade shall be brick or stone. Total surface area shall be measured by viewing the façade from a perspective that is perpendicular to the facade. The use of full cut native Kansas limestone is encouraged.
 - (3) Individual balconies, with the exception of those that are not visible from a street and/or which face an alley, shall not span more than one-third the length of the building facade.
 - (4) For every forty (40) feet of horizontal wall plane on street-facing facades, there shall be a variation in the wall plane of at least two (2) feet in depth and six (6) feet in width. In addition, for every one-hundred twenty (120) feet of horizontal wall plane on street-facing facades, there shall be variation(s) in the wall plane of at least eight (8) feet in depth and a total of at least twenty-four (24) feet in width, which may be divided into multiple segments of at least eight (8) feet in width.
 - (5) For every forty (40) feet of horizontal roof plane (measured at the roof eave) on street-facing facades, a gable, dormer, or other change in roof plane shall be provided.
- (b) Building Placement & Orientation: Residential buildings shall be oriented so that the street-facing facade(s) is parallel to the street(s), with off-street parking located to the rear and/or side of the structures.
 - (c) Window Area: The total surface area of the street-facing façades of new residential buildings shall contain a minimum fifteen (15%) percent window area, which includes full length glass panes in exterior doors as well as windows framed into the facade. Glass panes in exterior doors shall count towards no more than thirty (30%) percent of the total window area required to meet this standard. It is encouraged that windows follow a width-to-height ratio of 2:3.
 - (d) Roof Pitch: The roof pitch of a new residential building shall have a rise to run of 4:12 or steeper, and ascend from the roof eaves to the roof peak. Additions shall have similar roof pitches as the existing building to which they are attached. The roof pitch for

porches shall not exceed the roof pitch of the residential building to which it is attached.

- (e) Roof Eave Overhang: The roof eave overhang of residential buildings shall be no less than one (1) foot.
 - (f) Building Entrances: There shall be at least one common entrance that provides access to at least half of all first story dwelling units, or direct entrances to at least half of all first story dwelling units, or, a combination of common entrances and direct entrances to at least half of all first story dwelling units, such entrance(s) being located on a street facing façade. Such entrance(s) shall provide direct pedestrian sidewalk connection(s) to the public sidewalk or, if no public sidewalk exists, to the public street.
 - (g) Porches: Residential buildings are encouraged to include a porch, or porches, on a street-facing façade, if a porch is architecturally appropriate for the style of the building in question.
- (G) Definitions. For the purposes of the M-FRO District the following definitions shall apply, even in cases where a different definition is provided in Article XVI:

Access Aisle: A vehicular driving surface that provides direct access to parking spaces located in a parking lot.

Alley: A dedicated public right-of-way, other than a street, which affords access to abutting property.

Balcony: An unenclosed platform that projects from or recesses into the wall of a building a minimum of two (2) feet, is surrounded by a parapet or railing on its open side(s), and is entirely supported by the building. When such platform is both roofed and enclosed, it is considered interior space and is not a balcony.

Basement: That portion of a building that is partially or entirely underground and has at least one-half of its height (the distance between the ceiling and floor) below ground level.

Bay Window: A window which projects outward a minimum of two (2) feet from the building facade in a semicircular, rectangular, or polygonal design. The base of the projected area of each bay window shall be at least one (1) foot above the level of the floor, shall not be used as an extension of interior floor space, and shall not span more than eight (8) feet along a street-facing façade.

Bicycle Parking Space: A space, with the minimum dimensions of six (6) feet long, two (2) feet wide, and four (4) feet tall, designed for secure storage of a bicycle in which the bicycle frame and both wheels may be conveniently secured to a stable, metal frame (rack) permanently anchored to the ground or to a permanent structure with at least two points of contact with the bicycle frame.

Brick: A fired-clay architectural product laid up in small, individual units with concrete mortar joints and with a veneer depth of at least three (3) inches.

Dormer: An upright windowed structure which projects from a sloping roof, includes its own walls and roof, and is intended to provide light, space and ventilation to upper-story living areas.

Driveway: A vehicular travel-way providing access into a lot or tract of land.

Entrance: A doorway providing direct access into an individual dwelling unit, or a common entryway providing indirect access to multiple dwelling units through a common area, foyer, lobby or hallway.

Façade: All exterior walls of a residential building which are visible from one side or perspective.

Street-Facing Façade: A street-facing façade consists of all exterior walls of the residential building that face towards the front lot line and, when viewed from the abutting street, comprise the front elevation of the building. In the case of a residential building on a corner lot, the property owner may designate which street the primary façade will face.

Gable: The triangular, upper portion of an exterior wall formed by the slopes of a roof.

Garage: An accessory structure, or portion of the principal structure, providing parking in which each stall is individually enclosed.

Hood: A small roof, or arched covering, above a door or window.

Lintel: A horizontal stone or beam above a door or window.

Parking Lot: Areas designed and used for off-street parking.

Pediment: A decorative element, usually triangular or curved in shape, above a door or window.

Structured Parking: Parking lots that are located under, or within a building, but not including a carport(s) or garage(s).

Surface Parking: Parking lots that are at grade and are not located under or within a building, provided however, that carports may be incorporated.

Porch: A covered, yet unenclosed, floor projecting from the building façade a minimum of four (4) feet and structurally connected to a residential building. When such floor is enclosed with windows, it is considered a room and not a porch.

Portico: A covered, yet unenclosed, entrance to a building, usually with a separate roof supported by columns projecting a minimum of two (2) feet from the building facade.

Residential Building: For the purposes of the M-FRO District residential buildings shall be as defined in Article XVI of these regulations.

Sill: A horizontal ledge at the bottom of a window frame.

Stone: Natural stone or a manufactured cement-based architectural product made to match the appearance of natural stone, and laid up in small, individual units with a veneer depth of at least two (2) inches. Full cut native stone is four (4) inches in depth.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

First Story: The lowest habitable story of a building, other than a basement.

Half Story: That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level no higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

Stoop: An exterior floor typically, but not necessarily, constructed of concrete and/or masonry, utilized primarily as an access platform to the first story of a building, and with a finished floor elevation higher than the adjacent ground level.

Surround: A continuous, decorative border around a door or window designed to complement and enhance the architectural style of the building, and which is visually distinguishable from the surrounding facade.

PART 2. COMMERCIAL DISTRICTS

4-201. C-1. Restricted Business District. This district is designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.

(A) Permitted Uses.

- (1) Banks and financial institutions, including drive-in type.
- (2) Business and professional offices.
- (3) Churches, chapels, temples and synagogues.
- (4) Cultural facilities.
- (5) Governmental buildings.
- (6) Mortuaries and funeral homes.

(B) Conditional Uses.

- (1) Bed and Breakfast Homes.
- (2) Bed and Breakfast Inns.
- (3) Group Day Care Centers and Nursery School.
- (4) Hospitals.
- (5) Research facilities.
- (6) All permitted uses in the R-3 District, except home occupations, provided they shall be governed by the R-3 District Regulations.

(C) Lot Size Requirements.

- (1) Minimum lot area: 15,000 square feet in area.
- (2) Minimum lot width: 100 feet.
- (3) Minimum lot depth: 150 feet.

(D) Bulk Regulations.

- (1) Maximum structure height: Thirty (30) feet.
- (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet on all sides abutting a street.
 - (b) Minimum side yard: Eight (8) feet on each side.
 - (c) Minimum rear yard: Twenty-five (25) feet.
 - (d) Maximum lot coverage: Thirty (30) percent.
- (E) Use Limitations.
 - (1) Storage activities associated with a business or professional use shall be limited to storage that supports the daily activities occurring within the business or professional office environment.
 - (2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
 - (3) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.
 - (4) For each zoning lot, there shall be only one curb cut permitted on an arterial street. Such curb cut shall not be greater than twenty-four (24) feet in width for each 100 feet of street frontage.
 - (5) No drive-in establishments are permitted, except those specifically listed.
 - (6) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.

- (7) Bed and Breakfast Inns.
- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be considered by the Board of Zoning Appeals as part of the Conditional Use Permit review, provided that adequate off-street parking, and other facilities, are available, and that the functions offered to non-overnight guests terminate no later than 10 P.M.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (d) Licensing: A city lodging license and a food establishment license shall be required.

4-202. C-2. Neighborhood Shopping District. This district is designed to provide a broad range of retail shopping facilities and services located to serve one or more residential areas.

- (A) Permitted Uses.
- (1) Air conditioning, heating and plumbing sales.
 - (2) Antique shops.
 - (3) Apparel stores.
 - (4) Appliance sales.
 - (5) Automobile service stations.
 - (6) Automobile accessory stores.
 - (7) Banks and financial institutions, including drive-in type.
 - (8) Barber shops.
 - (9) Beauty shops.

- (10) Blueprinting, desktop publishing, and photocopying establishments.
- (11) Brew pubs.
- (12) Book stores.
- (13) Business and professional offices.
- (14) Camera and photographic supply stores.
- (15) Carpet and rug stores.
- (16) China and glassware stores.
- (17) Churches, chapels, temples and synagogues.
- (18) Convenience stores.
- (19) Department stores.
- (20) Drug stores.
- (21) Electronics stores.
- (22) Florists shops.
- (23) Food stores.
- (24) Fraternal and service clubs.
- (25) Furniture stores.
- (26) Furniture upholstering.
- (27) Furrier shops.
- (28) Garden stores.
- (29) Gift shops.
- (30) Governmental buildings.
- (31) Hardware stores.

- (32) Health and fitness clubs.
- (33) Hobby shops.
- (34) Interior decorating shops.
- (35) Jewelry stores.
- (36) Laundry establishments.
- (37) Leather goods and luggage stores.
- (38) Music stores.
- (39) Optical sales.
- (40) Package liquor stores.
- (41) Paint and wallpaper stores.
- (42) Pet grooming shops.
- (43) Pet stores.
- (44) Photography and art studios.
- (45) Private vocational-technical institutions.
- (46) Radio and television broadcasting stations.
- (47) Recording studios.
- (48) Restaurants, no drive-in type.
- (49) Shoe repair shops.
- (50) Sporting goods stores.
- (51) Tailors.
- (52) Theaters, indoor only.
- (53) Travel bureaus and transportation ticket offices.
- (54) Variety stores.

- (55) Veterinary Out-Patient Clinic.
- (B) Conditional Uses.
- (1) Bus terminals, not including service and repair of vehicles.
 - (2) Car washes.
 - (3) Drive-in establishments associated with permitted or other conditional uses.
 - (4) Hotels and motels.
 - (5) Kennels.
 - (6) Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
 - (7) Schools.
 - (8) Taverns.
- (C) Lot Size Requirements.
- (1) Minimum lot area: 15,000 square feet in area.
 - (2) Minimum lot width: 100 feet.
 - (3) Minimum lot depth: 150 feet.
 - (4) Maximum district size: ten (10) acres.
- (D) Bulk Regulations.
- (1) Maximum structure height: Forty (40) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet.
 - (b) Side Yard: none required; except when a side yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.

- (c) Rear Yard: none required; except when a rear yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.
 - (d) Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line. Gasoline island canopies may be located as close as six (6) feet to the front lot line.
- (3) Maximum lot coverage: Thirty-five (35) percent.
- (E) Use Limitations.
- (1) No outside amplified sound shall be associated with restaurants, taverns, fraternal and service clubs.
 - (2) The burden shall be on the person claiming their business establishment is a restaurant, to establish that no more than thirty-five (35) percent of its on premises sales, on an annual basis, are devoted to alcoholic liquor or cereal malt beverage.
 - (3) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.
 - (4) All business, service, storage and display of goods shall be conducted within a completely enclosed building, except that an area equivalent to not more than five (5) percent of the total floor area of the primary enclosed building, may be used for open display and sales. Service and consumption of food may be allowed outdoors as an accessory activity to a restaurant, tavern, or fraternal or service club.
 - (5) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
 - (6) No separate business establishment shall occupy more than 35,000 square feet of floor space.

4-203. C-3. Aggieville Business District. This district is designed to provide for a relatively broad range of retail shopping facilities and services which primarily consist of specialty shops and stores.

(A) Permitted Uses.

- (1) Antique shops.
- (2) Apparel stores.
- (3) Appliance sales.
- (4) Automobile accessory stores.
- (5) Automobile service stations.
- (6) Banks and financial institutions.
- (7) Barber shops.
- (8) Beauty shops.
- (9) Bed and Breakfast Homes.
- (10) Bed and Breakfast Inns.
- (11) Book stores.
- (12) Blueprinting, desktop publishing and photocopying establishments.
- (13) Brew pub.
- (14) Business and professional offices.
- (15) Camera and photographic supply stores.
- (16) Carpet and rug stores.
- (17) China and glassware stores.
- (18) Convenience stores.
- (19) Cultural facilities.
- (20) Department stores.
- (21) Drug Stores.

- (22) Electronics stores.
- (23) Florist shops.
- (24) Food stores.
- (25) Fraternal and service clubs.
- (26) Furniture stores.
- (27) Furniture upholstering.
- (28) Furrier shops.
- (29) Gift shops.
- (30) Governmental buildings.
- (31) Hardware stores.
- (32) Health and fitness clubs.
- (33) Hobby shops.
- (34) Hotels.
- (35) Interior decorating shops.
- (36) Jewelry stores.
- (37) Laundry establishments.
- (38) Leather goods and luggage stores.
- (39) Miniature golf courses
- (40) Music stores.
- (41) Optical sales.
- (42) Package liquor stores.
- (43) Paint and wallpaper stores.
- (44) Pet grooming shops.

-
- (45) Pet stores.
 - (46) Photography and art studio.
 - (47) Private vocational-technical institutions.
 - (48) Radio and television broadcasting stations.
 - (49) Recording studios.
 - (50) Residential buildings.
 - (51) Restaurants, no drive-in type.
 - (52) Shoe repair shops.
 - (53) Sporting goods stores.
 - (54) Tailors.
 - (55) Taverns.
 - (56) Theaters, indoor only.
 - (57) Travel bureaus and transportation ticket offices.
 - (58) Variety stores.
- (B) Conditional Uses.
- (1) Car washes.
 - (2) Drive-in establishments associated with permitted or other conditional uses.
 - (3) Group Day Care Centers.
- (C) Lot Size Requirements. No minimum.
- (D) Bulk Regulations.
- (1) Maximum structure height: Thirty-five (35) feet.
 - (2) Yard requirements:

- (a) Minimum front yard: none.
 - (b) Minimum side yard: none required; except when a side yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.
 - (c) Minimum rear yard: none required; except when a rear yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.
- (3) Maximum lot coverage: 100 percent.
- (4) Supported canopies, as defined in these regulations, shall be permitted subject to the following bulk regulations:
- (a) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public right-of-way.
 - (b) Setback from curb line. No canopy support - uprights shall be permitted closer to a point that is twelve (12) inches in back of the curb face for parallel parking and eighteen (18) inches for angular parking. The furthest extension of the canopy body shall not project beyond the plane of the curb face.
 - (c) Supported canopies shall be no wider than eight (8) feet. The distance between uprights must be able to meet the following engineering standards: it must withstand wind pressure of not less than thirty (30) pounds per square foot of area and be able to receive dead loads, as required by the Uniform Building Code.
- (5) Awnings, canopies, and marquees that extend over the public right-of-way shall be permitted subject to the Uniform Building Code, as adopted by the City of Manhattan.
- (E) Use Limitations.
- (1) The burden shall be on the person claiming their business establishment is a restaurant to establish that no more than thirty-five (35) percent of its on premises sales, on an annual basis, are devoted to alcoholic liquor or cereal malt beverage.
 - (2) Sight obscuring screening of not less than six (6) feet in height shall be

provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.

- (3) When a side or rear yard is required, it shall be landscaped.
- (4) All business, service, storage and display of goods shall be conducted within a completely enclosed building, except for miniature golf courses, and except for the service and consumption of food which may be allowed outdoors as an accessory activity to a restaurant, tavern, or fraternal and service club.
- (5) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (6) No separate business establishment shall occupy more than 25,000 square feet of floor space.
- (7) All separate business establishments having a floor area of over 15,000 square feet shall be required to have off-street parking in accordance with Article VII.
- (8) Supported canopies as defined in these regulations shall be permitted subject to the following use limitations:
 - (a) Supported canopies shall be permitted only when located over a business entrance.
 - (b) No structural element shall be so located as to unduly interfere with the access to or from an exit, public utilities, or public facilities.
 - (c) The City may require that the area in front of a supported canopy be designated as "no parking" or as a "loading zone".
 - (d) The City may require the removal of supported canopies for the purpose of construction or repair of public facilities or public utilities. Such removal shall be at the sole expense of the owner of such supported canopy.
 - (e) Supported canopy material, poles and structure shall be properly maintained.
- (9) Bed and Breakfast Homes.

- (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
- (10) Bed and Breakfast Inns.
- (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be allowed in conjunction with the Bed and Breakfast Inn.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (d) Licensing: A city lodging license and a food establishment license shall be required.

4-204. C-4. Central Business District. This district is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities.

- (A) Permitted Uses.
- (1) Air conditioning, heating and plumbing sales.
 - (2) Antique shops.
 - (3) Apparel stores.
 - (4) Appliance sales.
 - (5) Banks and financial institutions.
 - (6) Barber shops.

- (7) Beauty shops.
- (8) Bed and Breakfast Homes.
- (9) Bed and Breakfast Inns.
- (10) Blueprinting, desktop publishing and photocopying establishments.
- (11) Book stores.
- (12) Brew pubs.
- (13) Business and professional offices.
- (14) Camera and photographic supply stores.
- (15) Carpet and rug stores.
- (16) China and glassware stores.
- (17) Churches, chapels, temples and synagogues.
- (18) Cultural facilities.
- (19) Department stores.
- (20) Drug stores.
- (21) Electronics stores.
- (22) Florist shops.
- (23) Food stores.
- (24) Fraternal and service clubs.
- (25) Furniture stores.
- (26) Furniture upholstering.
- (27) Furrier shops.
- (28) Gift shops.
- (29) Governmental buildings.

- (30) Hardware stores.
- (31) Health and fitness clubs.
- (32) Hobby shops.
- (33) Hotels.
- (34) Interior decorating shops.
- (35) Jewelry stores.
- (36) Laundry establishments.
- (37) Leather goods and luggage stores.
- (38) Music stores.
- (39) Newspaper publication.
- (40) Optical sales.
- (41) Package liquor stores.
- (42) Paint and wallpaper stores.
- (43) Pet grooming shops.
- (44) Pet stores.
- (45) Photography and art studios.
- (46) Private vocational-technical institutions.
- (47) Radio and television broadcasting stations.
- (48) Recording studios.
- (49) Residential buildings.
- (50) Restaurants, no drive-in type.
- (51) Shoe repair shops.
- (52) Sporting goods stores.

- (53) Tailor shops.
 - (54) Taverns.
 - (55) Theaters, indoor only.
 - (56) Travel bureaus and transportation ticket offices.
 - (57) Variety stores.
- (B) Conditional Uses.
- (1) Drive-in establishments associated with permitted or other conditional uses.
 - (2) Drive-in Restaurants.
 - (3) Group Day Care Centers.
 - (4) Public transportation terminals, not including service and repair of vehicles.
- (C) Lot Size Requirements. No minimum requirements.
- (D) Bulk Regulations.
- (1) Maximum structure height: no limitations.
 - (2) Yard requirements:
 - (a) Minimum front yard: none.
 - (b) Minimum side yard: none required; except when a side yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.
 - (c) Minimum rear yard: none required; except when a rear yard has a common boundary with property in a residential district, then there shall be a setback of eight (8) feet.
 - (3) Maximum lot coverage: 100 percent.
 - (4) Awnings, canopies and marquees that extend over the public right-of-way shall be permitted subject to the Uniform Building Code, as

adopted by the City of Manhattan.

(E) Use Limitations:

- (1) The burden shall be on the person claiming their business establishment is a restaurant to establish that no more than thirty-five (35) percent of its on premises sales, on an annual basis, are devoted to alcoholic liquor or cereal malt beverage.
- (2) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of way, in a residential district.
- (3) When a side or rear yard is required, it shall be landscaped.
- (4) All business, service, storage and display of goods shall be conducted within a completely enclosed building, except that service and consumption of food may be allowed outdoors as an accessory activity to a restaurant, tavern or fraternal and service club.
- (5) No business establishment shall offer or sell food or beverages for consumption on the premises in parked motor vehicles.
- (6) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (7) Bed and Breakfast Homes.
 - (a) Inspections: Bed and Breakfast Homes shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (b) Prohibited Accessory Uses: Uses such as receptions, meetings, weddings, parties or the serving of meals to persons other than overnight guests, which are conducted in association with a Bed and Breakfast Home, shall be prohibited.
- (8) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be allowed in conjunction with the Bed and Breakfast Inn.

- (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
- (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-205. C-5. Highway Service Commercial District. This district is designed to provide for businesses offering accommodations, supplies, or services to motorists, and for certain specialized activities which require access to major streets and highways.

(A) Permitted Uses.

- (1) Adult Businesses as defined by the Code of Ordinances.
- (2) Air conditioning, heating and plumbing shops provided that all services and materials shall be conducted and stored within a completely enclosed structure.
- (3) Ambulance services.
- (4) Amusement parks.
- (5) Appliance sales or repair.
- (6) Automobile accessory stores.
- (7) Automobile sales or service, provided that all services shall be conducted within a completely enclosed structure.
- (8) Automobile service stations.
- (9) Banks and financial institutions, including drive-in type.
- (10) Barber Shops.
- (11) Beauty Shops.
- (12) Bed and Breakfast Inns.
- (13) Boat sales.

- (14) Bowling alleys.
- (15) Brew pubs.
- (16) Business and Professional Offices.
- (17) Car and truck washes.
- (18) Churches, chapels, temples and synagogues.
- (19) Commercial off-street parking as a principle use.
- (20) Construction equipment sales and rental, not including heavy equipment types such as bulldozers and cranes.
- (21) Convenience stores.
- (22) Cultural facilities.
- (23) Drug stores.
- (24) Electronic stores.
- (25) Food stores.
- (26) Fraternal and service clubs.
- (27) Furniture stores.
- (28) Furniture upholstery.
- (29) Garden stores and nurseries.
- (30) Gift and souvenir shops.
- (31) Health and fitness clubs.
- (32) Homes improvement centers.
- (33) Hotels.
- (34) Laundry establishments.
- (35) Motorcycle sales or repair.

-
- (36) Music stores.
 - (37) Newspaper publication.
 - (38) Package liquor stores.
 - (39) Pet Grooming Shops.
 - (40) Pet stores.
 - (41) Pitch and putt, miniature golf.
 - (42) Printing services.
 - (43) Private vocational-technical institutions.
 - (44) Restaurants, including drive-in type.
 - (45) Self storage units.
 - (46) Theaters, indoor only.
 - (47) Trailer rentals and sales.
 - (48) Truck sales and service.
 - (49) Veterinary Out-Patient Clinic.
 - (50) Wholesale Distribution Warehouses.
- (B) Conditional Uses.
- (1) Animal hospitals.
 - (2) Broadcasting studios with large outdoor towers.
 - (3) Drive-in establishments associated with permitted or other conditional uses, unless specifically listed as permitted.
 - (4) Kennels.
 - (5) Outdoor movie theaters.
 - (6) Public utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not

present; and that are in or near the area they are designed to serve.

(7) Schools.

(C) Lot Size Requirements.

(1) Minimum lot area: 10,000 square feet in area.

(2) Minimum lot width: Seventy-five (75) feet.

(3) Minimum lot depth: 100 feet.

(D) Bulk Regulations.

(1) Maximum structure height: Forty (40) feet.

(2) Yard requirements:

(a) Minimum front yard: Twenty-five (25) feet.

(b) Minimum side yard: None, except that each hotel and Bed and Breakfast Inn shall have a minimum side yard on each side of the zoning lot of not less than ten (10) feet.

(c) Minimum rear yard: None, except that each hotel and Bed and Breakfast Inn shall have a minimum rear yard of not less than twenty (20) feet.

(d) Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line. Gasoline island canopies may be located as close as six (6) feet to the front lot line.

(e) The sales lots of motor vehicles and boats may be located as close as twelve (12) feet to the front lot line.

(3) Maximum lot coverage: Fifty (50) percent.

(E) Use Limitations.

(1) The burden shall be on the person claiming their business establishment is a restaurant to establish that no more than thirty-five (35) percent of its on premises sales, on an annual basis, are devoted to alcoholic liquor or cereal malt beverage.

- (2) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- (3) When a side or rear yard is required, it shall be landscaped.
- (4) No structure shall be used for residential purposes except for the use of the owner or operator of the business located on the premises and except for hotels.
- (5) Any outdoor storage or display, with the exception of sales lots for boats and motor vehicles, shall be enclosed by sight obscuring screening of not less than six (6) feet in height
- (6) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (7) The area used for accessory storage for a Home Improvement Center shall not exceed one-half (1/2) the floor area of the principal structure. For the purposes of this section, the area used for accessory storage shall include outside storage, outside display, and storage in any structure other than the principal structure.
- (8) All wholesale distribution warehouse operations, activities including loading, and storage shall be conducted wholly inside of a building or buildings, and there shall be no excessive or unusual noise, dust, odor or vibration detectable beyond the property line.
- (9) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be allowed, provided that adequate off-street parking, and other facilities, are available.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.

- (d) Licensing: A city lodging license and a food establishment license shall be required.

4-205(a). RDO. Redevelopment District Overlay. This district is designed to be used in combination with the C-5, Highway Service Commercial District, to provide for highway service and central business district uses in a pattern that is compatible to the character of the C-4 Central Business District.

(A) Permitted Uses.

- (1) All uses permitted in the C-5, Highway Service Commercial District, except that Adult Businesses are prohibited.
- (2) All uses permitted in the C-4, Central Business District.

(B) Conditional Uses.

- (1) All uses which are listed as conditional uses in the C-5, Highway Service Commercial District.
- (2) All uses which are listed as conditional uses in the C-4, Central Business District.

(C) Lot Size Requirements.

- (1) Minimum lot area: 7,500 square feet in area.
- (2) Minimum lot width: Fifty (50) feet.
- (3) Minimum lot depth: 100 feet.

(D) Bulk Regulations.

- (1) Maximum structure height: Forty (40) feet.
- (2) Yard requirements:
 - (a) Minimum front yard: none required; except a twenty (20) foot landscaped yard shall be required adjacent to streets designated as arterial streets by the Manhattan Functional Classification Plan for Streets and Highways, and except that any portion of a structure which permits vehicular entrance or loading shall maintain a minimum front yard setback of twenty-five (25) feet.

- (b) Minimum Side Yard: None required.
 - (c) Minimum Rear Yard: None required.
 - (3) Maximum Lot Coverage: Seventy-five (75) percent.
 - (E) Use Limitations.
 - (1) Use limitations as required in C-5, Highway Service Commercial District.
 - (2) No building shall have an orientation such that vehicular entrances and loading docks either face or are adjacent to an arterial street.
- 4-206. C-6. Heavy Commercial District. This district is designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products.
- (A) Permitted Uses.
 - (1) Agricultural implement sales and services.
 - (2) Automobile, truck sales and rental, including accessory repair and painting operations and facilities.
 - (3) Boat sales and rental.
 - (4) Commercial instructional institutions for training involving the use and operation of equipment sold or rented in this district.
 - (5) Construction and heavy equipment sales, rental, and service.
 - (6) Manufactured home sales.
 - (7) Recreational vehicle sales and rental.
 - (8) Trailer sales and rental.
 - (B) Conditional Uses.
 - (1) All uses listed as either a permitted or a conditional use in the C-5 District, except that drive-in establishments and Adult Businesses are prohibited.
 - (C) Lot Size Requirements.

- (1) Minimum lot area: 10,000 square feet in area.
 - (2) Minimum lot width: Seventy-five (75) feet.
 - (3) Minimum lot depth: One hundred (100) feet.
- (D) Bulk Regulations.
- (1) Maximum structure height: Fifty (50) feet.
 - (2) Yard requirements:
 - (a) Minimum Front yard: Twenty-five (25) feet.
 - (b) Minimum Side Yard: None, except that each hotel shall have a minimum side yard on each side of the zoning lot of not less than ten (10) feet.
 - (c) Minimum Rear Yard: None, except that each hotel shall have a minimum rear yard of not less than twenty (20) feet.
 - (d) Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line. Gasoline island canopies may be located as close as six (6) feet to the front lot line.
 - (e) The sales lots of motor vehicles and boats may be located as close as twelve (12) feet to the front lot line.
 - (3) Maximum lot coverage: Fifty (50) percent.
- (E) Use Limitations.
- (1) No structure shall be used for residential purposes except for a security guard or night watchman or the owner and operator of the business located on the premises.
 - (2) Any outdoor storage or display, with the exception of sales, lease, or rental lots for agricultural implements, automobiles, boats, construction and heavy equipment vehicles, manufactured homes, recreational vehicles, and trucks, shall be enclosed by sight obscuring screening of not less than six (6) feet in height.

- (3) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (4) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that share a common boundary with property, except public rights-of-way, in a residential district.
- (5) No drive-in establishments are permitted, except those specifically listed.

PART 3. INDUSTRIAL DISTRICTS.

4-301. I-1. Research Park District. A district designed to allow research facilities which will be maintained in an attractive, landscaped setting

- (A) Permitted Uses.
 - (1) Research facilities.
- (B) Conditional Uses.
 - (1) Group Day care centers.
- (C) Minimum District Size: Ten (10) acres.
- (D) Lot Size Requirements.
 - (1) Minimum lot area: One-half (1/2) acre.
 - (2) Minimum lot width: Eighty (80) feet.
 - (3) Minimum lot depth: One hundred twenty-five (125) feet.
- (E) Bulk Regulations.
 - (1) Maximum structure height: Thirty-five (35) feet, unless additional setback is provided as set forth in Section 4-301 (E) (2) (a & b).
 - (2) Yard requirements:
 - (a) Minimum Front Yard: Generally twenty-five (25) feet, except when the height of a structure exceeds thirty-five (35) feet, there shall be an additional front yard setback of one (1) foot for each

two (2) feet of height over thirty-five (35) feet.

- (b) Minimum Side Yard: Fifteen (15) feet, except there shall be an additional side yard setback of one (1) foot for each two (2) feet of building height over thirty-five (35) feet.
 - (c) Minimum Rear Yard: Twenty-five feet.
- (3) Maximum lot coverage: Principal building: Thirty (30) percent. Total impervious surface, including principal structures, accessory structures, required off-street parking, and drive: Sixty (60) percent. Forty (40) percent of the lot shall be maintained in landscaped open space.
- (F) Use Limitations.
- (1) All functions and storage shall be conducted within a completely enclosed building.
 - (2) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in any residential district and so that no glare is visible to any traffic on any public street.
 - (3) There shall be no noise, smoke, dust, odor, or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons off of said property.
 - (4) There shall be no parking between a front lot line and any principal structure. All parking shall be screened. Such screening shall be at least four (4) feet in height measured from the grade of the parking lot and shall consist of an earth berm with densely planted evergreen vegetation.
 - (5) A landscape plan and site plan shall be submitted with an application for a building permit in order to determine compliance with these regulations.
 - (6) No drive-in establishments are permitted except those specifically listed.

4-302. I-2. Industrial Park District. A district designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting.

- (A) Permitted Uses.

- (1) Light Manufacturing: Activities engaged in the transformation of predominately secondary or partially finished (semi-finished) materials including processing, fabrication, assembly, treatment, and packaging. Final products are destined to wholesale markets or to other manufacturers with few customers coming to the site.
 - (a) Activities may include: manufacturing or assembly of items or equipment such as electronics, appliances, machinery, or vehicles; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of signs; and production of textiles and apparel.
 - (b) Prohibited uses: basic industrial manufacturing, as described in Section 4-304 (A)(1), and slaughter houses.
- (2) Adult Businesses as defined by the Code of Ordinances.
- (3) Bulk Storage.
- (4) Kennels.
- (5) Publicly Owned and Operated Animal Shelters.
- (6) Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (7) Research and Testing Laboratories: Facilities engaged in scientific research, investigation, testing, experimentation and prototype production.
- (8) Transportation Systems Facilities: Including accessory repair and storage of vehicles necessary for the operation of the system.
- (9) Vehicle Towing and Storage Service.
- (10) Vocational Educational Facilities.
- (11) Warehousing and Distribution: Firms involved in the movement and storage of goods for themselves, other firms, or individuals.
 - (a) Activities may include: cold storage; food and hardware distributors; household moving and general freight storage; inventory warehouses used for storage of household furnishings

and appliances; parcel services; public self-storage units; storage of electrical, heating and cooling machinery and plumbing supplies; and truck terminals.

(B) Conditional Uses.

- (1) Car, truck and/or dog washes.
- (2) Group Day care centers.
- (3) Health and fitness clubs.

(C) Lot Size Requirements.

- (1) Minimum lot area: One (1) acre.
- (2) Minimum lot width: One hundred (100) feet.
- (3) Minimum lot depth: One hundred fifty (150) feet.

(D) Bulk Regulations.

- (1) Maximum structure height: Fifty (50) feet.
- (2) Yard requirements:
 - (a) Minimum front yard:
 - (1) Generally: Thirty-five (35) feet.
 - (2) Any structure which is either greater than twenty-six (26) feet in height or which is greater than 100 feet in width (as measured parallel to the front lot line), or which has lot coverage of greater than 20,000 square feet, shall be set back at least fifty (50) feet.
 - (b) Minimum side yard: Twenty (20) feet.
 - (c) Minimum rear yard: Twenty (20) feet except no rear yard shall be required when the rear lot line abuts a railroad.
- (3) Maximum lot coverage: Fifty (50) percent.

(E) Use Limitations.

- (1) A landscaped area of twenty (20) feet shall be maintained on all sides abutting a street. Notwithstanding other requirements of these zoning regulations, parking may be allowed in the required front yard up to a maximum of one-third (1/3) of the required number of spaces but only with screening and only behind the required twenty (20) foot landscaped area. Such screening shall be at least four (4) feet in height as measured from the grade of the parking lot and shall consist of an earth berm with densely planted evergreen vegetation. In addition, one tree of two and one-half (2 1/2) caliper shall be planted in the front yard for every 2,000 square feet of parking lot area in the front yard.
- (2) All operations, activities and storage shall be conducted inside a building, or buildings, except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side, or rear yard.
- (3) No retail sales or service shall be permitted except as an accessory-use.
- (4) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- (5) Any outdoor storage activity conducted as part of a vehicle towing and storage service shall be screened from adjacent property and public rights-of-way by sight-obscuring screening consisting of a continuous fence or wall, no less than eight (8) feet in height. Such fence or wall shall completely enclose all outdoor storage areas and include sight-obscuring gates across access drives to such storage areas.
- (6) No building shall be used for residential purposes except that a watchman may reside on the premises.
- (7) Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (8) There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.
- (9) No drive-in establishments are permitted, except those specifically listed.

4-303. I-3. Light Industrial District: A district designed to allow manufacturing, processing, assembly, and nonretail service activities.

(A) Permitted Uses.

- (1) Automobile rental service.
- (2) Car washes.
- (3) Fuel storage and wholesale distribution.
- (4) Government buildings
- (5) Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products.
 - (a) Activities may include: welding shops; machine shops; tool and die shops; tool and appliance repair; electric motor repair; large truck and equipment repair; electrical, heating, plumbing or general contractors; printing and publishing; building maintenance services; laundry, dry cleaning and carpet cleaning plants; but not including above ground bulk storage of any fuel, chemical, gas, fertilizer or other hazardous material.
 - (b) Prohibited uses: salvage storage yards.
- (6) Light Manufacturing: Activities engaged in the transformation of predominantly secondary or partially (semi-finished) materials including processing, fabrication, assembly, treatment and packaging. Final products are destined to wholesale markets or to other manufacturers with few customers coming to the site.
 - (a) Activities may include: manufacturing or assembly of items or equipment such as electronics, appliances, equipment, machinery, instruments, vehicles, aircraft or aircraft components; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of pharmaceuticals; production of signs; and production of textiles and apparel.
 - (b) Prohibited uses: basic industrial manufacturing, as described in Section 4-304 (A)(1), and slaughter houses.

- (7) Motor vehicle and tire repair.
 - (8) Research facilities.
 - (9) State or Municipally owned and operated public utilities and facilities.
 - (10) Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
 - (11) Transportation Systems Facilities: Including accessory repair and storage of vehicles necessary for the operation of the system. Vehicle storage is not required to be in a structure.
 - (12) Warehousing and Distribution: Firms involved in the movement and storage of goods for themselves, other firms, or individuals.
 - (a) Activities may include: cold storage; food and hardware distributors; household moving and general freight storage; inventory warehouses used for storage of household furnishings and appliances; parcel services; public self-storage units; storage of electrical, heating and cooling machinery and plumbing supplies; and truck terminals.
- (B) Conditional Uses.
- (1) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.
 - (2) Recycling Center.
- (C) Lot Size Requirements.
- (1) Minimum lot area: 5,000 square feet.
 - (2) Minimum lot width: Fifty (50) feet.
 - (3) Minimum lot depth: One hundred (100) feet.
- (D) Bulk Regulations:
- (1) Maximum structure height: Fifty (50) feet.
 - (2) Yard requirements:

- (a) Minimum front yard: Twenty-five (25) feet.
 - (b) Minimum side yard: none required; except where a side yard abuts a residential district a side yard of ten (10) feet shall be provided.
 - (c) Minimum rear yard: none required; except where a rear yard abuts a residential district a rear yard of ten (10) feet shall be provided.
- (3) Maximum lot coverage: Seventy-five (75) percent.
- (E) Use Limitations.
- (1) All operations, activities and storage shall be conducted inside a building, or buildings except that storage may be maintained outside the building, provided that it is enclosed by sight obscuring screening of not less than six (6) feet in height, and provided that it is not located within a required front, side or rear yard.
 - (2) No retail sales or services shall be permitted except as an accessory-use.
 - (3) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
 - (4) No building shall be used for residential purposes except that a night watchman may reside on the premises.
 - (5) There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.
 - (6) Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
 - (7) No drive-in establishments are permitted, except those specifically listed.

4-304. I-4. Heavy Industrial District: A district designed to allow industries involved with the basic manufacturing and processing of raw materials which are apt to have an extensive impact on the surrounding area. I-4 Districts should be separated from

residential districts and more restricted business districts by intervening or restrictive industrial or commercial zones. This district is intended to provide for activities that are incompatible with residential and retail commercial areas.

(A) Permitted Uses.

- (1) Basic Industrial Manufacturing: Activities engaged in the processing and manufacturing of materials or products predominantly from extracted or raw materials; activities engaged in the storage, processing or distribution of flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or offensive materials.
 - (a) Activities may include: manufacturing or assembly of appliances, electronics, equipment, machinery, vehicles or other items; newspaper and book publication; processing of food related products including slaughter houses; production of chemicals, clay, glass, leather, rubber, stone or wood materials or products; production or fabrication of metal products; and production of textiles.
- (2) Bulk storage.
- (3) Concrete batch plants.
- (4) Grain elevators.
- (5) Industrial Services: Firms engaged in the repair or servicing of industrial or business machinery, equipment or products. The general public does not usually come to the site to utilize the service.
 - (a) Activities may include: welding shops; machine shops; tool and appliance repair; electric motor repair; large truck and equipment repair; electrical, heating, plumbing or general contractors; printing and publishing; building maintenance services; laundry, dry cleaning and carpet cleaning plants.
- (6) State or Municipally owned and operated public utilities and facilities.
- (7) Public utilities that are not owned or operated by a municipality.
- (8) Salvage storage yards.

(B) Conditional Uses. Recycling Plant.

(C) Lot Size Requirements.

- (1) Minimum lot area: Five thousand (5,000) square feet.
- (2) Minimum lot width: Fifty (50) feet.
- (3) Minimum lot depth: One hundred (100) feet.

(D) Bulk Regulations.

- (1) Maximum structure height: No limitations.
- (2) Yard requirements:
 - (a) Minimum front yard: Twenty-five (25) feet.
 - (b) Minimum side yard: none required; except where a side yard abuts a residential district, a side yard of ten (10) feet shall be provided.
 - (c) Minimum rear yard: none required; except where a rear yard abuts a residential district, a rear yard of ten (10) feet shall be provided.
- (3) Maximum lot coverage: Seventy-five (75) percent.

(E) Use Limitations.

- (1) No retail sales or services shall be permitted, except as an accessory use.
- (2) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- (3) No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (4) Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (5) No drive-in establishments are permitted, except those specifically listed.

4-305. I-5. Business Park District: A district designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts.

(A) Permitted Uses.

- (1) Art and handicraft fabrication or processing.
- (2) Assembly of electronics, household appliances or equipment.
- (3) Bookbinding and publishing.
- (4) Business and professional offices.
- (5) Convention centers, exhibit halls and meeting rooms.
- (6) Corporate headquarters.
- (7) Drug manufacture.
- (8) Garment or apparel production.
- (9) Governmental buildings.
- (10) Group day care centers.
- (11) Hospitals.
- (12) Instrument fabrication or processing.
- (13) Mail order houses.
- (14) Optical goods fabrication or processing.
- (15) Research facilities.
- (16) Stationary and paper products.

(B) Conditional Uses. (Subject to Paragraph E (9)).

- (1) Banks and financial institutions, including drive-in type.
- (2) Health, fitness and service clubs; swimming clubs, golf clubs and

racquet clubs.

- (3) Hotels.
 - (4) Public Utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
 - (5) Radio and television broadcasting stations provided they do not have transmission towers that extend more than seventy-five (75) feet above the ground.
- (C) Lot Size Requirements.
- (1) Minimum lot area: Two (2) acres.
 - (2) Minimum lot width: Fifty (50) feet.
 - (3) Minimum lot depth: One hundred (100) feet.
- (D) Bulk Regulations.
- (1) Maximum structure height: Seventy-five (75) feet.
 - (2) Yard requirements:
 - (a) Minimum front yard: Fifty (50) feet.
 - (b) Minimum side yard: Twenty-five (25) feet
 - (c) Minimum rear yard: Twenty-five (25) feet
 - (d) In addition to the yard requirements set forth above, there shall be an additional one (1) foot of setback required for each one (1) foot in height a structure exceeds forty (40) feet.
 - (e) In no instance shall a structure, parking lot, or anything other than screening or landscaping be located closer than seventy-five (75) feet to any residential district.
 - (3) Maximum lot coverage:
 - (a) Principal building: Thirty (30) percent.
 - (b) Total impervious surface including accessory structures and

required off-street parking: Sixty (60) percent.

(E) Use Limitations.

- (1) A landscaped yard of thirty-five (35) feet on all sides abutting a street shall be maintained. Notwithstanding other requirements of these zoning regulations, parking may be allowed in the required front yard up to a maximum of one-third (1/3) of the required number of spaces, except where a lot adjoins a residential district, and only with screening and only behind the required thirty-five (35) foot landscaped area. Such screening shall be at least four (4) feet in height as measured from the grade of the parking lot and shall consist of an earth berm with densely planted evergreen vegetation. In addition, one tree of two and one-half (2 1/2) caliper shall be planted in the front yard for every four parking spaces in the front yard, unless trees of two and one-half (2 1/2) caliper, or greater already exist in the front yard.
- (2) No ingress or egress shall be permitted to any lot in the Business Park District from any local street located in any other zoning district.
- (3) No retail sales or services shall be permitted except as an accessory use.
- (4) All storage and maintenance of service vehicles shall be conducted within a completely screened area, with all other storage within an enclosed building.
- (5) Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (6) There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.
- (7) Sight obscuring screening of not less than six (6) feet in height shall be provided along the entire length of all property lines that either share a common boundary with property, except streets, in a residential district, or are separated from such property by only an alley.
- (8) No Permitted Use shall occupy less than 10,000 square feet of enclosed floor area per occupant or tenant.
- (9) No Conditional Use shall be issued for a use listed in Section 4-305(B) until fifty (50) percent of a district zoned I-5 Business Park District is

developed in uses listed in Section 4-305(A).

- (10) Trash and refuse storage shall not be visible from a public right-of-way or an abutting residential district.
- (11) Loading docks shall not be allowed on any side of a structure that faces an adjacent street. Furthermore, loading docks shall not be located on the side of a structure facing an adjoining residential district, unless completely screened from view of said districts on a year-round basis.
- (12) All utility lines shall be located underground where economically feasible.
- (13) No drive-in establishments are permitted, except those specifically listed.

4-306. LM-SC. Light Manufacturing-Service Commercial District. A district designed to promote and encourage diverse economic growth through coordinated and efficient use of land and collocation of light industrial and highway service commercial activities. This district was designed to address the Goals and Objectives of the Industrial and Commercial Element of the Land Use Plan for Southeast Manhattan that was adopted October 17, 1988.

(A) Permitted Uses.

- (1) Light Manufacturing: Activities engaged in the transformation of predominantly secondary or partially finished (semifinished) materials, including processing, fabrication, assembly, treatment and packaging. Final products are destined to wholesale markets or to other manufacturers with few customers coming to the site.
 - (a) Activities may include: manufacturing or assembly of items or equipment such as electronics, appliances, machinery, or vehicles; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of signs; and production of textiles and apparel.
 - (b) Prohibited uses: Basic Industrial Manufacturing, as described in Section 4-304 (A)(1), and slaughter houses.
- (2) Light Manufacturing and Processing with on-site retail sales to the general public.
 - (a) Activities may include: any activity described in 4-306(A)(1)(a)

as well as woodworking to include cabinet and furniture makers, art work, precision equipment, computer assembly and other similar activities.

- (3) Warehousing and Distribution: Firms involved in the movement and storage of goods for themselves, other firms, or individuals.
 - (a) Activities may include: cold storage; food and hardware distributors; household moving and general freight storage; inventory warehouses used for storage of household furnishings and appliances; parcel services; public self-storage units; storage of electrical, heating and cooling machinery and plumbing supplies; and truck terminals.
- (4) Highway Commercial and Retail Services: Establishments offering accommodations, supplies or services to motorists and for certain specialized activities which require access to major streets and highways.
 - (a) Activities may include, but are not limited to, the following: ambulance services; automobile, truck and motorcycle accessories, sales and service; automobile service stations; mechanic shops; appliance sales and service; broadcasting studios, but not broadcasting towers; farm implement sales, but not heavy equipment sales; trailer and mobile home sales and rentals; garden stores; home improvement centers; and, any use specifically listed as a Permitted Use in the C-5, Highway Service Commercial District, except that Adult Businesses are prohibited.
- (5) Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products.
 - (a) Activities may include: welding shops; machine shops; tool and appliance repair; electric motor repair; large truck and equipment repair; electrical, heating, plumbing or general contractors; printing and publishing; building maintenance services; laundry, dry cleaning and carpet cleaning plants.
- (6) State or Municipally owned and operated public utilities and facilities.
- (7) Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.
- (8) Outdoor/Open-Air Recreational Activities: Open-air uses generally of a

commercial nature including amusement parks and miniature golf.

(9) Bed and Breakfast Inns.

(B) Conditional Uses.

(1) Expansion or modification of the following uses, provided they are legally nonconforming uses:

(a) salvage storage yards

(b) ready-mix plants

(c) stone cutting and processing of quarried material

(d) above-ground bulk storage of chemicals, petroleum products and other hazardous materials.

(e) residential uses.

(2) Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way in accordance with 4-306 (E)(1).

(3) Drive-in establishments associated with permitted or other conditional uses.

(4) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.

(5) Recycling Center.

(C) Lot Size Requirements.

(1) Minimum lot area: 20,000 square feet for all lots that abut a limited access arterial, a railroad, or that obtain access exclusively from an alley.

(2) Other: 10,000 square feet in area for all other lots.

(3) Minimum lot width: Fifty (50) feet.

(4) Minimum lot depth: One hundred (100) feet.

(D) Bulk Regulations.

(1) Maximum structure height: Fifty (50) feet

(2) Yard requirements:

(a) Minimum front yard:

(1) Generally: Twenty-five (25) feet.

(2) Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line.

(3) Gasoline island canopies may be located as close as six (6) feet to the front lot line.

(4) The sales lots of motor vehicles may be located as close as twelve (12) feet to the front lot line.

(b) Minimum Side Yard:

(1) Generally: none.

(2) Hotels and Bed and Breakfast Inns: Twenty (20) feet

(3) Lots that abut a residential district: Ten (10) feet.

(4) Lots abutting limited access arterials: Six (6) foot landscaped yard.

(c) Minimum rear yard:

(1) Generally: none.

(2) Hotels and motels and Bed and Breakfast Inns: Twenty (20) feet.

(3) Lots that abut a residential district: Ten (10) feet.

(4) Lots that abut limited access arterials: Six (6) foot landscaped yard.

(d) Minimum Setback from alleys:

- (1) Generally: Ten (10) feet.
 - (2) Parking may be located as close as five (5) feet to an alley.
 - (3) Maximum Lot Coverage: Fifty (50) percent
- (E) Use Limitations.
- (1) Screening: Sight obscuring screening of not less than six (6) feet in height shall be provided along all lot lines that abut a residential district. Furthermore, all outdoor storage and/or display areas, except automobile sales lots, shall be enclosed by site obscuring screening of not less than six (6) in height. Furthermore, such screening shall be provided between loading docks and public rights-of-way.
 - (a) This screening shall consist of fencing, walls, landscaped berms, evergreens or a combination thereof. All screening shall be of sufficient density to effectively screen the area behind it from the public's view on a year-round basis. Evergreen trees and landscaped berms shall be planted in a manner so that a minimum six (6) foot tall screen is provided immediately upon planting and at a minimum initial density to provide screening along at least seventy-five (75) percent of the length of each side of the area to be screened. Berms shall be constructed so that slopes are mowable.
 - (b) Whenever walls or fencing are used for the purpose of screening along a public right-of-way or residential district boundary, a mixture of deciduous and evergreen trees and shrubs shall be planted on the outside of the wall or fence to buffer the visual impact of the "solid wall". A minimum of one (1) evergreen tree of two and one-half (2 1/2) caliper size and one evergreen bush shall be planted for every twenty (20) lineal feet of screening, however, these plantings need not be centered every twenty (20) lineal feet.
 - (2) Buildings located along limited access arterials shall include buffer landscaping in the six (6) foot setback as required for walls and fencing in 4-306(E)(1)(b).
 - (3) The entire front yard of any lot and all yards along a limited access arterial (excluding entrance and exit drives), shall be landscaped with a combination of lawn and deciduous and evergreen groundcover, shrubs and trees. Gravel, landscape rock, woodchips and other non-living

materials shall not exceed fifteen (15) percent of the area of the front, side, or rear yard required to be landscaped under this paragraph.

- (4) All operations and activities, shall be conducted within a building, or buildings, except that storage, display areas, and loading docks may be maintained outside the building.
- (5) Exterior lighting fixtures shall be shaded to avoid casting direct light on any property located in a residential district and so that no glare is visible to any traffic on any public street.
- (6) Off-street parking, travelways, drives and aisles shall be buffered from limited access arterials by a six (6) foot wide landscaped yard that contains a minimum thirty (30) inch high landscaped screening above the grade of the parking lot, travelway, drive, and/or aisle. This landscaped screening shall consist of a densely planted hedge or combination of landscaped berm and hedge that provides year-round screening of headlights. This screening shall be installed to provide an immediate thirty (30) inch high screen above the grade of the parking lot, travelway, drive, and/or aisle.
- (7) There shall be no noise, smoke, dust, odor, or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons off of said property.
- (8) Bed and Breakfast Inns.
 - (a) Accessory Uses: Uses such as receptions, meetings, weddings, parties, or the serving of meals to persons other than the overnight guests of the Inn, may be allowed, provided that adequate off-street parking, and other facilities, are available.
 - (b) Guest Rooms: Guest rooms may consist of a single room, or suite, but in no instance shall there be more than a total of nine (9) guest sleeping rooms. The owner's residence shall not be included in the calculation of sleeping rooms.
 - (c) Inspections: Bed and Breakfast Inns shall be inspected by all applicable agencies prior to occupancy, and shall be subject to an annual inspection by all applicable agencies.
 - (d) Licensing: A city lodging license and a food establishment license shall be required.

4-307. MBPO. Manhattan Business Park Overlay District. The Manhattan Business Park

Overlay District is designed to provide a broader range of permitted land uses and support services than the underlying zoning districts accommodate and to increase flexibility in tenant size. The MBPO is used in conjunction with the underlying zoning district classification (I-3 or I-5 District), as well as the AO, Airport Overlay District, in the Manhattan Business Park.

(A) Permitted Uses. The following uses shall be permitted in addition to the permitted uses in the underlying zoning district.

- (1) Art and handcraft fabrication or processing.
- (2) Banks and financial institutions, including drive-in type.
- (3) Breweries, distilleries, wineries or other vinification facilities and any other facility used for the production and bottling of beer, cereal malt beverages, spirits, wine and/or alcoholic liquor; including accessory tasting rooms and package liquor sales of products manufactured on site.
- (4) Business and professional offices.
- (5) Convenience stores.
- (6) Corporate headquarters.
- (7) Group day care centers.
- (8) Health and fitness clubs.
- (9) Instrument fabrication or processing.
- (10) Mail order houses.
- (11) Optical goods fabrication or processing.
- (12) Restaurants.
- (13) Stationary and paper products.
- (14) Post secondary educational facilities.

(B) Prohibited Uses. The following uses shall be prohibited regardless of if they are permitted in the underlying zoning district.

- (1) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.
- (2) Automobile rental service.

- (3) Car and truck washes.
 - (4) Fuel storage and wholesale distribution.
 - (5) Hospitals.
 - (6) Hotels.
 - (7) Motor vehicle and tire repair.
 - (8) Radio and television broadcasting stations.
 - (9) Recycling center.
 - (10) Retail sales or service shall be prohibited except as noted in Section 4-307(A).
 - (11) Salvage storage yards.
- (C) Use Limitations.
- (1) Notwithstanding Section 4-305(E)(8) of these regulations, for any property on which the underlying zoning classification is the I-5 District, there shall be no minimum enclosed floor area required per occupant or tenant, however the minimum enclosed building square footage shall be 5,000 square feet.
 - (2) Except for paragraph (C)(1) above, the Manhattan Business Park Overlay District does not affect any other use limitations required by the underlying I-5 District or I-3 District, or the use limitations required by the AO, Airport Overlay District; therefore the remaining use limitations established by such underlying districts or overlay district shall apply.
 - (3) No drive-in establishments shall be permitted except as noted in Section 4-307(A).
 - (4) Signage shall be allowed as per the underlying zoning district, except as follows:
 - (a) Pylon Signs and Off-Premise Advertising Signs are prohibited.