KENAI PENINSULA BOROUGH

ORDINANCE NO. 71-21

AN ORDINANCE RELATING TO ZONING

JULY 1971

A D D E N D U M

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Page 13: Under (b) add - Other uses similar to the above.
Under (c) add - Other uses similar to the above.

Page 15: Under (b) add - Other uses similar to the above.
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Page 18: Under (b) add - Other uses similar to the above.
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Page 21: Under (c) add - Other uses similar to the above.

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Page 24: Under (c) add - Other uses similar to the above.

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Page 27: Under (b) add - Other uses similar to the above.
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Page 40: Under (b) add - Other uses similar to the above.

Page 44: Under (b) add - Other uses similar to the above.

Page 48: Under (b) add - Other uses similar to the above.

Page 49: Under (c) change "Other uses permitted by the Planning & Zoning Commission" to other uses similar to the above.

Page 51: Under (b) add - Other uses similar to the above.

Page 56: Under (c) add - Other uses similar to the above.

Page 57: Under (b) add - Other uses similar to the above.

Page 61: Under (b) add - Other uses similar to the above.

ZONING ORDINANCE

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district shall be subject to the regulations of the zoning district which is contiguous thereto.

Section 20.25.035 Zoning Permits. To prevent zoning violations from occuring and to prevent the investment of capital in land uses and structures that would be in violation of zoning district requirements, land and structures may be used, occupied, improved, or altered only after a zoning permit has been obtained. Zoning permits may be obtained at the borough planning department, all city halls, and other authorized agencies and persons.

Any agency or person authorized to issue such zoning permits shall issue said permit upon receipt of information that shows the proposed land use, structure, alteration or move is in conformance with the applicable zoning district requirements.

Section 20.25.040 Districts Established. The Kenai Peninsula Borough is hereby divided into the following zone districts, as shown on the official zoning maps which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

U	Unclassified District
PLI	Public Lands and Institutions Districts
A	Agricultural Districts
RR	Rural Residential Districts
SR	Suburban Residential Districts
R-1	Single Family Residential District
R-2	Two Family Residential District
R-3	Multi Family Residential District
R-4	Multiple Family Residential and Professional Office Districts
C-1	Neighborhood Commercial District
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C-3	General Commercial District
H-C	Highway Commercial District
CWR	Commercial Waterfront Residential District
M-1	Limited Manufacturing District
M-2	General Manufacturing District
M-3	Water Oriented Industrial District
F	Flood Damage Control District

(18)

Section 20.25.045 "B" Combining District Regulations Established. In addition to the foregoing zoning districts, the following "B" combining district regulations delineating alternative lot area, yard, lot coverage and lot width requirements are established:

B-1	Special lot area, yard, lot coverage and lot width requirements
B-2	Special lot area, yard, lot coverage and lot width requirements
B-3	Special lot area, yard, lot coverage and lot width requirements
B-4	Special lot area, yard, lot coverage and lot width requirements
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B-9	Special lot area, yard lot coverage and lot width requirements
B-10	Special lot area, yard, lot coverage and lot width requirements

Section 20.25.050 Official Zoning Maps. Official zoning maps shall remain on file in the office of the borough planning department and shall be identified by the Borough Clerk's signature along with that of the Borough Chairman. Current copies of the official maps shall be located at all offices where zoning permits may be obtained.

Section 20.25.055 Status of Official Zoning Maps. If changes are made in district classification, such changes shall be entered on the official zoning maps promptly after the amendment has been approved.

Regardless of the existence of copies of the official zoning maps, the official zoning maps which shall be located in the office of the borough planning department, shall be the final authority as to the current zoning status of land in the borough.

Section 20.25.060 Replacement of Official Zoning Map. In the event that official zoning maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Assembly shall by ordinance adopt a new official zoning map but no such replacement shall have the effect of amending the original official zoning map.

The prior official maps or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 20.25.065 District Boundary Lines. Except where

reference is made on the official zoning map to a street line, political boundary, or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, center lines of streets, alleys, streams or the extension of such lines as they existed at the time of adoption of this chapter.

Section 20.25.070 Street Vacations. Whenever any street, alley or other public way is vacated the zoning districts adjoining the side of such public way shall be automatically extended to follow property lines created by such vacation.

Section 20.25.075 Boundary Determinations. Questions concerning the exact location of district boundary lines shall be determined by the Assembly.

Section 20.25.080 Definitions. (A) When not inconsistent with the context, words used in the present tense include the future; the singular number includes the plural and the plural the singular; lot includes parcel, plot, or tract; shall is mandatory; used or occupied as applied to any land or building includes intended, arranged, or designed to be used or occupied.

(B) In this chapter, unless otherwise provided or the context otherwise requires:

(1) "accessory building or use" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

(2) "administrative officer" is any official appointed by the Borough Chairman to administer and enforce the zoning ordinance.

(3) "agricultural processing plants" means establishments designed or used for commercial packing or canning of agricultural products.

(4) "alley" means a permanent service right of way providing a secondary means of access to abutting properties.

(5) "assembly" means the assembly of the Kenai Peninsula Borough.

(6) "board" means the board of adjustment.

(7) "boarding, lodging or rooming house" means a dwelling unit in which four or more roomers lodgers, boarders are housed or fed for compensation.

(8) "building" means any structure having a roof, including but not limited to tents, awnings, carports and similar structures.

(9) "building frontline" means the line of that part of the building nearest the front property line of the lot.

(10) "building height" means the vertical distance from the average elevation of the adjoining ground to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gabel, hip and gambrel roofs. If a building is divided into units, each unit shall be considered separately in determining height.

(11) "building, main" means a building in which is conducted the principal use of the lot.

(12) "bulk plant" means an establishment where commodities, including both liquids and solids, are received by tank vessel, pipelines, tank car, tank vehicle, or other container, and are stored or blended for the purpose of distribution by tank vessel, pipeline, tank car, tank vehicle or container.

(13) "business, office" means an enterprise which provides other persons with advice or technical aid; also an enterprise which sells or leases office equipment and data processing equipment.

(14) "business, retail" means the retail sale of any article, substance or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or other building materials or the sale of used or secondhand goods or materials of any kind.

(15) "business, wholesale" means the wholesale handling of any article, substance or commodity for profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material commodity and not including the processing or manufacture of any product or substance.

(16) "carport" means an accessible and usable covered space with not more than two covered sides for the storage of automobiles. A carport is to be located

on the lot so as to meet all requirements of this ordinance for accessory buildings or, if made part of the main building it shall meet all requirements of the ordinance for the main building.

(17) "church" means a building together with its accessory buildings and uses where persons regularly assemble for religious worship and which building together with its accessory buildings and uses is maintained and controlled by a religious body organized to sustain public worship.

(18) "clinic" means a building or portion thereof containing offices and facilities for providing medical, dental, or psychiatric services for outpatients only.

(19) "club" means an incorporated or unincorporated association of persons organized for a social, fraternal, athletic, educational, literary, charitable, or other purposes.

(20) "combining district" means any district in which the general district regulations are combined with additional special regulations.

(21) "commercial" means the investment of capital, time, attention, labor and intelligence for the purpose of supplying a product or service for gain and profit.

(22) "commission" means the planning commission of the Kenai Peninsula Borough.

(23) "comprehensive plan" means the conprehensive plans for the Kenai Peninsula Borough and its cities and consists of the plans, maps or reports, or any combination thereof relating to the future economic, social, and physical growth and development or redevelopment of the Borough and its cities.

(24) "contractors yard" means any land or building used primarily for the storage of equipment, vehicles, machinery (new or used) building materials, paints, pipe or electrical components used by the owner or occupant of the premises in the conduct of any building trade or craft.

(25) "convenience shopping facilities" means a small shopping facility designed and intended to be used to serve the daily or frequent shopping or service

needs of the immediate surrounding population.

(26) "district" means a portion of the borough within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth in this ordinance.

(27) "dwelling" means a building containing a dwelling unit and does not include mobile homes, trailers, hotels, motels, tents, labor camps and temporary structures.

(28) "dwelling groups" means a group of two or more, detached or semi-detached one family, two family, or multi family dwellings occupying a parcel of land, in one ownership and having any yard or court in common, but not including motels.

(29) "dwelling unit" means one or more rooms with principal kitchen facilities designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

(30) "family" means one or more persons related by blood, marriage, or adoption, and which may include a group of not more than six persons (excluding servants) not so related, living together as a single housekeeping unit. Every additional group of six (6) or less persons living in such housekeeping unit shall be considered a separate family. Roomers or boarders are excluded.

(31) "feed lot" means any tract of land or structure where any type of fowl or the by products thereof are raised for wholesale or retail sale or any structure, pen, corral wherein cattle, horses, sheep, goats or swine are maintained in close quarters for purposes of fattening or preparing for final shipment to market.

(32) "garage" means an accessible and usable enclosed structure of not less than ten by twenty feet for the storage of automobiles.

(33) "garage, commercial" means a building or portion thereof used for storage, repair or servicing of motor vehicles or boats as a business and includes

tire recapping and regrooving, painting welding, storage and impounding.

(34) "gasoline service station" means buildings and premises where automotive fuel, oil, grease, batteries, tires and automotive accessorites may be sold and where in addition, routine automotive servicing and parts replacement may be done. Activities specifically excluded from this definition are: tire recapping and regrooving, major automotive mechanical and body work, painting, welding, storage, impounding and auto wrecking and motor overhaul.

(35) "hog" means a domestic swine weighing more than 120 pounds.

(36) "hog farm" means the keeping of more than six hogs on the premises.

(37) "home occupation" means any use customarily conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display of stock in trade, no outside storage of equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation. Such uses as barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, and dancing schools shall not be deemed to be home occupations.

(38) "hotel" means any building in which lodging or boarding and lodging are provided for more than twenty persons and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

(39) "junk" means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, tangible material, combination of materials or items, including motor vehicles that are inoperable or not currently registered for operation upon the public roads of Alaska. Also, machinery, metal, rags, rubber, paper, plactics, chemicals and building materials which cannot, without alterations or reconditioning be used for their original purpose.

(40) "junk yard" means any lot or portion of a lot which is used for the purpose of outdoor storage, handling, dismantling, wrecking, heaping or sale of used, discarded, wrecked, or abandoned appliances, vehicles, boats, materials, machinery, equipment, or parts thereof including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials as defined in this subsection under "junk".

(41) "kennel" means any lot or premises on which four or more dogs or cats are kept for boarding or breeding for profit.

(42) "loading space, off street" means a space located on premises for pickup and delivery. Required off street loading space should not be included as off street parking space in computation of required off street parking space.

(43) "lot" means a parcel of land held as a unit, regardless of whether platted and regardless of whether described on plats or in documents of title.

(44) "lot area" means the total horizontal area within the property lines of a lot, excluding streets.

(45) "lot, corner" means a lot, two or more adjacent sides of which abut upon a street.

(46) "lot coverage" means that percentage of the total lot area covered by the building area.

(47) "lot depth" means the average horizontal distance between the front and rear property lines of the lot.

(48) "lot line, front" means the property line separating the lot from the street, other than an alley.

(49) "lot line, rear" means the line that is opposite and most distant from the front lot line, and in the case of irregular triangular, or gore shaped lot, a line not less than 10 feet in length, within a lot, parallel to and at the maximum distance from the front lot line.

(50) "lot line, side" means any boundary line not a front or rear lot line.

(51) "lot width" means the average distance between side lot lines measured parallel to the street right-of-way lines or parallel to the chord between the two front lot corners when the right-of-way line is a curve.

(52) "mineral or natural resource development" means commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any other mineral and other operations having similar characteristics.

(53) "mobile home" means any vehicle or portable structure mounted or designed for mounting on wheels, used or intended for use for single family dwelling purposes, including structural additions, except parked and unoccupied camping type trailers. Any such vehicle or structure shall be deemed to be a mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation. Modular or prefabricated dwelling units are specifically excluded from this definition.

(54) "mobile home park" means any property used for the accommodation of two or more inhabited mobile homes on a tenancy or lease basis. This term shall not be construed to mean tourist facilities for parking travel trailers or campers.

(55) "motel" means a building or group of buildings, detached or in connecting units or designed as a single structure, the units of which are used as individual sleeping or dwelling units having their own private toilet facilities and entrances from outside the building and may or may not have their own kitchen facilities, and are designed primarily for the accommodation of transit automobile travelers.

(56) "non-conforming use" means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.

(57) "nursery, day" means a place which provides baby sitting care during the day or by the hour for six or more children.

(58) "off-street parking space" means a space with independent access, not included within established front yard set back.

(59) "planned unit development" means a group or combination of certain specified residential, commercial, or industrial uses developed as a functional and integral unit in a district where some or all the uses might not otherwise be permitted.

(60) "professional office" means offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors, or dentists, (but wherein no overnight care for patients is given) and by engineers, attorneys, architects, accountants, and including brokerage offices such as those dealing in real estate, investment securities, or insurances.

(61) "public use" means a use operated by a public body, said use having the purpose of serving the public health, safety or general welfare and including such uses as public schools, parks, playgrounds, hospitals, and administrative and service facilities.

(62) "quasi public use" means a use operated by a private nonprofit educational, religious, recreational, charitable, or medical institution. Said use having the purpose primarily of serving the general public, and including uses such as churches, schools, and universities, community youth and senior citizen recreational facilities, hospitals and the like.

(63) "rest home" means buildings used primarily for the housing and care of the aged, children or convalescents.

(63a) "side and front on corner lots" means the narrowest dimension of a lot facing a street is the front and the longest dimension of a lot facing a street is the side irrespective of the direction in which the dwelling faces.

(64) "sign" means any letter or pictorial device designed to inform or attract attention.

(65) "sign surface area" means the entire area within a regular geometrical form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

(66) "stable" means housing for horses for hire or rental or commercial boarding of horses.

(67) "story" means that portion of a building between

any floor and the floor above, except that the top most story shall be that portion of a building between the topmost floor level directly above a basement or cellar is more than six feet above grade for more than 50% of the total perimeter or has more than twelve feet above grade at any point such basement, cellar, or unused floor space shall be considered a story.

(68) "street" means a way permanently open to general use which affords the prinicpal means of access to abutting properties.

(69) "structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof.

(70) "structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground.

(71) "travel trailer" means a motor, vehicle or portable vehicular structure capable of being towed on highways by a motor vehicle designed and intended for casual or short term human occupancy for travel.

(72) "truck or equipment terminal or depot" means a space, area or building designed, equipped or maintained for the parking of two or more trucks, vehicles or equipment, other than private automobiles or farm vehicles or equipment used incidental to the agricultural use on the premises.

(73) "use permit" means a permit which may be granted by the Planning & Zoning Commission as provided in this chapter for a land use which is generally considered appropriate to a zoning district provided additional controls and safeguards are applied to insure the uses compatibility with the permitted uses of a zoning district.

(74) "yard" means a required open space on a lot which is unobstructed from the ground upward except as provided otherwise in the ordinance.

(75) "yard, front" means a yard extending across the entire portion of a lot adjoining a street or streets.

(76) "yard, rear" means a yard adjoining the rear lot line.

(77) "yard, side" means a yard adjoining the side lot line.

Section 20.25.085 Regulations for "U" Unclassified Districts. The following regulations shall apply in all "U" Districts and shall be subject to the Supplementary District Regulations (Section 20.25.180) of this chapter.

(a) Purpose.

The purpose of the "U" District is to provide a land use district for large parceled rural areas where protection from noxious and hazardous land uses are required for protection of property values, tax base and the public health, safety and welfare.

(b) Uses Permitted Outright.

All agricultural, residential, commercial, industrial and other uses not listed in (c) of this section.

(c) Uses Permitted Subject to First Securing a Use Permit in Each Case.

Trailer parks

Junk and wrecking yards

Public and commercial dumping, disposal, incineration or reduction of refuse.

Planing, lumber and plywood mills, log ponds and similar uses.

Airports and landing strips for aircraft of any kind.

Outdoor theaters, race tracts and commercial amusement enterprises of a similar nature.

Commercial excavation of earth or building materials including the development of natural resources.

Feed lots animal sales yards, fertilizer plants or yards, hog farms and agricultural processing plants.

All petroleum and petrochemical handling, storage or processing facilities, excluding gasoline service stations.

All other uses that may be noxious, injurious, or hazardous to surrounding property or persons by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions.

(d) Maximum Building Height Limit.

Thirty-five feet, provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

Twenty thousand square feet, provided an additional 5,000 square feet per dwelling unit will be required for any duplex or multiple family dwelling.

(f) Minimum Lot Width Required.

One hundred feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Thirty-five percent.

(h) Minimum Yards Required.

Front: Not less than 20 feet provided that no structure shall be located closer than fifty feet to the center line of any public street or unless otherwise indicated by building lines on the official zoning map.

Side: Ten feet.

Rear: Thirty feet.

(i) Special Yards.

Barns, stable, chicken houses, or similar accessory structures shall not be less than 50 feet from any property line nor 30 feet from any dwelling unit on the property.

Special yards required for multiple residential dwellings and dwelling groups shall be provided in accordance with the provisions of Section 180(i) of this chapter.

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Section 20.25.090 Regulations for "PLI" Public Lands and Institutions Districts. The following regulations shall apply in "PLI" Districts and shall be subject to the Supplemental District Regulations (Section .180) of this chapter.

(a) Purpose.

PLI Districts are intended to include major open lands and major public and quasi public institutional uses including existing land reserves for future public and institutional use.

(b) Uses Permitted.

Airports and heliports.

Parks, parkways, land reserves and related facilities.

Golf courses, playgrounds, playfields, and the like.

Zoos, museums, historic and cultural exhibits, and the like.

Water conservation and flood control installations.

Churches, schools, public utility structures and public and quasi public uses.

Cemeteries.

Sewer installations and water supply installations.

Utilities installations.

Uses and structures which are necessary or desirable adjuncts to permitted principal uses and structures, where such accessory uses and structures are under the management or control of the public or quasi public agency responsible for the permitted principal use or structure.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Radio and television transmission towers.

Vocational schools, trade schools, manual training centers, and the like.

Public and commercial dumping, disposal, incineration, or reduction of refuse.

Other uses similar to the above.

(d) Minimum Lot Area Required.

Twenty thousand square feet.

(e) Minimum Lot Width Required.

One Hundred feet.

(f) Maximum Percentage of Coverage Permitted.

Thirty percent.

(g) Minimum Yards Required.

Front: Twenty-five feet provided that no structure shall be located closer than fifty feet to the center line of any public street or unless otherwise indicated by building lines on the official zoning map.

Side: Ten feet.

Rear: Twenty-five feet.

Section 20.25.095 Regulations For "A Agricultural Districts. The following regulations shall apply in all "A" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose and intent of the "A District is to preserve fertile lands best suited for permanent agricultural use and encourage the highest and best agricultural use of the lands so classified, including the necessary farm-residential and other similar uses necessary and incidental thereto.

It is expressly understood that areas zoned as "A" Agricultural, shall be deemed to be zoned and used exclusively for agricultural uses and as to which there is no reasonable probability of the removal or modification of the zoning restriction within the near future.

Use permits may be issued authorizing use of part of the land in said zones for recreational, educational, religious, or public utility purposes, as provided herein where and to the extent that such are necessary to serve such zones, and such issuance and use shall not in any sense invalidate said exclusive zoning classification or designation.

(b) Uses Permitted Outright.

All agriculture uses except those listed in (c) of this section.

Home occupations.

Roadside stands for the sale of agricultural products located not less than fifty feet from the centerline of the street.

Processing of products produced on the premises.

Parks.

Buildings and uses clearly accessory or incidental to any permitted use, including single family residences, mobile homes, barns, stables and other farm

outbuildings, quarters for farm labor employed on the premises, one non commercial guest house.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Feed lot, animal sales yard, animal stock yard, commercial kennel for dogs or cats.

Agricultural processing plants and fertilizer plants and yards.

Public and commercial dumping, disposal, incineration or reduction of refuse.

Labor camp.

Hog farm.

Cemetery, crematory, mausoleum, columbarium.

Airport and heliport.

Churches, schools, public utility structures, and public and quasi public uses.

Roadside stand for the sale of agricultural products grown or produced on the premises when located within fifty feet of the centerline of the street.

(d) Maximum Building Height Limit.

Thirty-five feet provided that additional height may be permitted for non-dwelling structures, including silos and private water tanks if a use permit is first secured.

(e) Minimum Lot Area Required.

Ten acres.

(f) Minimum Yards Required.

Front: Not less than 20 feet, provided that no structure shall be located closer than fifty feet to the centerline of any public street, or unless otherwide indicated by building lines on the official zoning map.

Side: Ten feet.

Rear: Thirty feet.

(g) Special Yards.

Barns, stables, chicken houses, or similar accessory structures shall not be less than fifty feet from any property line, nor thirty feet from any dwelling unit on the property.

Section 20.25.100 Regulations For "R-R Rural Residential. The following regulations shall apply in all "R-R" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose of the "R-R" District is to provide a maximum amount of protection with a minimum amount of regulation for those rural residential areas of the borough which have the greatest potential of experiencing a transition to the more intensive semi-urban uses within the planning period.

(b) Uses Permitted Outright.

All residential uses, including a mobile home on one lot.

Home occupations.

Churches, schools, public utility structures, and public and quasi public uses.

Animal husbandry and livestock farming, other than hog farms, provided that not more than one horse, mule, cow or steer nor more than three goats, sheep or similar livestock may be kept for each 30,000 square feet of area.

All other agricultural uses except those listed in (c) of this section and including quarters for farm labor to be employed on the premises.

Accessory buildings and uses incidental to a permitted use.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Retail sales and service establishments but not including any manufacturing establishments.

Hog farms, cattle feed yards, fertilizer plants or yards, animal sales yards, agricultural processing plants and dog kennels.

Commercial specialty farms including but not limited

to chinchillas, mink, foxes, rodents, rabbits and poultry.

Mobile home parks, motels and hotels, boarding homes and rest homes to accommodate more than six guests.

Public and commercial dumping, disposal, incineration or reduction of refuse.

Commercial excavation of earth or building materials, the development of natural resources with appurtenant structures.

Airports, landing strips or heliports.

Golf courses with standard length fairways and country clubs.

Accessory buildings and uses incidental to any of the above.

(d) Maximum Building Height Limit.

Thirty-five feet provided additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

Twenty thousand square feet, provided an additional five thousand square feet per dwelling unit will be required for any two or more family dwellings and except where combined with any "B" District.

(f) Minimum Lot Width Required.

One Hundred feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Thirty-five per cent.

(h) Minimum Yards Required.

Front: Not less than twenty feet, provided that no structure shall be located closer than fifty feet to the centerline of any public street or unless otherwise indicated by building lines on the official zoning map.

Side: Ten feet.

Rear: Thirty feet.

(i) Special Yards.

Barns, stables, chicken houses or similar accessory structures shall not be less than fifty feet from any property line, nor thirty feet from any dwelling unit on the property.

Special yards required for multiple residential dwellings and dwelling groups shall be provided in accordance with provisions of Section .120(i) of this chapter.

Section 20.25.105 Regulations for "SR" Suburban Residential Districts. The following regulations shall apply in all "SR" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose of the "SR" District is to provide a land use district for a low density rural environment where development on smaller lots would prove detrimental to the amenities of such low density residential setting.

(b) Uses Permitted Outright.

One, two, three and four family dwellings.

Home occupations.

Animal husbandry and livestock farming, other than hog farms, provided that not more than one horse, mule, cow or steer nor more than three goats, sheep or similar livestock may be kept for each 30,000 square feet of area.

Crop and tree farming.

Accessory buildings and uses incidental to the permitted use.

(c) Uses Permitted Subject to First Securing a Use Permit in Each Case.

Five and six family dwellings.

A mobile home.

Mobile home parks.

Retail sales of agricultural products produced on the premises.

Quarters for farm labor employed on the premises.

Golf courses with standard length fairways and country clubs.

Circuses and carnivals.

Churches, schools, utility structures, and public and quasi public uses.

(d) Maximum Building Height Limit.

Thirty-five feet provided that additional height may be permitted if a use permit if first secured excepting non-dwelling structures, including windmills, silos, private water tanks.

(e) Minimum Lot Area Required.

Twenty thousand square feet provided an additional five thousand square feet per dwelling unit will be required for two or more family dwelling units except where combined with any "B" District.

(f) Minimum Lot Width Required.

One hundred feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Thirty-five per cent.

(h) Minimum Yards Required.

Front: Not less than twenty feet provided that no structure shall be located closer than fifty feet to the center line of any public street or unless otherwise indicated by building lines on the official zoning map.

Side: Minimum ten feet.

Rear: Twenty feet.

(i) Special Yards.

Barns, stables, chicken houses, or similar accessory structures shall not be less than fifty feet from any property line, nor thirty feet from any dwelling on the property.

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Section 20.25.110 Regulations for "R-1" One Family Residential Districts. The following regulations shall apply in all "R-1" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The regulations for this district are intended to stabilize and protect the residential character of the district, to promote and encourage a suitable environment for family life. The R-1 District is intended to be used for urban, single family homes and the appurtenant community services.

(b) Uses Permitted Outright.

One family dwellings, including a basement apartment.

Public parks and public playgrounds.

Home occupations.

Accessory buildings and uses incidental to a permitted use.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Golf courses with standard length fairways and country clubs.

Churches, schools, public utility structures and public and quasi public uses.

(d) Maximum Building Height Limit.

Thirty-five feet for the main building provided that additional height may be permitted if a use permit is first secured. Fifteen feet for accessory buildings.

(e) Minimum Lot Area Required.

Seven thousand, two hundred square feet, except where combined with any "B" District.

(f) Minimum Lot Width Required.

Sixty feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Forty per cent.

(h) Minimum Yards Required.

Front: Not less than twenty feet, provided that no structure shall be located closer than forty-five feet to the center line of any public street, or unless otherwise indicated by building lines on the official zoning map.

Side: Five feet.

Rear: Twenty feet.

Section 20.25.115 Regulations For "R-2" Two Family Residential Districts. The following regulations shall apply in all R-2 Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The regulations for this district are intended to promote and protect the residential character of the district, to promote and encourage a suitable environment for family life.

(b) Uses Permitted Outright.

One family dwellings.

Two family dwellings.

Public parks and public playgrounds.

Home occupations.

Accessory buildings and uses incidental to a permitted use.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Three, four, five and six family dwellings.

Schools, churches, public utility structures and public and quasi public uses.

Golf courses with standard length fairways and country clubs.

Mobile home on one lot.

(d) Maximum Building Height Limit.

Thirty-five feet for the main building, provided that additional height may be permitted if a use permit is first secured.

Fifteen feet for accessory building.

(e) Minimum Lot Area Required.

Seven thousand, two hundred square feet, except where combined with any "B" District.

(f) Minimum Lot Width Required.

Sixty feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Forty per cent.

(h) Minimum Yards Required.

Front: Not less than twenty feet provided that no structure shall be located closer than forty-five feet to the center line of any public street, or unless otherwise indicated by building lines on the official zoning map.

Side: Five feet.

Rear: Twenty feet.

Section 20.25.120 Regulations For "R-3" Multi Family Residential Districts. The following regulations shall apply in "R-3" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The regulations for this district are intended to stabilize, protect, and encourage a suitable environment for high density, multi family residential living.

(b) Uses Permitted.

One and two family dwellings.

Multi family dwellings containing up to twenty dwelling units.

Public parks and playgrounds.

Accessory buildings and uses incidental to a permitted use.

Other uses similar to the above.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Professional offices.

Motels, hotels, multi family dwellings containing more than twenty dwelling units, rooming and boarding houses, and dwelling groups of one, two or more dwelling units.

Schools, churches, public and quasi public buildings, public utility structures, social halls, lodges, club houses.

Mobile home parks and a mobile home on one lot.

Accessory buildings and uses normally incidental to any of the above.

Other uses similar to the above.

(d) Maximum Building Height Limit.

Forty-five feet, provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

One, two, three and four family dwellings, 7,200 square feet.

Other multi family dwellings:

Number of Stories	Lot Area Per Dwelling Unit
One	1,500 square feet
Two	1,000 square feet
Three-Six	800 square feet

In those cases where legal lots of record exist which comprise less than 7,200 square feet but not less than 4,500 square feet, multiple dwelling units may be constructed at a standard of 1,800 square feet per dwelling unit provided the required yards and off street parking spaces are met.

(f) Minimum Lot Width Required.

Sixty feet.

(g) Maximum Percentage of Lot Coverage Permitted.

Fifty per cent.

(h) Minimum Yards Required.

Front: Not less than ten feet, provided that no structure shall be located closer than fifty feet to the center line of any public street, or unless otherwise indicated by building lines on the official zoning map.

Side: Five feet.

Rear: Ten feet.

(i) Special Yards Required for Dwelling Groups.

In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e. in a 'front to back' series) no such

building shall be closer than twenty feet to any other such building or the side yard providing access shall be not less than eight feet.

In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e. in a single row 'side to side' series), the side yard providing access shall have a width of not less than twelve feet.

In no case shall any separate building of the group be closer to any other building of the group than a distance of ten feet.

No building shall be so located on the lot that the rear thereof abuts on any street line.

Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by two feet for each story that the height of any building or dwelling group exceeds two stories.

Section 20.25.125 Regulations For "R-4" Multi Family Residential and Professional Office Districts. The following regulations shall apply in all "R-4" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The regulations for this District are intended to stabilize and protect the residential character of the District while providing for the orderly integration of professional offices in the District.

(b) Uses Permitted Outright.

Uses permitted in the "R-3" District without a use permit are permitted in the "R-4" District without a use permit.

Motels, hotels, multi family dwellings rooming and boarding houses.

Professional offices, provided that there are no sales of goods or inventory of merchandise on the premises.

Accessory buildings and uses normally incidental to any of the above. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted.

Clinics.

(c) Uses Permitted, Subject to First Securing a Use Permit in Each Case.

Building groups of single family dwellings and duplexes.

Barber shops, beauty parlors, tea rooms, tourist homes and dancing schools.

Any business office provided that there is no inventory of merchandise maintained on the premises for sale or storage or transit and there is no fabrication, manufacture, or handling of any commercial product.

Mobile home parks and a mobile home on one lot.

Schools, churches, public buildings, public utility structures, social halls, lodges and club houses.

Hospitals, sanitoriums, rest homes, mortuaries, nursery schools, dancing and music schools.

Accessory buildings and uses normally incidental to any of the above. This shall not be construed as permitting any commercial use or occupation other than those specifically permitted.

(d) Maximum Building Height Limit.

Forty five feet provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

One, two, three and four family dwellings 7,200 square feet.

Other multi family dwellings:

Number of Stories	Lot Area Per Dwelling Unit
One	1 500 square feet
Two	1 000 square feet
Three Six	800 square feet

In those cases where legal lots of record exist which comprise less than 7 200 square feet but not less than 4,500 square feet multiple dwelling units may be constructed at a standard of 1 800 square feet per dwelling unit provided the required yards and off street parking spaces are met.

(f) Minimum Lot Width Required.

Sixty feet.

(g) Maximum Percentage of Coverage Permitted

Fifty per cent.

(h) Minimum Yards Required.

Front: Not less than ten feet provided that no structure shall be located closer than fifty feet to the center line of any public street or unless otherwise indicated by building lines on the official zoning map.

Side: Five feet.

Rear: Ten feet.

(i) Special Yards Required for Dwelling Groups.

In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e. in a 'front to back' series) no such building shall be closer than twenty feet to any other such building and the side yard providing access shall be not less than eight feet.

In case the buildings of the group are so located on the lot that fronts thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e. in a single row 'side to side' series), the side yard providing access shall have a width of not less than twelve feet.

In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court (i.e. in a double row 'side to side' series) the court shall have a width of not less than twenty feet.

In no case shall any separate building of the group be closer to any other building of the group than a distance of ten feet.

No building shall be so located on the lot that the rear thereof abuts on any street line.

Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by five feet for each story that the height of any building or dwelling group exceeds two stories.

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Section 20.25.130 Regulations For "C-1" Neighborhood Commercial Districts. The following regulations shall apply in all "C-1" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The C-1 District is intended to provide an area for convenience shopping facilities for surrounding neighborhood areas. The C-1 District is not intended to facilitate large scale department stores, extensive retail sales buildings, or other extensive commercial uses, normally found in the central business or heavy commercial areas of a city or community.

(b) Uses Permitted Outright.

Grocery stores, delicatessens and food specialty shops.

Meat and seafood markets.

Retail bakeries.

Hardware stores.

Shoe and shoe repair shops.

Bookstores and stationery stores.

Drug stores.

Self service laundry and dry cleaning shops.

Beauty and barber shops, restaurants, cafes and other places.

The serving of food or beverages conducted entirely in building.

Knit, yarn, dry good and dressmaking shops and stores.

Small appliance repair shops.

Photography and art studios.

Post offices.

Laundry and dry cleaning pick up stations.

Parks, playgrounds, governmental buildings and other public service facilities, in keeping with the character of the District.

Medical, dental and other professional offices.

Uses clearly accessory or incidental to any permitted use.

(c) Uses Permitted Provided a Use Permit is First Secured In Each Case.

Gasoline service stations.

Lodges, fraternal organizations and clubs.

Utility substations, including water pump stations, water storage tanks, sewer lift stations and similar structures.

Nursery and dancing schools.

Churches.

Bowling alleys, billiard parlors, dance halls, skating rinks, athletic clubs, gymnasiums, swimming pools, theaters, miniature golf courses and hobby shops.

(d) Maximum Building Height.

Forty-five feet provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

Five thousand square feet for each main building.

(f) Minimum Yards Required.

Front: Twenty feet, or as otherwise indicated by building lines on the official zoning map

Side: Ten feet where the lot adjoins a residential district; otherwise five feet.

Rear: Twenty-five feet where the rear of the lot adjoins a residential district boundary otherwise five feet.

Section 20.25.135 Regulations For "C-2" Central Commercial Districts. The following regulations shall apply in all "C-2" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The C-2 District is designed to protect and enhance central business district cores for efficient performance of its primary function as an urban center for retail, commercial, financial, and service facilities, and to discourage uses not requiring a prime central location.

(b) Uses Permitted Outright.

With the exception of public parks and off street vehicular parking lots, all of the uses listed below shall be conducted within fully enclosed buildings. There shall be no sales, service, storage or display on open lots or outside of buildings.

Commercial-Wholesale:

Wholesaling from sample stocks only provided that no manufacturing or storage for distribution shall be permitted in connection with such wholesaling.

Business offices of mercantile establishments.

Commercial-Retail:

Department stores, general merchandise and dry goods stores.

Men's, women's and children's clothing and apparel and shoe stores.

Miscellaneous apparel and accessory shops.

Furriers.

Jewelry stores.

Furniture and home furnishing stores.

Radio, television and music stores.

Household appliance stores.

Sporting goods stores and bicycle shops.

Drug stores and proprietary stores.

Book stores and stationery stores.

Retail food stores and liquor stores.

Restaurants, tea rooms, cafes and other places serving food and beverages.

Merchandise vending machine stores.

Mail order or catalog sales stores.

Florists.

Tobacco stores.

News dealers and news stands.

Camera and photographic supply stores.

Photographic studios.

Gift, novelty and souvenir shops.

Art studios, art supplies and picture framing shops.

Laundry and dry cleaning pick up stations.

Beauty shops and barber shops.

Shoe repair shops and tailors.

Funeral services provided, however, that crematoriums are specifically prohibited.

Small appliance repair shops.

Travel agencies, ticket brokers and auto rental agencies.

Auditoriums, libraries, museums, historical and cultural exhibits, and the like.

Motion picture theaters.

Insurance and real estate offices.

Banking and financial institutions.

Business and professional offices.

Legal offices.

Clinics.

Off street parking lots, garages.

Taxi cab dispatching offices.

Hotels and motels.

Radio and television studios.

Employment agencies.

Retail sales and show rooms.

On-premises dry cleaning establishments, using a perclorethylene process or similar nonflammable, nonagueous solvent, provided, however, that large commercial and industrial laundry and dry cleaning plants shall be prohibited.

Laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances, and the like.

Pet shops.

Gasoline service stations.

Other uses:

Multiple family dwellings, subject to the lot area and yard requirements of Section 20.25.120(i).

Private clubs and lodges.

Public parks and buildings.

Incidental storage and accessory uses and buildings including processing and repair operations and services, provided such uses shall be clearly indicental and to the sale of products at retail on the premises, and shall be so placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration.

(c) Uses Permitted Provided a Use Permit is First Secured In Each Case.

Automobile repair shops and commercial garages when conducted entirely within a building.

Automobile sales.

Utility substations.

Automobile storage garages.

Heliports.

Bus terminals, air passenger terminals with sufficient off street area for maneuvering, waiting and loading vehicles.

Newspaper and commercial printing shops, blueprinting shops.

Nursery and garden stores.

Bowling alleys, billiard parlors, dance halls, skating rinks, athletic clubs, gymnasiums, swimming pools, shooting galleries, facilities for coin-operated amusement devices, auditoriums, exhibition halls, sports arenas, miniature golf courses, amusement rides, court games, and similar places of recreation.

Pawnshops, second hand shops and auction rooms.

Drive-in banks with sufficient off street area for maneuvering and waiting automobiles.

Public service facilities, nursery schools, churches.

Other uses similar to the above.

(d) Maximum Building Height.

Forty-five feet, provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

None, except that any buildings used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-3 District.

(f) Minimum Yards Required.

Front: None, except where the frontage in a block is partially in an R District in which case the front yard shall be the same as required in such R District, or unless otherwise indicated by building lines on the official zoning map.

Side: None, except where the side of a lot abuts upon the side of a lot in an R District, in which case the abutting side yard shall be not less than five feet, and except where the side yard of a corner lot abuts on a street where the frontage of the block is partially in an R District, in which case the side yard shall be ten feet adjacent to the street.

Section 20.25.140 Regulations For "C-3" General Commercial Districts. The following regulations shall apply in all "C-3" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The C-3 District is designed to provide areas for retail and wholesale business services which may support the urban business centers but do not require a central location.

(b) Uses Permitted Outright.

With the exception of gasoline service stations, taxi cab stands, off street parking lots, bus terminals and the open storage, display and sales uses permitted below, all of the uses permitted outright shall be conducted within fully enclosed buildings.

Commercial Wholesale:

All uses permitted outright in the C-2 District.

Drugs, chemicals and allied products.

Dry goods and apparel.

Groceries, meats, seafoods, vegetables and related products.

Electrical and electronic appliances, parts and equipment.

Hardware, plumbing, heating, air conditioning and refrigeration equipment and supplies.

Commercial, professional or industrial machinery, equipment and supplies.

Miscellaneous wholesalers, including but not limited to tobacco and tobacco products, beer, wine and alcoholic beverages, paper and paper products, furniture and home furnishings and the like.

Commercial Retail:

All uses permitted outright in the C-2 District.

Hardware and variety stores.

Plumbing and heating service and equipment dealers.

Paint, glass and wallpaper stores.

Electrical or electronic appliances, parts and equipment.

Direct selling organizations.

Antique and secondhand stores.

Farm equipment and garden supply stores.

Mail order houses.

Automotive accessories, parts and equipment stores.

Commercial garages.

Motor vehicle dealers, new and used.

Fur repair and storage.

Aircraft and marine parts and equipment stores.

Automotive, aircraft, boat and marine, snow machine, motorcycle and all terrain vehicle sales and service.

Frozen food lockers.

Upholstery and drapery sales.

Floor covering sales.

Nursery and garden stores.

Newspaper, commercial printing shops and blue-printing shops.

Mortuaries.

Feed stores.

Open storage yards accessory to uses permitted above are not to exceed 100% of the gross area of the main building to maintain and store materials and equipment in an area entirely enclosed by a six foot high solid fence and provided that additional area may be permitted if a use permit is first secured.

Open sales and display yards accessory to uses permitted above are not to exceed 25% of the gross area of the main building provided such sales and display yards shall not encompass any of the off street parking spaces required.

Accessory buildings and uses incidental to a permitted use.

(c) Uses Permitted, Provided a Use Permit if First Secured In Each Case.

Outdoor sales, service and display related to any use permitted outright.

Animal hospitals and veterinarian offices including short term boarding and incidental care such as trimming and bathing all conducted within an enclosed building.

Utility substations.

Heliports.

Mobile home sales.

Fuel sales, building material sales lumber yards, landscaping material yards and truck terminals.

Welding shops.

Mobile home parks.

Heavy equipment sales and service.

Pipeline and other storage yards provided no storage of scrap, junk or salvage is permitted.

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Drive-in theaters.

Drive-in banks.

Used merchandise.

Sign shops.

Car washes.

Other uses similar to the above.

(d) Maximum Building Height.

Forty-five feet, provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

None, except that any buildings used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-3 District.

(f) Minimum Yards Required.

Front: None, except where the frontage in a block is partially in an R District in which case the front yard shall be the same as required in such R District, or unless otherwise indicated by building lines on the official zoning map.

Side: None, except where the side of a lot abuts upon the side of a lot in an R District, in which case the abutting side yard shall be not less than five feet, and except where the side yard of a corner lot abuts on a street where the frontage of the block is partially in an R District, in which case the side yard shall be ten feet adjacent to the street.

Section 20.25.145 Regulations For H-C Highway Oriented Commercial Districts. The following regulations shall apply in all "H-C" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The "H-C" Highway Commercial District is established as a district in which the principal use of land is for establishments offering accommodations, supplies, or services to motorists, and for certain specialized uses such as retail outlets, extensive commercial amusements, and service establishments which should not locate in the central business district or neighborhood districts. The H-C Highway Commercial District will ordinarily be located along numbered state or federal highways or other highways designated as major streets.

For the H-C Highway Commercial Distirct in promoting the general purposes of this ordinances the specific intent of this section is:

To provide appropriate space, and in particular, sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on the automobile.

To provide standards which eliminate the traffic conflicts and visual aspects in which such highway oriented commercial development usually results.

(b) Uses Permitted Outright.

Hotels motels and lodging facilities.

Restaurants, cafes, nightclubs, drive-in restaurants, antique shops, souvenir and gift shops.

Gasoline service stations.

Radio, T.V. and music sales and service.

Retail food stores, meat markets and liquor stores.

Automotive parts sales conducted entirely within a building.

Furniture and appliance sales conducted entirely within a building.

Second hand stores.

Plumbing and heating service and equipment dealers.

Hardwares.

Sporting goods stores.

Paint, glass and wallpaper stores.

Wholesale and distribution operations conducted entirely within a building.

Electrical and electronic appliances, parts and equipment.

Upholstery and drapery sales.

Floor covering sales.

Feed stores.

Frozen food lockers.

Dance studios.

Bowling alleys.

Bike, motorcycle, snow machine sales and service and similar uses.

Nursery and garden stores conducted entirely within a building.

Self-service laundries.

Mortuaries.

Open storage yards accessory to uses permitted above are not to exceed 100% of the gross area of the main building, to maintain and store materials and equipment in an area entirely enclosed by a six foot high solid fence and provided that additional area may be permitted if a use permit is first secured.

Open sales and display yards accessory to uses permitted above are not to exceed 25% of the gross area of the main building provided such sales and display yards shall not encompass any of the off street parking spaces required.

Accessory buildings incidental to a permitted use.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Animal hospitals.

Utility substations.

Heliports.

New and used car sales and rentals.

Boat and marine and aircraft sales.

Heavy equipment sales and service.

Commercial garages.

Mobile home sales.

Feed stores.

Fuel sales, building material sales, lumber yards, landscaping material yards and truck terminals.

Welding shops.

Animal hospitals and veterinarian offices including short term boarding and incidental care such as trimming and bathing.

Mobile home parks.

Fruit and vegetable stands.

Service businesses, including storage yards, provided no storage or display of any scrap junk or salvage materials are permitted.

Drive-in theaters.

Drive-in banks.

Used merchandise.

Sign shops.

Equipment, truck and automobile repair shops.

Car washes.

Other uses permitted by the Planning & Zoning Commission.

(d) Maximum Building Height Limit.

Forty-five feet provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

Twenty thousand square feet.

(f) Minimum Lot Width Required.

One hundred feet.

(g) Minimum Yards Required.

Front: Fifty feet, or as indicated by building lines on the official zoning map.

Side: Ten feet except that where a lot adjoins a residential district twenty-five feet is required.

Rear: Ten feet except where a lot adjoins a residential district twenty-five feet is required.

(h) Access and Traffic Controls.

Access barrier:

Each lot with its buildings other structures, and parking and loading areas, shall be physically separated from each adjoining highway or street

by a curb or other suitable barrier against unchanneled motor vehicle ingress or egress. Such barrier shall be located at the edge of, or within, a ten foot deep yard along the lot line unless suitable curbs and gutters are provided within the highway or street right of way. Except for the accessways permitted below, such barrier shall be continuous for the entire length of any lot line adjoining a street or highway.

Accessways:

Each lot shall have not more than two accessways to any one street or highway which shall comply with the following requirements:

Width of accessway. The width of any accessway leading to or from a street or highway shall not exceed thirty six feet nor be less than fifteen feet in width at the right-of-way line. The alignment of accessways and curb return dimensions shall be determined through site approval.

Spacing of accessways. At its intersection with the lot line, no part of any accessway shall be nearer than twenty feet to any other accessway on the same lot nor shall any part of accessway be nearer than ten feet to any side or rear property line at its intersection with a right of way line. Insofar as practicable, the use of common accessways by two or more permitted uses shall be encouraged in order to reduce the number and closeness of access points along highways. The fronting of commercial uses upon a frontage access street and not directly upon a public highway is also encouraged.

Traffic hazards. The location and number of accessways shall be so arranged that they will reduce the possibilities of traffic hazards as much as possible.

Section 20.25.150 Regulations For "CWR" Commercial Waterfront Residential District. The following regulations shall apply in all "CWR" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

This district is primarily for waterfront apartments and service commercial uses oriented to the marine element of a community. This district is designed to be located in close proximity to residential districts.

(b) Uses Permitted Outright.

One family dwellings and duplexes.

Multi family dwellings subject to the lot, area and yard requirements of Section .120 of this chapter.

Boat charter service and rental.

Retail sales of commercial or sport fishing supplies.

Retail sales of marine fuel.

Marine equipment, supply sales and repair.

Marina and moorage facilities.

Tourist oriented gift shops.

Art and photo shops.

Uses customarily accessory and incidental to a permitted use.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Churches, schools, public utility structures and public and quasi public uses.

Air charter service, flying schools, and related facilities.

Airplane storage facilities.

Marine related experimental or research facilities.

Boat storage facilities, in conjunction with marina or as primary use.

Custom fish processing.

Eating and drinking establishments.

Electronic towers and related facilities.

Ferry terminals.

Heliports and helistops.

Motels, may include bars and restaurants.

Recreational uses.

Other uses similar to the above.

(d) Maximum Building Height Limit.

Forty-five feet provided that additional height may be permitted if a use permit is first secured.

(e) Minimum Lot Area Required.

Four thousand square feet, except where combined with any "B" District.

(f) Minimum Lot Width Required.

Forty feet.

(g) Maximum Lot Coverage Permitted.

Fifty per cent.

(h) Minimum Yards Required.

Front: Not less than fifteen feet provided no structure shall be located closer than forty five feet to the center line of any street, or as otherwise indicated by building lines on the official zoning map.

Side: Five feet.

Rear: Fifteen feet.

(i) Special Yards Required for Dwelling Groups.

In case the buildings of the group are so located on the lot that the rear of the building which faces the street is faced by the front of a building to the rear (i.e. in a 'front to back' series) no such building shall be closer than twenty feet to any other such building and the side yard providing access shall be not less than eight feet.

In case the buildings of the group are so located on the lot that fronts thereof abut upon one side yard and the fronts thereof abut upon the other side (i.e. in a single row 'side to side' series), the side yard providing access shall have a width of not less than twelve feet.

In case the buildings of a group are so located on the lot that the rears thereof abut upon each side yard and the fronts thereof face a court (i.e. in a double row 'side to side' series) the court shall have a width of not less than twenty feet.

In no case shall any separate building of the group be closer to any other building of the group than a distance of ten feet.

No building shall be so located on the lot that the rear thereof abuts on any street line.

Distances required between buildings on the same lot and as yards and courts for dwelling groups shall be increased by five feet for each story that the height of any building or dwelling group exceeds two stories.

Section 20.25.155 Regulations For "M-1" Light Industrial Districts. The following regulations shall apply in all M-1 Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The "M-1" District is designed to provide for light manufacturing processing, storage, wholesaling, distribution operations, large scale administrative facilities and research institutions. Regulations in the "M-1" Districts are intended to allow different heavy commercial and light industrial uses to exist compatibly and to protect neighboring residential areas.

(b) Uses Permitted Outright.

Cleaning, laundry or dyeing plants.

Wholesale stores, storage, warehouses, laundries, and cleaning plants, mobile home and trailer sales and rentals, vehicle and farm implement sales, animal hospitals, cabinet shops, bakeries, soft drink bottling plants, contractors equipment storage or rental, and other heavy commercial uses for which storage, wholesale sales, large or heavy merchandise or commercial transportation facilities are necessary and usual to the operation.

Airplane, automobile, or truck assembly, remodeling or repair.

Building materials, sales and storage.

Administrative, executive, and financial offices.

Machine shops.

Experimental or testing laboratories.

Manufacture service, or repair of light consumer goods such as appliances, batteries, furniture, garments, or tires.

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Manufacture, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products.

Metal working or welding shops.

Manufacture of precision instruments and equipment such as watches, electronics equipment, photographic equipment, and optical goods.

Motor freight terminals.

Any other light manufacturing use which the Commission finds to be consistent with the purpose of this section.

Airports and heliports.

Steel fabrication shops or yards.

Paint shops.

Production of crops and animals, including poultry, except for those agricultural uses for which a use permit is required under the provisions of the Agricultural District.

Accessory uses and buildings customarily appurtenant to a permitted use and that do not alter the character of the premises.

Automobile parking lot.

Other uses similar to the above.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Public and quasi public uses of an educational or recreational nature.

Public utility buildings and service yards.

Retail commercial and service uses, such as restaurants and service stations appropriate to and necessary to serve the "M-1" District.

(d) Maximum Building Height.

Fifty feet provided that additional height may be permitted if the required yards are increased by one foot for each one foot of building height over the height limit.

(e) Minimum Lot Area Required.

Five thousand square feet, except for parking lots and as may otherwise be specified for any use for which a Use Permit is required by this section.

(f) Minimum Yards Required.

Front: Twenty five feet, unless otherwise indicated by building lines on the official zoning map.

Side: Fifteen feet, except that twenty five feet shall be required when adjacent to an R or A District.

Rear: Twenty feet, except that thirty feet shall be required when adjacent to an R or A District.

(g) Other Required Conditions.

Any open storage or repair yard, excluding yards for orderly display of new or reconditioned heavy equipment, shall be entirely enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block or other appropriate construction approved by the Administrative Officials. The fence shall be maintained in a sound and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this ordinance.

No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused in their customary manner of operation by uses permitted in the district, or a degree injurious to the public health, safety or welfare.

Section 20.25.160 Regulations For "M-2" General Manufacturing Districts. The following regulations shall apply in all "M-2" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose of the "M-2" District is to permit the normal operations of almost all industries, subject only to those regulations needed to control congestion and to protect the surrounding area or adjoining premises.

(b) Uses Permitted Outright.

Any manufacturing, processing, disassembling and assembling and storage of products and materials, railroad, airport and other transportation uses, removal of natural materials, all providing that such uses are not or will not be offensive by reason of the creation or emission of dust, gas, smoke, fumes, or other air pollutants, noise, vibrations, odors, liquids or solid refuse or wastes, radioactivity, glare, fire, or explosives; and provided further that, prior to the issuance of a Zoning Permit, the Planning & Zoning Commission may require evidence that adequate controls, measures, or devices will be provided as required by Section .180(e) of this chapter, all to insure and protect the public interest, health, comfort, convenience, safety, and general welfare,

Agriculture, except that those uses indicated in paragraph C of this section may be established only after a Use Permit shall first have been secured.

Farm dwellings on parcels of twenty acres or more.

Accessory uses and structures appurtenant to any permitted use.

Airports and heliports.

Public utility uses, except dumping, disposal, incineration, or reduction of refuse or sewage disposal plants.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Junk yard, wrecking yard.

Dumping, disposal, incineration, or reduction of refuse.

Feed lots, animal sales yard, animal stockyard, hog farm.

Other uses similar to the above.

(d) Maximum Building Height.

Fifty feet, provided that additional height may be permitted if the required yards are increased by one foot for each one foot of building height over the height limits.

(e) Minimum Lot Area Required.

Excepting as may otherwise be specified for any use of which a Use Permit is required by this section and excepting for farm dwellings on twenty acres or more, minimum lot areas in the district shall be 6,000 square feet.

(f) Minimum Yards Required.

Front. Twenty-five feet, except that buildings shall not be less than fifty feet from the center line of the public road, or unless otherwise indicated by building lines on the official zoning map.

Side. Fifteen feet, except that forty feet shall be required for any building over one story of twenty-five feet in height when adjacent to any R District.

Rear. Twenty feet, except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R District.

Section 20.25.165 Regulations For "M-3" Water Oriented Industrial Districts. The following regulations shall apply in all "M-3" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The "M-3" District is intended primarily for industrial and transport operations which require locations abutting a dock or the waterfront. The intent is to reserve such areas for appropriate industries which can function in no other location.

(b) Uses Permitted Outright.

Seafood processing plants.

Docks, wharves, shipping terminals, small boat harbors and the like.

Electric generation facilities.

Shipyards, boat repair yards, drydocks, and the like.

Boat charter service and rental.

Marine equipment supply, sales and repairs.

Marina and moorage facilities.

Marine related experimental and research facilities.

Wholesale distribution centers, and the like.

Other manufacturing and processing facilities requiring locations abutting a dock or waterfront.

Accessory uses appurtenant to any permitted use.

Other uses similar to the above.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Construction of docks, wharves, filling along the waterfront, subject to adequate provision for the safe and efficient operation of sea transportation and commerce.

Bulk plants, subject to the provision of dikes and the adequate spacing of facilities and structures in conformance with the Uniform Fire Code, enclosed within a fence at least eight feet high. The fence shall be of chain link, concrete block, or other appropriate construction approved by the authorized official.

Tourist oriented gift and curio shops.

Art and photo shops.

Eating and drinking establishments.

Motels and hotels.

Other uses similar to the above.

(d) Maximum Building Height.

Fifty feet, provided that additional height may be permitted if the required yards are increased by one foot for each one foot of building height over the height limits.

(e) Minimum Lot Area Required.

Excepting as may otherwise be specified for any use of which a Use Permit is required by this section and excepting for farm dwellings on twenty acres or more, minimum lot areas in the district shall be 6,000 square feet.

(f) Minimum Yards Required.

Front: Twenty-five feet, except that buildings shall be not less than fifty feet from the centerline of the public road, or unless otherwise indicated by building lines on the official zoning map.

Side: Fifteen feet, except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R District.

Rear: Twenty feet, except that forty feet shall be required for any building over one story or twenty-five feet in height when adjacent to any R District.

Section 20.25.170 Regulations For "F" Flood Damage Control Districts. The following regulations shall apply in all "F" Districts and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose of the "F" Flood Damage Control District is to provide regulations for known flood hazard areas thus eliminating unnecessary public expenditures for disaster, clean up, preventive flood control projects and to protect the public health, safety and welfare. In any case where a structure is intended for human occupancy the first floor elevations of such structure shall be above the safe level determined by the Planning & Zoning Commission.

(b) Uses Permitted Outright.

All agricultural uses permitted in the "A" Agricultural District, excepting no structures shall be permitted outright.

Parks, playgrounds, boat launching and landing facilities.

(c) Uses Permitted, Provided a Use Permit is First Secured In Each Case.

Single family dwellings and accessory buildings.

Gravel pits and/or gravel processing plants, concrete and bituminous batch plants, gold dredging, oil or gas wells, and appurtenant buildings and structures.

Any other uses which the Planning & Zoning Commission feels will not prove to be incompatible with surrounding land uses.

In any case when a use permit is applied for in the "F" District the applicant shall submit a detailed proposed development plan including but not limited to topographic and construction data. In each case, said data will be submitted to the U. S. Army Corps of Engineers for their review and comment.

(d) Maximum Building Height Limit.

No building or structure nor the enlargement of any building or structure shall be hereafter erected to exceed two and one-half stories or thirty-five feet in height, except a building or structure of a gravel dredging plant, or similar structure.

(e) Minimum Lot Area Required.

One acre.

(f) Minimum Lot Width Required.

One hundred and fifty feet.

(g) Minimum Yards Required.

Front: Twenty feet, except as otherwise indicated by building lines on the official zoning map.

Side. Twenty feet.

Rear. Thirty-five feet.

Section 20.25.175 Regulations For "B" Combining Districts. The following regulations shall apply in all districts which are combined with such "B" District and shall be applied in lieu of the minimum lot area required, the front yard required, and side yard required in the district in which it is being combined and shall be subject to the Supplementary District Regulations (Section .180) of this chapter.

(a) Purpose.

The purpose of "B" Combining Districts is to provide flexible lot sizes so that population densities and development patterns of the various communities in the borough can reflect local desires

(b) Dimensional Standards.

B-1 Minimum lot area required, 5,000 square feet; front yard depth, 15 feet; side yard width, 5 feet; rear yard depth, 15 feet; maximum lot coverage allowable, 35%; minimum lot width, 50 feet.

B-2 Minimum lot area required, 6,000 square feet; front yard depth, 20 feet; side yard width, 5 feet; rear yard depth, 20 feet; maximum lot coverage allowable, 35%; minimum lot width, 60 feet.

B-3 Minimum lot area required, 7,200 square feet; front yard depth, 20 feet; side yard width, 5 feet; rear yard depth, 20 feet; maximum lot coverage allowable, 35%; minimum lot width, 60 feet.

B-4 Minimum lot area required, 8,400 square feet; front yard depth, 20 feet; side yard width, 5 feet; rear yard depth, 20 feet; maximum lot coverage allowable, 35%; minimum lot width, 70 feet.

B-5 Minimum lot area required, 9,600 square feet; front yard depth, 25 feet; side yard width, 10 feet; rear yard depth, 25 feet; maximum lot coverage allowable, 35%; minimum lot width, 70 feet.

B-6 Minimum lot area required, 12,000 square feet; front yard depth, 25 feet; side yard width, 10 feet; rear yard depth, 25 feet; maximum lot coverage allowable, 35%; minimum lot width, 80 feet.

B-7 Minimum lot area required, 15,000 square feet; front yard depth, 20 feet; side yard width, 10 feet; rear yard depth, 30 feet; maximum allowable lot coverage, 35%; minimum lot width, 80 feet.

B-8 Minimum lot area required, 20,000 square feet; front yard depth, 30 feet; side yard width, 15 feet; rear yard depth, 30 feet; minimum lot width, 100 feet.

B-9 Minimum lot area required, 30,000 square feet; front yard depth, 30 feet; side yard width, 15 feet; rear yard depth, 30 feet; minimum lot width, 100 feet.

B-10 Minimum lot area required, one acre; front yard depth, 30 feet; side yard width, 20 feet; rear yard depth, 30 feet; minimum lot width, 150 feet.

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Section 20.25.180 Supplemental District Regulations.

(a) Off Street Parking Requirements.

In all zones there shall be provided at the time of construction of any main building or at the time of the alteration affecting parking requirements, enlargement or any change in use of any main building, permanently maintained off street parking facilities for the use of occupants, employees or patrons of such buildings. It shall be the joint and several responsibility of the owner and/or occupant and of any main building or structure to provide, and thereafter maintain minimum free off street parking facilities as required below.

No existing parking area and no parking area provided for the purpose of complying with the provisions of this ordinance, shall hereafter be relinquished or reduced in any manner below the requirement herein established.

Site Plan Submission: A site plan showing all parking and loading areas shall accompany all applications for zoning permits. Said plan shall show dimensions of spaces, curb cuts and other information necessary to determine compliance with the provisions of this ordinance. The administrative official shall approve or reject the site plan on the basis of compliance with the requirements of this ordinance. No certificate of zoning compliance shall be issued unless the parking site plan is approved.

Joint Parking Areas: Where there is more than one use in a single structure or on a site (e.g. doctor, attorney, and retail grocery) or two or more separate instances of the same use, off street parking requirements shall be the sum of the requirements for the various uses provided, however, that where two or more uses provide a single joint parking area, and their total required spaces totals twenty or more, the minimum requirement will be 75% of the sum of the requirements for the various uses computed separately.

Location of Parking. Any parking space provided pursuant to this section shall be on the same lot with the main use it serves or on an adjoining lot except that the Planning & Zoning Commission by a conditional use permit may allow parking spaces to be on any lot if it determines that it is impractical to provide parking on the same lot.

(1) Design Standards:

All parking lots shall be provided with a durable, well drained surface and shall have appropriate bumper guards where needed.

Parking areas shall not be used for sales display, dead storage, repair work or any purpose other than parking.

Any lighting of parking lots shall be arranged to reflect away from public rights-of-way and from any adjoining residential areas.

Curb cuts shall be located so as to avoid traffic hazards and shall be approved by the administrative official.

Curb cuts shall be no more than thirty-six feet wide and no less than fifteen feet wide.

Those dimensional standards illustrated on Table I shall be the minimums required.

(2) Interpretation of Space Requirements:

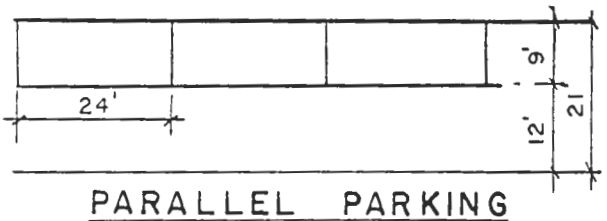
If a use is not specifically mentioned in this section, the administration official shall determine the most similar use which is specifically mentioned. Parking requirements shall be the same as for that use.

When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time either on a single shift or an overlap of shifts.

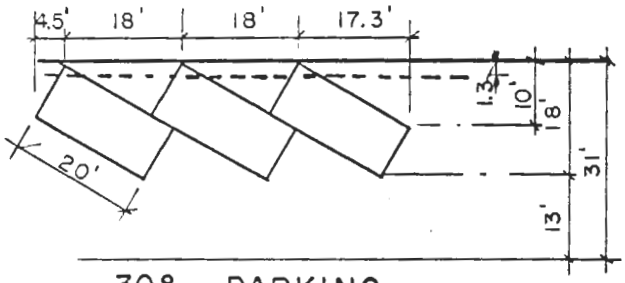
(3) Off Street Parking:

TABLE I

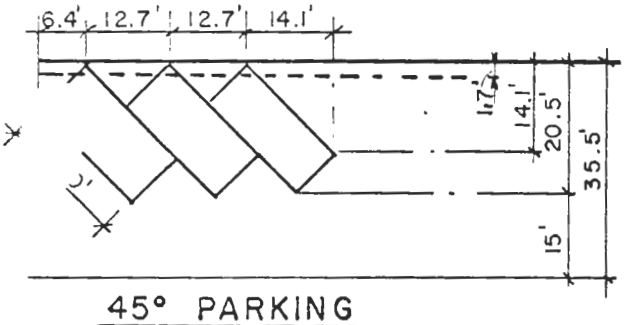
DESIGN STANDARDS FOR OFF-STREET PARKING



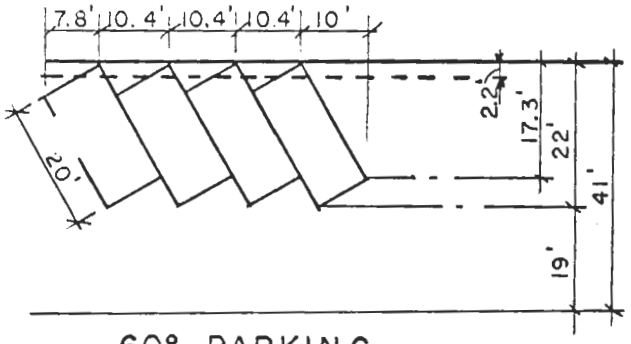
PARALLEL PARKING



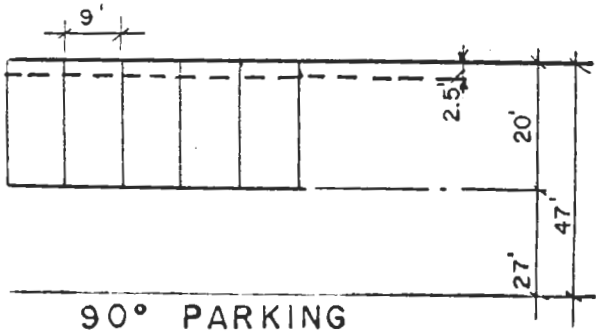
30° PARKING



45° PARKING

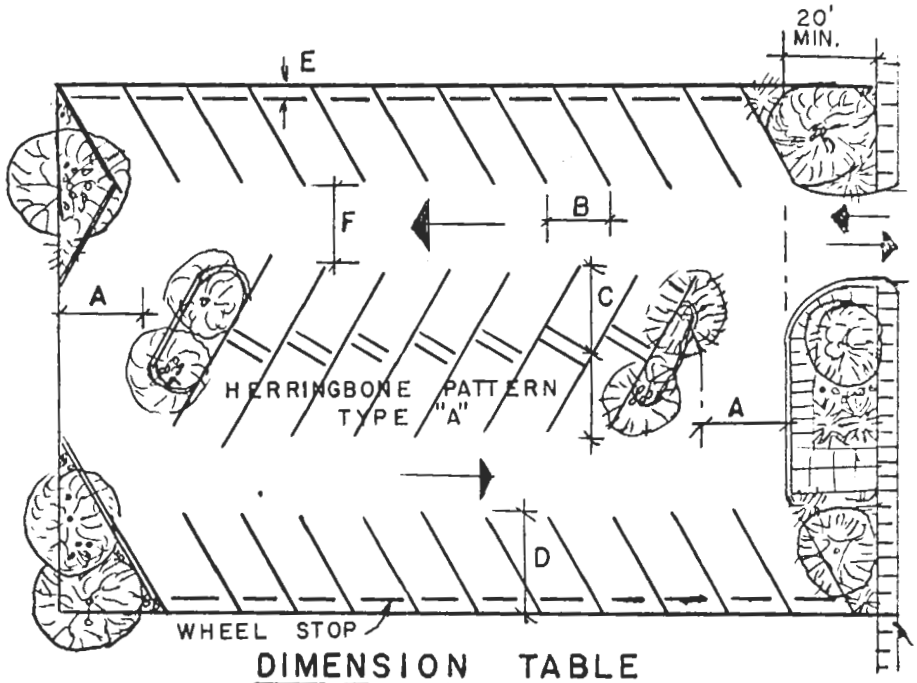


60° PARKING



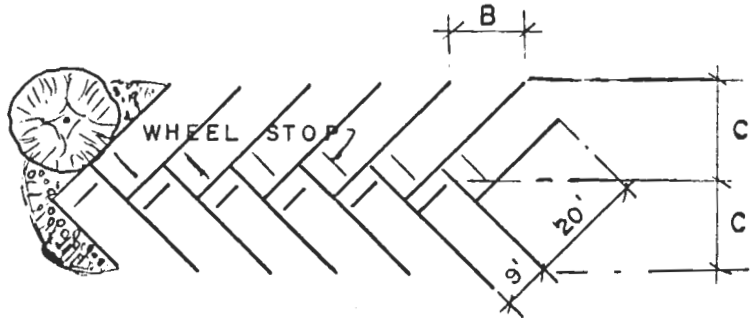
90° PARKING

NOTE : FOR RESIDENTIAL USES - 90° STALLS SHOULD BE 10' WIDE.



DIMENSION TABLE

		30°	45°	60°	9
TURNAROUND	A		17'	14'	1
CAR SPACE	B	18'	12.7'	10.4'	9'
STALL DEPTH	C	16.5'	18.8'	19.6'	20'
STALL DEPTH	D	17.8'	20.5'	21.8'	20'
OVERHANG	E	1.3'	1.7'	2.2'	2.5'
DRIVEWAY	F	13'	15'	19'	27'



HERRINGBONE PATTERN - TYPE "B"

DIMENSIONS DEPEND UPON PARKING ANGLE

Dwelling and Buildings	Minimum Number of Parking Spaces Required
Hotels, rooming houses and other structures containing sleeping rooms other than or in addition to dwelling units.	One private parking space for each dwelling unit and one parking space for every three guest rooms.
Motels	One parking space for each unit.
Mobile home parks	Two parking spaces for each trailer.
Multi family dwellings and other places con taining dwelling units.	One and one half spaces per dwelling unit up to 150 units, one space per unit thereafter.
Single family dwellings two family dwellings and parish houses.	Two parking spaces per dwelling unit.
Churches, theaters, auditoriums, and other places of public assem bly with fixed seats.	One parking space for each three seats in the principal place of assembly.
Clinics	Three parking spaces for each doctor or dentist.
Day nurseries, foster homes and kindergartens.	One space for each teacher or other em ployee.
Elementary and junior high schools.	One space for each teacher or other em ployee.
Hospitals, sanitariums, nursing and rest homes.	One parking space for each resident and staff doctor plus one space for each employee, in tern and nurse plus one space for each three beds plus one space for each institutional vehicle.

Dwelling and Buildings	Minimum Number of Parking Spaces Required
Libraries, exhibition halls, and other places of public assembly without fixed seats.	One parking space for each employee plus one space for each 100 square feet of usable floor area.
Municipal buildings and public utility buildings.	One parking space for each employee, plus one space for each official vehicle, plus one space for visitor parking for each 500 square feet of office or display space.
Post offices and telegraph offices.	One space for each employee plus one space for each 100 square feet of gross floor area.
Senior high schools.	One space for every seven pupils plus one space for every employee.
Trade and business schools, music schools, dance studios and other private schools and colleges.	One space for each employee plus one space for every three students attending class at one time.
Offices	
Banks, buildings and loan companies and similar institutions.	One space for each 200 square feet of gross floor area or one space per employee, whichever is greater.
Business and professional offices not generally patronized by the public.	One space for each 400 square feet of floor space or one space per employee, whichever is greater.

Offices	
Medical and dental office buildings.	One parking space for each employee plus one space for each 500 square feet of floor space.
Automotive service and/or sales.	Two spaces for each maintenance stall plus adequate spaces to accommodate all new and used retail units and customer parking generated by retail sales.
Entertainment and Services	Minimum Number of Parking Spaces Required
Beauty and barber shops.	One space for each 250 square feet of gross floor area.
Bowling alleys.	Four parking spaces for each alley.
Gasoline service stations.	Three spaces per grease rack or working bay.
Household services and trades such as carpentering electrical servicing plumbing and heating shops, paper hanging painting furniture upholstering decorating shops and other similar service establishments.	One parking space for each employee, plus one space for each company vehicle plus one space for each 500 square feet of floor space.
Laundry and dry cleaning pick up stations.	One parking space for each employee plus one space for each 500 square feet of floor space.

Entertainment and Services	Minimum Number of Parking Spaces Required
Pool halls, billiard parlors.	Three parking spaces for each table.
Restaurants, cafes, soda fountains, eating and drinking places, etc.	One space for each employee plus one space for each five seats.
Self service dry cleaning and laundry establishments.	One parking space for each four washing machines and/or dry cleaning machines.
Taxicab companies.	One space for each taxi operated by the company plus one extra space.
Commercial	
Grocery store, delicatessen, drug store or pharmacy.	One parking space for each employee plus one space for each company vehicle plus one space for each 250 square feet of gross floor area.
Nurseries and greenhouses.	One parking space for each employee plus six spaces for customer parking.
Retail and wholesale stores of non-bulky items.	One parking space for each employee plus one space for each company vehicle plus one space for each 300 square feet of sales area.
Retail and wholesale stores of bulky items (e.g. furniture and major appliances)	One parking space for each employee plus one space for each company vehicle plus one space for each 800 square feet of gross floor area.

Commercial	Minimum Number of Parking Spaces Required
Wholesale, retail and commercial storage.	One parking space for each employee plus one parking space for each company vehicle plus two spaces, but a total of no less than four spaces.
Industrial	
Manufacturing industries	One parking space for every employee and officer on the maximum employee shift, plus one space for each company vehicle.
Manufacturing research and laboratories.	One parking space for each employee plus one space for each company vehicle. An additional lot or reserved space shall be provided for visitor parking equal to 5% of the employee parking spaces but not less than 3 spaces.
Printing, publishing and allied industries, welding and blacksmith shops, manufacturing, bakeries, dry cleaning and dyeing plants.	One space for each employee on the maximum employee shift plus one space for each company vehicle and five spaces for customer parking.
Trucking terminals, storage yards, building contractors, lumber yards, etc.	One parking space for each employee on the maximum employee shift plus one parking space for each company vehicle, truck, tractor, or trailer stored at the site when not in use.

Industrial	Minimum Number of Parking Spaces Required
Veterinarian office, dog hospitals animal clinics and kennels.	One parking space for each veterinarian and employee and two parking spaces for visitors.

Exception to this Section - Public Parking Lots: Notwithstanding other provisions of this Section when a use is located within 300 feet of an existing or planned public lot the off street parking requirements of this ordinance may be met if the Commission issues a conditional use permit stating that the following conditions have been met:

The public parking lot exists within reasonable distance of the use, or plans for the public parking lot are sufficiently advanced to give reasonable assurance that the lot will be in use within one year of the time of issuance of the conditional use permit.

The owner and/or occupant of the use in question shall sign a covenant agreeing to join an assessment district to pay for the public parking lot.

The public parking lot has or will have sufficient capacity to accommodate the use in question plus other parking needs of existing and potential uses within a reasonable distance of the lot. The Commission shall use the off street parking requirement cited above to estimate the parking spaces needed within a reasonable distance of the lot.

(b) Off Street Loading Requirements.

Every building or structure used for business, trade or industry and normally requiring truck loading or unloading with respect to the use, shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or, if there is no alley, to a street. Off street loading and unloading space shall be in addition to and not

considered as meeting a part of the requirement for off street parking space. Off street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street or adjoining property. The minimum off street loading and unloading space required for specific uses shall be as follows:

Retail Business and Service Establishments: Shall provide one off street loading and unloading space at least ten feet wide and thirty-eight feet long with a 14.6 foot height clearance per building.

Industrial Plants: Shall provide one off street loading and unloading space for each 20,000 square feet of gross floor area. Each loading space shall be a minimum of 12 feet wide and 50 feet long with a 14.6 foot height clearance.

Trucking Terminals: Shall provide one off street loading and unloading space for every 5,000 square feet of total floor area used for storage, warehousing and shipping. Each loading space shall be a minimum of 14.6 feet wide and 65 feet long with a 14 foot height clearance.

(c) Signs

All signs whether they are attached to a structure or are free-standing shall be so located as to conform to minimum yard requirements and maximum height requirements of the district in which the sign is located. A permit shall be obtained from the Planning Department or authorized official before any sign is installed in any district, except that temporary signs, such as real estate, "for sale" signs, and the like shall require no permit.

In any district zoned U, A, RR, C-1, C-2, CWR, H-C, M-1, M-2, M-3 or F, the Planning & Zoning Commission may, as a special exception, permit a sign or sign designed to promote a municipal corporation on which appears no other advertising materials.

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(1) District Limitations:

(a) SR, R-1 and R-2 Districts: No signs intended to be read from off the premises shall be permitted except:

In connection with home occupations, one low wattage (less than 40 watts) illuminated sign, not exceeding one square foot in area, located flat against the wall of the principal building.

Churches, public and quasi public institutions including schools and municipal buildings and uses may erect for their own use one identification or announcement sign or bulletin board not exceeding 20 square feet in area. No such sign shall be closer than 5 feet to any front, side or rear lot line of the property.

For non-conforming commercial uses and day nurseries, one sign, not exceeding 6 square feet in area, to be located flat against the wall of the principal building or more than 20 feet from the lot line and more than 10 feet from side or rear lot lines.

For tract development or housing projects, and containing two acres or more, one sign not exceeding 50 square feet in area, to be erected not closer than 20 feet to any public street nor closer than 10 feet to side or rear lot lines of adjoining property.

No flashing or animated sign shall be permitted, and no source of incandescent or mercury vapor illumination for any sign or premises shall be directly visible from off the property.

(b) RR and R-3 Districts: No sign intended to be read from off the premises shall be permitted except as provided

in (c)(1)(a) of this section and, in addition:

Multi family dwellings, boarding and lodging houses may have one sign, not exceeding 6 square feet in area identifying the premises and indicating "Vacancy" or "No Vacancy". Such signs shall be placed flat against the wall of the principal building, or more than 20 feet from the front lot line and more than 10 feet from side or rear lot lines. Where a multi family dwelling has principal entrances from more than one street one such sign may be erected at each entrance.

Hotels, motels: one sign not exceeding 20 square feet in area identifying the premises and indicating "Vacancy" or "No Vacancy". Such signs shall be placed flat against the wall of the principal building or more than 20 feet from the front lot line and more than 10 feet from side or rear lot lines. Where a hotel or motel abuts more than one arterial or collector street, one such sign may be erected for each such street.

Private clubs and lodges may have one sign, not exceeding 6 square feet in area. Such sign shall be placed flat against the wall of the principal building or more than 20 feet from the front lot line and more than 10 feet from side or rear lot lines.

(c) R-4 District: No signs intended to be read from off of the premises shall be permitted except:

Same as (c)(1)(b) of this section and, in addition, for other uses additionally permitted in this district, one sign not exceeding 20 square feet in area, and extending not more than 3 feet from the wall of the principal building and not extending above the top of any wall.

(d) C-1 and CWR Districts: No signs intended to be read from off of the premises shall be permitted except.

Same as provided in (c)(1)(b) of this section and, in addition:

If there is one business establishment in a building that business may have three signs none of which shall exceed 32 square feet in area. No more than one of such signs shall be placed on any one face of the building.

If two or more business establishments are located in the same building, each business may have two signs, none of which exceed 32 square feet in area. No more than one sign for any business shall be placed on any one face of the building.

Provided, however, no flashing or animated sign shall be permitted; and no source of incandescent or mercury vapor illumination shall be so arranged as to shed direct light upon or beyond any residential district boundary.

(e) C-2 Districts: Signs intended to be read from off of the premises shall be permitted except that a sign shall not project more than three and one-half feet into air space over any public alley other than as permitted by special exception for marquees and the like.

(f) H-C, M-1, M-2 and M-3 Districts: Signs intended to be read from off of the premises shall be permitted subject to the following provisions:

Maximum signing. One square foot per one foot of lot street frontage.

No sign shall be erected within ten feet of any street except signs placed flat against the wall of a building.

(g) U, A, and F Districts: Signs connected with residential uses shall be as provided in (c)(1)(c) of this section.

Signs connected with business, commercial or industrial uses, including hotels and motels, shall be as provided in (c)(1)(f) of this section.

(d) Planned Unit Development Permits.

Purpose. Where a special design proposal for a large scale development makes it desirable to apply regulations more flexible than those contained elsewhere in this ordinance, a Planned Unit Development Permit may be granted. The purpose of such permit is to grant diversification in the location of structures and other site qualities while insuring adequate standards relating to public health, safety, welfare, and convenience in the use and facilities in planned building groups.

Conditions: In any district the Planning & Zoning Commission may grant Planned Unit Development exceptions to district regulations as to use, building height or bulk yards and open areas or other provisions of this ordinance when the following conditions are found:

The tract or parcel of land involved must be a minimum of four acres and must be either in one ownership or the subject of an application filed jointly by the owners of all property included.

The proposed development must be designed to produce an environment of stable and desirable character, and must provide overall standards of population densities, of open space, of circulation, and of off street parking in conformance with the Comprehensive Plan(s) of the Borough and at least equivalent to those required by the terms of this ordinance for the zoning district in which the development is to be located.

The various elements of the development plan must relate to one another in such a way as to form a harmonious, integrated whole of sufficient unity to justify exceptions to the normal regulation of this Ordinance.

The proposed development must not occupy land that is both planned for agriculture by the Comprehensive Pland(s) of the Borough and zoned as A Exclusive Agriculture by this Ordinance.

Application: Applications shall be filed with the Planning Department and shall be accompanied by a total development plan showing the use or uses, dimensions and locations of proposed structures, of parking spaces, and of areas, if any, to be reserved for streets, parks, playgrounds, school sites, and other open spaces. The applicant shall also submit such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance. Such planned unit development permit application shall be accompanied by a fee of $40, no part of which shall be refundable.

Public Hearing. The Planning & Zoning Commission shall hold at least one public hearing on any proposed Planned Unit Development permit application.

Public Notice: At least ten days prior to the granting of any Planned Unit Development Permit, notice of the proposed Planned Unit Development and of the public hearing thereon shall be given by publication in a newspaper of general circulation in the Borough and by mailing of such notices as may be prescribed by State law.

Action. The Planning & Zoning Commission shall act upon an application for a Planned Unit Development Permit within ninety days of the date of such application and shall forthwith notify the applicant of action taken. The Planning & Zoning Commission may authorize the development as submitted or may modify, alter, adjust or amend the plan before authorization, and in authorizing, it shall prescribe a time limit within which development must take place, and such additional conditions as are in its opinion necessary to assure completion of the development

and the objectives of this ordinance. The development as authorized shall be subject to all conditions so imposed, and shall be excepted from other provisions of the ordinance only to the extent specified in the authorization.

Revocation. In any case where a granted Planned Unit Development Permit has not been exercised within one year after the date of granting thereof, then without further action by the Zoning Administrator and/or Planning & Zoning Commission the permit shall be null and void.

(e) Performance Standards.

Applicability: No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness, radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substance, condition or element (referred to herein as "dangerous or objectionable elements"), in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises, provided that any use permitted by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements.

Performance Standards Procedure. Should the Planning & Zoning Commission believe that a proposed use in any district is likely to create or emit dangerous or objectionable elements, it may invoke the performance standards procedure contained herein.

Whenever the performance standards procedure has been invoked for a proposed use, zoning permits therefore may be issued only as authorized by the Planning & Zoning Commission.

Application: Whenever the performance standards procedure has been invoked, the applicant shall submit, in addition to the application for a Zoning Permit, a plan in duplicate and supplemental statement of the proposed machinery, processes and products, and specifications or standards for the mechanisms and techniques to be used in obviating the emission

of dangerous and objectionable elements as set forth in this section.

Report by Expert Consultants: If the Planning & Zoning Commission determines the proposed use may cause the emission of dangerous or objectionable elements, the Planning & Zoning Commission may refer the applicant to one or more expert consultants qualified to advise as to whether a proposed use would adversely affect surrounding areas or adjoining premises by the creation or emission of dangerous or objectionable elements for investigation and report. Such report shall set forth definite findings as to the actual performance of the proposed use and in a positive and concise manner recommend such additional installations or safeguards or devise such standards to be applied as would obviate the creation or emission of dangerous or objectionable elements. Such consultant or consultants shall address his report to the Planning & Zoning Commission and a copy to the applicant at the same time.

Action by Planning & Zoning Commission: Within thirty days after the Planning & Zoning Commission has received the aforesaid application, or the aforesaid report, if a report be required, the Planning & Zoning Commission shall decide whether the proposed use will conform to the requirements of this section and on such basis shall authorize or refuse to authorize issuance of a Zoning Permit or require a modification of the proposed plan of construction or specifications, proposed equipment or operation. Any Zoning Permit so authorized and issued shall be conditioned upon the applicant's completed buildings and installations conforming in operation to the performance standards as stipulated in the Zoning Permit.

Enforcement. Whenever the performance standards procedure has been invoked and a conditioned Zoning Permit as authorized by the Planning & Zoning Commission has been issued, the Planning Department shall investigate any purported violation of performance standards, and, if there is reasonable ground for the same, shall notify the Commission of the occurrence or existence of a probable violation thereof. The Commission shall investigate the alleged violation and for such investigation may employ qualified experts and hold public hearings. If the Commission

finds that a violation has occurred or exists, a copy of said findings shall be forwarded to the Borough Attorney. The services of any qualified experts, employed by the Commission to advise in establishing a violation shall be financed by the violator if said violation is established otherwise by the Borough.

(f) Special Provisions.

Intent and Application: It is the intent of this section to provide standards sufficient to afford continuing protection to property and yet be adaptable enough to avoid unnecessary hardship or interference with growth and natural change. Accordingly these provisions are necessary to govern specific circumstances pertaining to the general rules and provisions established for the various zoning districts.

Trailers as Temporary Use: It shall be a violation of this ordinance to partition a parcel of land into a parcel smaller than the lot size required in the Zoning Ordinance, except when the tract created is applied to other lots. No conveyance of any portion of a lot, for other than a public use, may leave the remaining lot with less than the minimum lot size, width, depth, or setback requirements.

If on the effective date of borough ordinance 26 a lot had an area or dimension which does not conform with the dimensional standards of the zoning district in which it is located, the lot may be occupied by a use, other than dwellings, permitted outright in the district, subject to the other requirements of the district. Multiple family dwellings may be erected in accordance with the lot sizes as set out in the various districts.

In any district where dwellings are allowed, a one or two family dwelling may be erected on a lot that has been recorded in the office of the District Recorder and was not contigious to other property under legal control of the same owner or owners, prior to the effective date of borough ordinance 26 irrespective of the lot width, depth, or area. However no dwelling may be built on a lot of less than 4,500 square feet in area.

Height Limits: Height limitations stipulated elsewhere in this ordinance shall not apply to. tanks, church spires, belfries, domes, monuments, fire and hose towers, chimneys, flagpoles, radio and television towers, masts, aerials, antennae, transmission towers, and other similar structures or facilities. The building height limitation on churches and other conditional uses may be increased at the ratio of one foot for each additional one foot of yard setback provided over the minimum on all lot lines.

Projections into Required Yards: Certain architectural features may project into a required yard as follows:

> Architectural features may project into a required yard not more than four inches for each foot of yard setback required.
>
> Open unenclosed fire escapes may project a distance not exceeding forty eight inches.
>
> An uncovered porch, terrace, or patio extending no more than two and one-half feet above the finished elevation may extend within three feet of a side lot line or within ten feet of a front lot line.

Sloping Lots (Reducing Front Yard Setback): If the natural gradient of the buildable area on a sloping lot from front to rear exceeds twenty five per cent, the front yard setback may be reduced to ten feet except that the front yard shall not be less than the established front yard of any dwelling on adjoining lots.

Shore Line Properties: Yard setbacks are not required in any district from lot lines which are in common with shore lines of the inland waters.

Accessory Buildings (Yard Setbacks). In residential districts, accessory buildings and structures must conform to front and side yard setback requirements. If the accessory building or structure is detached and located behind the rear most line of the main building, it may be located no closer than five feet from the rear lot line.

Accessory Buildings: Accessory buildings shall not be located closer than ten feet to the main building on the same or adjacent properties and shall not be located so as to be closer to the front property line than the main building unless a use permit is first secured.

Double Frontage Lots: Buildings on through lots and corner lots must meet the front yard setback on all lot lines adjoining the streets. Corner lots, at owner's discretion, may have rear yard setback on either of lot lines opposite street frontage.

Sight-Obscuring Fence or Planting: The use for which a sight-obscuring fence or planting is required shall not begin operation until the fence or planting is established.

Visibility at Intersections: On corner lots in residential and industrial districts, no fence, wall, hedge, or other planting or structure that will impede visibility between a height of two and one-half feet and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained, and no vehicle so impeding visibility shall be parked within the triangular area formed by the right of way lines at such corner lots and a straight line joining said right-of-way lines at points which are thirty feet distant from the intersection of the right of way lines and measured along such lines. If the relation of the surface of the lot to the streets is such that visibility is already obscured nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above.

Side Yards on Corner Lots. The minimum side yard on the street side of any corner lot shall be ten feet.

Duration of Permits. In any case where a zoning permit, use permit, or variance permit has not been used within one year after the date of its issuance, such permit shall become automatically void and of no further affect.

Removal of Minerals: Minerals and earth removal may be permitted in any district provided a use permit is first secured in each case.

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Single Family Dwellings, and Trailers in Commercial and Industrial Zones: One dwelling unit, mobile home or living quarter is permitted in the C-2, H-C, M-1, M-2 or M-3 Districts, with a zoning permit, as an accessory use only if the facility is occupied by the owner operator or caretaker of the commercial or industrial use that is conducted on the premises.

Public Utility Poles: Public utility poles may be erected to a greater height limit than the limit established for the district but not to exceed 75 feet.

Front Yards in Any R District: Where twenty-five per cent or more of the lots in any one block or portion thereof in the same district have been improved with buildings, the required front yard may be of a depth equal to the average of the front yards of the improved lots.

Irregular Lot Shapes: Where irregular lot shapes prevent the direct determination of the area and yard requirements for a lot the administrative official shall make determinations as necessary for the administration of this ordinance.

Fences and Walls: Fences and Walls not exceeding six feet in height may occupy any portion of a side or rear yard in any "R" District provided that where such fence or wall projects beyond the front yard line or setback line toward the front property line, the following further restrictions shall apply:

> Such fence or wall shall not exceed four feet in height and shall be constructed so that not more than fifty per cent of the vertical surface thereof above a height of two feet is solid wall.
>
> Planted hedges projecting beyond the front yard line shall not exceed the maximum heights permitted for fences or walls. No fence, wall or hedge shall be erected or maintained on the public property beyond the front property line of any lot or parcel of land, except masonry or concrete retaining walls, and then only to a

height not to exceed six inches above the grade of the earth such wall is constructed to retain. A permit shall first be secured from the building official approving the necessity for and type of such retaining wall.

All fences shall be maintained in a sound and orderly condition and shall be kept free of any advertising matter.

Other uses similar to the above: Wherever the term "other uses similar to the above" is used, such shall mean uses which, in the judgement of the Planning Commission, evidenced by their written decision, are similar to and not more objectionable to the general health and welfare than the uses listed for that particular district in which the proposed use would be located.

Section 20.25.185 Non Conformance. Subject to the following provisions, any lawful use of land and/or building or structure existing or under construction at the time this ordinance was adopted, may be continued.

(a) Purpose.

It is the intent of this section to recognize that the eventual elimination, as expeditiously as is reasonable, of existing uses or structures that are not in conformity with the provision of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this section that any elimination of non-conforming structures shall be effected so as to avoid any unreasonable invasion of established private property rights.

(b) Non-Conforming Structures.

A building designed and built for a conforming use but which does not meet the dimensional standards of the district in which located may be changed, altered or expanded providing the change, alteration or expansion does not further exceed the minimum standards.

The use of non-conforming building or the conduct of a non-conforming use in a building, once discontinued or abandoned for a period of twelve months shall not be resumed unless further use conforms to the ordinance.

A non-conforming use of a building may not be changed to another use prohibited in the zone in which it is located.

The enlargement of a non conforming use of any portion of an existing building which portion was designed and built for such non-conforming use prior to the adoption of the ordinance is permitted, provided no structural alterations are made.

A building designed and built for, or devoted to a non-conforming use at the time of the adoption of this ordinance may not be enlarged, structurally altered, except as required by law or moved on the same or adjoining properties.

When a non conforming building or structure is damaged so that the cost of renewal of the damaged parts exceeds seventy five per cent of the cost of the replacement of the entire building exclusive of foundations, then such building shall not be rebuilt, unless the building and its construction and use complies with the ordinance. The determination of whether a building is destroyed to the extent described shall be made by the Planning & Zoning Commission.

Normal repairs and maintenance may be made to a lawful non conforming building, provided that no structural alterations shall be made, except those required by law or ordinance.

(c) Non-conforming Open Space Land Uses.

Non conforming land uses not involving a principal building shall not be continued longer than five years from the date of adoption of this ordinance, or from the date of a change in the zoning ordinance text or map if the true cash value of improvements at the time such use of land becomes non conforming is less than $2,000 as determined on the basis of evidence obtained from the Borough Assessor.

A use of land shall conform to the requirements of the ordinance governing fences and screening of certain properties within a period of two years from the date of adoption of the ordinance.

Non conforming uses of land outside of a building may not be changed, or expanded or extended either on the same or adjoining property.

Certificate of Occupancy: All owners or operators of non conforming uses of buildings or land shall, within six months of the date when said building or land becomes non conforming obtain a certificate of occupancy which ascertains the protected zoning status of the use. The official administering this ordinance shall notify non conforming users and inform them that they must apply for said certificate, but his failure to do so shall not excuse the property owners from securing said certificate.

Notice of Abatement or Required Conformance: When any non-conforming condition exists which is the subject of abatement or conformance the official administering this ordinance shall notify the owner and/or occupant of the intent to consider all pertinent data in connection therewith and provide the opportunity for the owner and/or occupant to present such evidence which properly relates to such use. The administering official shall establish the facts upon which the determination is made to require such property owner to abate or make the use conforming and shall notify the owner of record, and the occupant in writing of the decision and date by which such use shall be abated or made conforming within ninety days of such mailing, the owner and/or occupant shall be deemed in violation of this ordinance, and subject to the penalties herein.

Change in Regulations: The foregoing provisions of this section shall apply to buildings, land, or uses which, after the effective date of this ordinance, becomes non-conforming due to reclassification of a zoning district, or any subsequent change in the regulations of the ordinance.

Section 20.25.190 Use Permits.

(a) Purpose.

There are certain uses which, because of their characteristics cannot be properly permitted in certain districts, without consideration, in each case, of the impact of those uses upon neighboring land or of the public need for the particular use at the particular location. This section thus provides the necessary degree of control to make such uses consistent with and compatible to existing or projected permissable uses in the same zone or zones.

(b) Procedure for Obtaining Use Permits.

Use permits for uses and structures specified within the "Uses Permitted Subject to First Securing a Use Permit in Each Case" paragraph of the district regulations for each zoning district shall be granted by the Planning & Zoning Commission only in accordance with the following procedures:

A completed Use Permit application provided by the Borough Planning Department and a $25 filing fee shall be submitted to the Planning Commission through the Planning Department. The closing date for filing a use permit application with the Planning & Zoning Commission shall be four weeks prior to the Planning & Zoning Commission meeting at which the applicant desires to be heard, provided, however, that in cases where a study period of more than four weeks is established for a proposed use permit by mutual agreement between the applicant and the Planning & Zoning Commission, the hearing may be deferred.

Before considering the Use Permit application, The Planning & Zoning Commission shall hold a public hearing. Notice of hearings on Use Permit applications shall be published at least 15 days prior to the hearing in a newspaper of general circulation in the Borough. The notice shall indicate the time and place of the hearing and shall include an appropriate description of the item that will be heard. In addition to

the notice indicated above, notice shall be mailed to parties of interest fifteen days before the public hearing. "Parties of interest" shall be construed to be real property owners of record on the Borough Assessor's records within a 300 foot periphery of the property the use permit will apply to.

In determining the merits of the application for a use permit, the Planning & Zoning Commission shall consider that granting the exception will not be harmful to the public health, safety, convenience or welfare, and that the exception will be consistent with the objectives of the ordinance and the provisions of the General Plan.

Such conditions as the Commission deems necessary shall be made a part of the terms under which the use permit is granted, and violation of such terms shall be deemed a violation of this ordinance. Minimum requirements, because of the special nature of uses allowable by exception, shall:

Assure that the proposed use will be appropriate to existing and proposed development in the area.

Prescribe a time limit within which the use permit sought shall be begun or completed or both. Failure to meet the time limit set shall void the use permit. Unless otherwise stipulated, the grant of a special exception shall be valid for a period of not more than three years; provided, however, the Planning & Zoning Commission, upon review, may grant additional two year extensions of time.

Guarantee that the site will be made to conform with the requirements of the ordinance in the event of expiration of the use permit or in the event of failure of the project involving the use permit.

Assure that the proposed use will neither create nor subject pedestrians to hazardous traffic conditions.

Assure the continuity and reasonably economical extension of utilities and public facilities.

Provide that, where residential and non-residential uses adjoin in the same use district, all hazards to safety, health, comfort and repose will be reduced to normal residential levels at residential lot lines and along residential streets by screening dense vegetative buffering, fencing deep landscaped yards or other suitable means.

No use permit shall be granted except by the concurring vote of a majority of the fully constituted membership of the Planning & Zoning Commission.

The Planning & Zoning Commission shall render a decision on the application for a use permit within thirty days. The Commission's action shall be final unless appeal is taken to the appropriate board of adjustment within twenty days.

The Planning Commission's action may be appealed to the appropriate board of adjustment by any party affected by the proceedings, or by a City or Borough official. Upon appeal, the report and records of the Planning & Zoning Commission concerning the case and the decision thereon shall be forwarded to the Board of Adjustment. The Board shall act only upon the record of the Planning Commission regarding the application, supporting materials and public hearing. The board shall make findings and set conditions and safeguards as required above for the Planning & Zoning Commission if an appeal is granted.

Section 20.25.195 Procedure for Zoning Amendments.

A zoning map amendment or a zoning ordinance amendment may be initiated by:

City Councils, City Planning & Zoning Commissions, the Borough Assembly, or Borough Planning & Zoning Commission.

Any individual, corporation or agency, other than those listed above, subject to the conditions that when a zoning map amendment is sought the owner or owners of a majority of the land in the petition area must be submitted on the petition.

Any request for an amendment shall be by submitting a completed application provided by the Borough Planning Department along with a $40 filing fee.

Except for the extension of existing district boundaries, no change in any use district classification on the zoning map shall be considered which involves an area of less than two acres.

The Planning & Zoning Commission and the Borough Assembly shall not consider any proposed amendment to the zoning map which is substantially the same as any other proposed amendment submitted within the previous nine months and which has been rejected.

The Planning & Zoning Commission shall study any application for amendment to determine:

The need and justification for any proposed change of this ordinance or the zoning map.

The effect of a use district change, if any, on the property and on surrounding properties.

The amount of undeveloped land in the general area having the same district classification as that requested or effected by an ordinance amendment.

The relationship of the proposed amendment to the appropriate comprehensive plans with appropriate consideration as to whether the proposed change will further the purposes of this ordinance and the plans.

Before acting on any proposed amendment, the Planning & Zoning Commission shall hold a public hearing. The closing

date for filing an amendment proposal with the Planning & Zoning Commission shall be four weeks prior to the Planning & Zoning Commission meeting at which the applicant wishes to be heard; provided, however, that in cases where a study period of more than four weeks is established for a proposed amendment by mutual agreement between the applicant and the Planning Commission, the hearing may be deferred.

Notice of hearings on proposed amendments shall be published at least fifteen days prior to the hearing in a newspaper of general circulation in the Borough. The notice shall indicate the time and place of the hearing and shall include an appropriate description of each proposed amendment.

In addition to notice as indicated above, due notice shall be mailed to parties of interest ten days before the public hearing. "Parties of interest" shall be construed to be real property owners of record on the Borough Assessor's records within the area and a 300 foot periphery of the proposed area for change.

Within thirty days after the Planning & Zoning Commission has acted favorably on a proposed amendment in accordance with the foregoing provisions, a report and recommendation shall be submitted to the Borough Assembly. If the Planning Commission denies any proposed amendment, its action shall be final unless appealed to the Assembly within twenty days by any person aggrieved.

Before the Borough Assembly may act on a recommendation for amendment to the zoning map or zoning ordinance, the Borough Clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. Such ordinance shall be introduced at a regular or special meeting of the Borough Assembly and a date for a public hearing established. The Clerk shall cause to be published, at least fifteen days prior to the hearing in a newspaper of general circulation in the Borough, a notice indicating the time and place of the hearing and an appropriate description of the proposed ordinance. In addition, the Borough Clerk shall cause due notice to be mailed to parties of interest at least ten days prior to the public hearing.

If there is a protest against a zoning map amendment signed by the owners of twenty per cent or more either of the area of lots included in such proposed change or by the owners of twenty per cent or more of the area of lots immediately abutting the area in the proposed change, or separated from it by an alley or street, the amendment shall not become effective

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except by the favorable vote of three-fourths of all the members of the Borough Assembly.

The Planning & Zoning Commission may recommend, and the Borough Assembly may make modifications of any proposed amendment provided that such change in the amendment would be in the public interest, and provided further, that such modification shall not change the district classification of any property not included in the advertised proposal, nor make any regulation less restrictive than the advertised proposal.

Section 20.25.200 Board(s) of Adjustment.

(a) Board(s) of Adjustment are hereby created. On zoning maters affecting land within a city, the City Council constitutes the Board of Adjustment. The Mayor shall be the presiding officer of the board. The council may convene as a board of adjustment during any regular or special council meeting for any hearing required by this ordinance and which is listed on the council meeting agenda. The mayor, or in his absence, the vice mayor, may administer oaths and compel the attendance of witnesses at meetings of the board which shall be open to the public.

On zoning matters affecting land outside cities, the Borough Assembly constitutes the Board of Adjustment. The president of the Assembly shall be the presiding officer of the board. The Assembly may convene as a board of adjustment during any hearing required by this ordinance and which is listed on the Assembly meeting agenda. The president, or in his absence, the vice president may administer oaths and compel the attendance of witnesses at meetings of the board which shall be open to the public.

(b) Powers and Duties.

The respective Boards of Adjustment shall keep minutes of their proceedings, showing the vote of each member on each question or, if a member is absent or fails to vote, indicating the fact, and shall keep records of its examinations and other official actions. The minutes and records shall be promptly filed in the office of the City Clerk or Borough Clerk and shall be public records.

(1) Each Board of Adjustment shall have the following powers:

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or by a board or commission of the City or Borough in the enforcement or interpretation of the zoning ordinance.

On appeal from the Planning & Zoning

Commission; to grant use permits in accordance with general or specific rules therein contained, subject to additional conditions and safeguards required by public interest, and in harmony with the general purpose and intent of this ordinance.

To authorize variances as will not be contrary to the public interest, where, upon good cause shown, a strict enforcement of the provisions of the ordinance will result in undue hardship, other than pecuniary or self imposed hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

In exercising its appellate powers, the board may, in conformity with these provisions and the terms of this ordinance reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination sought to be made; and for this purpose has the powers of the officer or board or commission from whom the appeal is taken. The concurring vote of a majority of the fully constituted membership of the board shall be necessary to reverse an order, requirement, decision or determination of an administrative official, or a citizen board or commission, or to decide in favor of the applicant or appellant on any matter on which the board is required to pass under the terms of this ordinance, or to make a variance or special exception in the application of the ordinance on appeal from the Board of Examiners and Appeals or the Planning Commission.

(c) Procedure in Appeals Alleging Error in Enforcement or Interpretation.

Appeals alleging error by the administrative official in enforcement or interpretation of the provisions of this ordinance may be taken by any party affected

by the proceedings. Such appeal shall be made by notice in writing to the Board of Adjustment within ten days of the action appealed from. If appeal is not taken as specified herein, the right of appeal shall be in writing and shall state specifically wherein the alleged error is, and the interpretation which the appellant believes should have been given or the exact nature of the interpretation sought. The notice shall be filed with the appropriate city or borough clerk.

The findings of the Board of Adjustment on any appeal, where they involve matters of general interpretation, shall be so recorded in the office of the administrative official as to provide a convenient and continuing guide for future reference.

(d) Procedure for Variances.

Variance requests shall be made by application supplied by the Borough Planning Department to the Board of Adjustments. In cases where a variance is sought, application shall include supporting drawings, and shall state specifically and show graphically the variance or variances being applied for. The notice, and accompanying drawings, which shall be filed with the secretary of the board, shall allege and purport to show:

That special conditions exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same district.

That strict interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

That granting the variance will be in harmony with the objectives of this ordinance, and not injurious to the neighborhood or otherwise

detrimental to the public welfare.

A public hearing shall be held before action is taken on any variance. A date shall be set for the public hearing on the variance application not less than ten days after the application for such is received. Not less than fifteen days before the hearing, public notice shall be given in a newspaper of general circulation in the Borough. In addition, due notice shall be mailed to parties of interest ten days before the public hearing. "Parties of Interest" shall be construed to be real property owners of record on the Borough Assessor's records within a 300' periphery of the property involved.

The Board of Adjustment shall find whether each of the requirements enumerated above have been met.

A concurring vote of a majority of the fully constituted membership of either board shall be required to grant a variance.

A non-conforming use of neighboring lands, buildings, or structures in the same district, and a permitted use of lands, buildings or structures in other districts shall not be considered grounds for issuance of a variance, nor shall the existence of any other variance granted in the same general area constitute grounds for issuance of a similar variance.

In granting any variance, the Board of Adjustment may prescribe conditions and safeguards to assure conformity with the purposes of this ordinance. Violation of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

Any variance granted shall be the minimum variance that will make possible a reasonable use of the land, building or structure; equivalent to but not exceeding the use of similar lands, buildings, or structures permitted generally in the same use district. The Board of Adjustment may reduce the extent of the variance requested.

No variance shall be granted which will permit a use not permitted in the pertinent district by this ordinance.

Any variance granted shall become null and void if the variance is not exercised within one year after being granted or any structure or characteristic of use permitted by variance is moved, removed or discontinued.

A request for variance may be initiated only by the property owner or owners or his authorized agent.

The Board of Adjustment and Appeals shall render its decision on any variance application within a reasonable time.

(e) Appeals from the Board of Adjustment.

An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, or by any taxpayer or any officer, department, board or commission of the City or Borough to the Superior Court of the State of Alaska, Third Judicial District. Upon filing a proper complaint in the superior court and by filing with the City or Borough Clerk written notice within thirty days of the action appealed from, an appeal shall be considered timely otherwise, the decision of the board is final. When the notice of appeal is timely and properly filed, the City or Borough Clerk shall at once transmit to the superior court clerk the original, or certified copies, of all papers constituting the record in the case, together with the order, decision or ruling of the board. A transcript of the electronic recording of the proceedings before the Board of Adjustment shall be filed with the record on appeal. The cost of the transcript shall be borne by the appellant.

(f) Fees.

All applications submitted to a Board of Adjustment shall be accompanied by a filing fee of $25.

Section 20.25.205 Legal Provisions.

(a) Violations Remedies and Penalties.

If there is a violation of the terms of this ordinance, or of any regulation, condition or safeguard adopted in accordance therewith, the Administrative Official, Borough Attorney, Borough Chairman, Borough Assembly or any person aggrieved may institute or cause to be instituted any appropriate criminal or civil action or proceeding to prevent, enjoin, abate, stop, remove or punish such violation.

Every act prohibited by this ordinance or any rule or regulation adopted in pursuance thereof is declared unlawful. Every person convicted of a violation of any provision of this ordinance or any rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. Each act of violation and every day upon which such violation shall occur shall constitute a separate offense.

The penalty provided by this section shall, unless other penalty is expressly provided, apply to the amendment of any section of this ordinance, whether or not such penalty is re-enacted in the amendatory ordinance.

The owner general agent, lessee or tenant of any building, structure, premises or any part thereof in which such violation has been committed or exists, and any architect, surveyor, builder real estate broker, engineer, contractor or other person who commits, participates in, assists in or maintains violation of this ordinance or any regulation, condition or safeguard adopted pursuant to the provisions of this ordinance, may each be found guilty of a separate offense and upon conviction suffer the penalties herein provided.

(b) Minimum Requirements of Ordinance.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion

Ord. 71-21 - Zoning Ordinance - Held Pending for one Year.

Frances Brymer
Borough Clerk

Minutes June 15, 1971

Tabled for 1 yr. until July 1972

Tabled indefinitely

of the public health, safety, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, covenants or contracts, the most restrictive, or that imposing the higher standards, shall govern.

(c) Continuity of Prior Use Permits and Variances

Any valid use permit or variance granted prior to the enactment of this ordinance shall be permitted to continue in accordance with such use permit or variance and is deemed to be in conformity with this ordinance.

(d) Separability

Should any word, phrase, paragraph, subsection, section or provision of this ordinance be found, by a court of competent jurisdiction to be invalid, such finding shall not effect the validity of this ordinance as a whole, or any part thereof other than the part so found to be invalid.

(e) Repeal of Existing Ordinances

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with its provisions, are hereby repealed to the extent necessary to give this ordinance full force and effect.

(f) Effective Date

This ordinance shall take effect in accordance with law thirty days following its final adoption.

PASSED AND APPROVED by the Assembly of the Kenai Peninsula Borough this _____ day of _____, 1971.

_____ _____
Borough Clerk Presiding Officer

Approved this _____ day of _____

_____
Borough Chairman