

# ARTICLE 5. ZONING DISTRICTS

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**DIVISION I: GENERAL PROVISIONS**

**Section 5.010. Purpose**

This Article describes the specific uses to which land and structures may be put in the various zoning districts, and includes special requirements in order for certain uses or structures to be allowed. District regulations such as lot size, lot width, building setbacks, density or floor area ratio and structure height are also included. (Amend.#19)

**Section 5.020. Zoning map**

A. Official zoning map adoption.

1. The boundaries of the various zoning districts are shown on a map entitled “Zoning Districts Map, Lee’s Summit, Missouri” adopted on the date of adoption of this Chapter, and as amended thereafter from time to time.
2. The “Zoning Districts Map, Lee’s Summit, Missouri” is adopted as the Official Zoning Map and is hereby made a part of this Chapter, and all notations, references and other information shown on it shall be a part of this Chapter.
3. The Official Zoning Map, as adopted by the Governing Body and subsequently amended from time to time by its action, shall be maintained by the Director.

B. Changes to official zoning map.

1. Changes due to map amendment.

No changes of any nature shall be made to the Official Zoning Map except in conformity with amendments to the map approved by the Governing Body.

2. Changes due to annexation.

Where city limit boundaries change by virtue of annexation, the following provisions shall apply:

- a. Land area incorporated through annexation shall retain its existing zoning classification until an application for rezoning is submitted to the Director.
- b. Any application for a building permit or development plan shall be processed in the customary manner as it would have been prior to annexation.

3. Changes due to right-of-way vacation.

Whenever any street, alley or public way is vacated by an official action of the Governing Body, the zoning district adjoining each side of such vacated land shall be automatically extended to the center of the land vacated and all land included in the vacation shall then be subject to the regulations and restrictions of that particular district.

4. Notification upon amendment.

Following the approval of a zoning map amendment by the Governing Body, the City Clerk shall transmit a copy of the amendment to the Director. If the action was to rezone property, the Director shall cause the Official Zoning Map to be amended to show the change.

C. Interpretation of boundaries.

1. The boundaries of the districts as shown on the Official Zoning Map shall be determined on the basis of the legal descriptions associated with approved zoning petitions, or, lacking such legal descriptions, on the basis of the location of the boundary as depicted on the Official Zoning Map.
2. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - a. Unless otherwise indicated, the district boundary lines are center lines of streets or railroads or such lines extended, property lines or such lines extended, a line lying in the center of a stream or drainage way, or the city limits of Lee's Summit.
  - b. Where a district boundary line parallels a street right-of-way or discernible topographic feature but no dimension is given, the distance shall be scaled from the Official Zoning Map.
  - c. Where a district boundary line divides a lot that is of single ownership at the time of the effective date of this Chapter, the zoning classification of the larger portion may be interpreted to extend into the smaller portion for a distance of no more than 10 feet.
  - d. In the event the exact location of a boundary cannot be determined by the foregoing methods, the Board of Adjustments shall, upon application, determine the location of the boundary.

**Section 5.030. General requirements applicable to all zoning districts.**

A. Use limits.

Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used for any purpose other than as permitted in the zoning district in which it is situated or as permitted in the approved final development plan.

B. Height or area limits.

Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limits established in the zoning district in which it is situated.

C. Reduction of yards/increase in densities.

Except as otherwise specifically provided, no lot area shall be reduced or diminished so that the yards or other open spaces will be smaller than prescribed, nor shall the density be increased in any manner that exceeds the applicable district standards or approved development plan.

**Section 5.040. Development plan and allowable modifications**

A. Statement of objectives.

The Governing Body may approve a development plan to

1. Permit the use of more flexible land use regulations,

2. Provide latitude in the location of buildings, structures, open spaces, play areas, parking, roads, drives and variations in setback and yard requirements,
3. Facilitate use of the most advantageous techniques of land development, and
4. Encourage the combination and coordination of architectural styles, building forms and relationships.
5. Limit specific uses within the underlying zoning district to a particular development plan when it is deemed more appropriate and/or compatible to surrounding uses, proposed or future uses or when deemed to be in the best interest of the community to limit the uses based on existing and/or proposed traffic conditions and/or concerns.

B. Harmony with existing regulations.

A development plan shall establish regulations and restrictions that are in harmony with the general purpose and intent of this Chapter, but in a manner that allows such regulations to differ in one or more respects from the zoning regulations that are generally applicable to the underlying zoning districts.

C. Modifications to district requirements. (See Section 4.350 E). (Amend.#19)

**DIVISION II: DESCRIPTION OF ZONING DISTRICTS**

**Section 5.050. Zoning districts listed**

For the purpose of regulating and restricting the use of land, or the use of buildings and structures including the erection, construction, reconstruction and alterations of buildings and structures in the City, all land within the City is hereby divided into one of the following districts pursuant to RSMo 89: (Amend.#19)

AG	Agricultural
RDR	Rural Density Residential
RLL	Residential Large Lot (Amend. #19)
R-1	Single Family Residential
RP-1	Planned Single Family Residential
RP-2	Planned Two Family Residential
RP-3	Planned Residential Mixed Use
RP-4	Planned Residential Apartment Use
PRO	Planned Residential Office
NFO	Neighborhood fringe office district
TNZ	Transitional Neighborhood Zone
PO	Planned Office
CP-1	Planned Neighborhood Commercial
CP-2	Planned Community Commercial/Retail
CBD	Planned Central Business District

- CS       Planned Commercial Service District (Amend. #19)
- PI       Planned Industrial (Amend. #34)
- PMIX     Planned Mixed Use/Residential/Office/Commercial/Retail/Business Park

**Section 5.060.   AG Agricultural district**

- A. Statement of intent and purpose. The AG Agricultural District is established to provide areas for restricted agricultural uses, very-low-density residential development and to serve as a “holding zone” to prevent the premature development of large land acreage. The AG District is also established to reduce the impact of urban development on rural areas located outside the sanitary sewer service area. It is also intended to conserve rural character, reduce the demand for urban services, and reduce service delivery costs for local government. (Amend.#19)
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2).
  - 2. Setbacks requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  - 3. Height requirements: (See Table 5-4).
  - 4. Exception to the maximum height requirements is contained in Section 5.290
  - 5. Two (2) residential dwelling units, under the same ownership (Table 5-2), per ten (10) acres is allowed in the AG District.
- D. Performance and design standards.
  - 1. Design standards are applicable to development in this district: (See Article 7).
  - 2. Parking regulations: (See Article 12).
  - 3. Sign regulations: (See Article 13).
  - 4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.070.   RDR Rural density residential**

- A. Statement of intent and purpose. The RDR Rural Density Residential District is established to provide rural density single-family detached residential development on one (1) acre minimum lot sizes. The RDR density supports the Lee’s Summit Comprehensive Plan by providing multiple housing types and varied lot sizes. An RDR subdivision with lot sizes of three (3) acres or less intended to be serviced by a publicly-provided sanitary sewer system. (Amend. #5)
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1 in Section 5.310.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2) in Section 5.320.

2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3) in Section 5.330.
3. Height requirements: (See Table 5-4) in Section 5.340.
4. Exception to the maximum height requirements is contained in Section 5.350.
5. One (1) residential unit per acre is allowed in the RDR District. (Amend.1)

D. Performance and design standards.

1. Design standards are applicable to development in this district: (See Article 7).
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.080. RLL Residential large lot (Amend. #19)**

- A. Statement of intent and purpose. The RLL Residential Large Lot District is established to provide for the maintenance of existing large lot residential subdivisions and for the creation of new large lot single-family detached residential subdivision developments on one-half (.5) acre minimum lot sizes. The RLL residential density supports the Lee's Summit Comprehensive Plan by providing multiple housing types and varied lot sizes. RLL subdivisions of less than 3 acre minimum lot sizes are required to be serviced by a publicly-provided sanitary sewer system. Three (3) acre and larger sized lots may utilize septic systems provided they receive the necessary approvals from the county.
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  1. Density, lot size, and lot width: (See Table 5-2).
  2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  3. Height requirements: (See Table 5-4).
  4. Exception to the maximum height requirements is contained in Section 5.290.
  5. .5 acre is required per lot.
- D. Performance and design standards.
  1. Design standards are not applicable to development in this district.
  2. Parking regulations: (See Article 12).
  3. Sign regulations: (See Article 13).
  4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.090. R-1 Single-family residential district**

- A. Statement of intent and purpose. The R-1 Single-Family Residential District is established to provide low-density, single family detached residential development. The R-1 density supports the goal of the Lee's Summit Comprehensive Plan in providing single-family

densities at a maximum of four (4) units per gross acre in close proximity to existing urban development. This district is designed for areas served by publicly-provided sanitary sewer.

- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2).
  - 2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  - 3. Height requirements: (See Table 5-4).
  - 4. Exception to the maximum height requirements is contained in Section 5.290.
  - 5. Four (4) residential units per one (1) acre is allowed in the R-1 District.
- D. Performance and design standards.
  - 1. Design standards are applicable to development in this district. (See Article 7).
  - 2. Parking regulations: (See Article 12).
  - 3. Sign regulations: (See Article 13).
  - 4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.100. RP-1 Planned single-family residential district**

- A. Statement of intent and purpose. The RP-1 Planned Single-Family Residential District is established to provide single family detached dwellings at higher densities than R-1 will allow by providing more useable open space or specific amenities to be provided as a trade-off. The RP-1 District is intended to promote variations to the standard single family environment i.e., patio homes , cluster homes and zero lot line placement all in keeping with the detached dwelling environment through the establishment of more common use green/open areas. (See C.6. below)
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2).
  - 2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  - 3. Height requirements: (See Table 5-4).
  - 4. Exception to the maximum height requirements is contained in Section 5.290.
  - 5. Six (6) detached residential dwelling units per one (1) acre is allowed in the RP-1 District.
  - 6. The RP-1 District, provides the option for reducing required minimum lots sizes while maintaining overall densities through utilization of the “residential cluster option”. The “cluster option” allows a developer to cluster residential development into a more compact area, in exchange for providing greater open space and protection of environmentally sensitive areas such as flood plains and animal habitats. With

reduction of lot sizes, the “cluster option” also permits savings in road and utility costs to a developer. See Article 7, Design Standards for specific “cluster option” standards.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7).
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.110. RP-2 Planned two-family residential district**

A. Statement of intent and purpose. The RP-2 Planned Two-Family Residential District is established to provide opportunities for a moderate-density mix of single family and duplex residential development at a maximum density of seven and one-half (7.5) units per gross acre. This district is designed for areas served by publicly-provided sanitary sewer.

B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.

C. Height and area regulations.

1. Density, lot size, and lot width: (See Table 5-2).
2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
3. Height requirements: (See Table 5-4).
4. Exception to the maximum height requirements is contained in Section 5.290.
5. Seven and one-half (7.5) residential units per one (1) acre is allowed in the RP-2 District.
6. In the RP-2 District, an option for reducing required minimum lots sizes while maintaining overall densities is provided through utilization of the “residential cluster option” The “cluster option” allows a developer to cluster residential development into a more compact area, in exchange for providing greater open space and protection of environmentally sensitive areas such as flood plains and animal habitats. With reduction of lot sizes, the “cluster option” also permits savings in road and utility costs to a developer. See Article 7, Design Standards, for specific “cluster option” standards.

D. Performance and design standards.

1. Design standards are applicable to development in this district: (See Article 7).
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).
5. The architectural features of the two-family (duplex) units are required to blend harmoniously with traditional detached single-family development.



**Section 5.120. RP-3 Planned residential mixed use district**

- A. Statement of intent and purpose. The RP-3 Planned Residential Mixed Use District is established to provide opportunities for medium-density mixed residential use development at a maximum of ten (10) units per gross acre. The RP-3 District provides for a mix of one, two, three and four-family attached and detached dwelling units. While providing for a wide range of dwelling types the RP-3 district may also be appropriate in large scale mixed use developments or as a residential re-use option in obsolete commercial or office centers. This district is designed for areas served by publicly provided sanitary sewer.
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2).
  - 2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  - 3. Height requirements: (See Table 5-4).
  - 4. Exception to the maximum height requirements is contained in Section 5.290.
  - 5. Ten (10) residential units per one (1) acre is allowed in the RP-3 District.
- D. Performance and design standards.
  - 1. Design standards are applicable to development in this district. (See Article 7).
  - 2. Parking regulations: (See Article 12).
  - 3. Sign regulations: (See Article 13).
  - 4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.130. RP-4 Planned apartment residential district**

- A. Statement of intent and purpose. The RP-4 Planned Apartment Residential District is established to provide opportunities for medium/high (Amend.#19)-density residential development at a maximum density of twelve (12) units per gross acre. The RP-4 District provides for a mix of multi-family attached dwelling units and/or apartments. This district is designed for areas served by publicly provided sanitary sewer.
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  - 1. Density, lot size, and lot width: (See Table 5-2).
  - 2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  - 3. Height requirements: (See Table 5-4).
  - 4. Exception to the maximum height requirements is contained in Section 5.290.
  - 5. Varied densities are applicable in the RP-4 District, however a maximum apartment density shall not exceed twelve (12) residential units per one (1) acre.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7).
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).
5. In the RP-4 District, a mix of duplexes, triplexes, quadplexes, townhouses and/or apartments is considered appropriate, if effectively sited, landscaped, and buffered and adequate provisions for access and open space are made. Complementary architectural features should be a key element in seamlessly blending the mix of residential uses and densities.

**Section 5.140. PRO Planned residential office district**

- A. Statement of intent and purpose. The PRO Planned-Residential Office District is designed for small-scale office or mixed uses of residential and office uses in close proximity to residential development. The PRO District is suitable for areas that are transitioning to more non-residential character. The PRO District is also suitable for in-fill development in close proximity to existing residential development or as a land use buffer for higher intensity uses. The PRO District recognizes the need to protect adjacent residential uses, thus the basic character of the PRO District encourages a compatible mixture of residential and office types of land uses. This district is identified as one in which the physical character and design of existing and proposed new structures play an important role in assuring compatibility with existing or planned residential development. Review of building design, uses, buffers, landscaping, lighting and parking are recognized as essential for the establishment and maintenance of the character of this district. Areas zoned PRO are not intended for moderate-to-large office centers. Uses that create excess noise, traffic or odors are not permitted in this district. (Amend.#16)
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
1. FAR (floor-area ratio), density and lot width: (See Table 5-2).
  2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  3. Height requirements: (See Table 5-4).
  4. Exception to the maximum height requirements is contained in Section 5.290.
  5. New buildings in the PRO District may not exceed 2,500 square feet. However, pre-existing residential structures that exceed this building maximum, may be considered for rezoning to the PRO District.
- D. Performance and design standards.
1. Design standards are applicable to development in this district. (See Article 7).
  2. Parking regulations: (See Article 12). Parking shall be confined to the rear yard and must be properly buffered from view of adjacent residential uses.

3. Sign regulations: (See Article 13). Signage shall be designed to have minimal impact on neighboring residential properties.
4. Landscaping, buffering and tree protection: (See Article 14). Landscaping and lighting shall be designed to blend with the residential character of the area.
5. Properties in the PRO District are required to reflect a residential character in design, landscaping, parking and lighting.
6. Office uses are limited to businesses that generate no more than 100 vehicular trips per day.
7. Window displays or other displays of work are not permitted to be visible from the exterior of the building.
8. Standards for new structures.
  - a. New structures and alterations of or additions to existing structures shall utilize the shapes and proportions common to single-family residential architecture as guides to the architectural design.
  - b. The rhythm, pattern or placement of windows, doors, chimneys, gables, dormers, roof pitch, offsets in the walls, and other elements should also be considered in creating residential compatibility.

**Section 5.150. NFO Neighborhood fringe office district**

A. Statement of intent and purpose. The NFO Neighborhood fringe office district is intended for single-family residential dwellings with an office use opportunity, but only if the occupant of the dwelling is the intended office user. The NFO district may be established either:

1. As an infill development on a vacant parcel; or
2. As a redevelopment opportunity of an existing developed parcel; or
3. Within existing single-family residential homes.

The NFO District is suitable for areas that are adjacent to TNZ districts and/or transitioning to less intense residential neighborhoods.

B. Uses.

1. Single-family dwellings, attached and detached, and certain other limited uses found in Table 5-1 are allowed in this district provided they meet the requirements of "A" above.
2. Apartment dwelling units or office use above a detached garage (or attached by breezeway) provided performance and design standards in "D" below are satisfied.

C. Height and area regulations. See Tables 5-2, 5-3, and 5-4.

D. Performance and design standards.

1. Parking lots are prohibited.
2. Signage shall be limited to:
  - One non-lighted wall or projecting sign 6 square feet maximum area, located near the front door of the home/business entrance; or

- One non-lighted free standing hanging sign no larger than 8 sq. ft., supported by the extended arm of a single post, with the top edge of the sign face not exceeding 6 feet above grade level and landscaped around the sign base.
3. The residential character (architecture) of the dwelling shall not be changed.
  4. Fifty percent (50%) of the dwelling (1<sup>st</sup> and 2<sup>nd</sup> floor area) may be utilized for office use provided the occupant of the dwelling is the office user. Basements may not be utilized for office use.
  5. The second story above a detached garage (or garage attached by breezeway) may be utilized as an office in lieu of (4) above provided the area does not exceed the area allowed in (4) above.
  6. New residential structures including infill development or redevelopment of existing parcels shall be compatible to other homes within the general area and should reflect a similar time period of architecture, i.e., front/side porches, gable roofs, dormer windows, columns, detached garages, etc.
  7. Number of employees – No persons other than self or family members residing on the premises, plus one additional person not residing on the premises, shall be employed or involved in any business activity on the premises.
  8. The uses within this district shall be exempt from Article 14 Landscaping of this Chapter.
  9. Fences shall not be located closer to the street than the front of the dwelling.

**Section 5.160. TNZ Transitional Neighborhood Zone**

- A. Statement of intent and purpose. The TNZ District is a Planned-Transitional Neighborhood District designed for a compatible mix of residential, office and limited specialty retail uses in close proximity to the CBD, Central Business District of downtown and the surrounding residential development. The TNZ District is suitable as a transitional zone for areas that are intended to serve as a buffer between more intense CBD uses and adjoining residential neighborhoods. The TNZ District recognizes the need to provide a mixed use environment while at the same time preserving existing residential neighborhoods. This district is identified as one in which the physical character and design of existing and proposed new structures play an important role in assuring compatibility with existing or planned residential development. The TNZ District is not intended for infill sites outside of the Downtown Core as established in the Downtown Master Development Plan.

Review of certain performance standards, specified below, is recognized as essential for the establishment and maintenance of the character of this district. Properties zoned TNZ are not intended for retail or office centers but as individual lots with business uses that maintain a residential character complimenting the surrounding neighborhood. Commercial uses that create noise, traffic in excess of 110 vehicles trips per day or more than 20 vehicle trips per peak hour operation or noxious odors are not permitted in this district.

- B. Permitted Uses.
1. Single family residential
  2. Two-family residential
  3. Second floor loft residential units
  4. Tea room
  5. Barber/beauty shop
  6. Craft store

7. Boutique store
8. Book store
9. Photo shop
10. Bakeshop/Pastry shop
11. Bed and breakfast
12. Professional office (medical and non-medical)
13. Chiropractor/massage therapy office
14. Music store (limited) instruments, sheet music, lessons
15. Ice cream/confectionary store
16. Alterations/tailor shop
17. Shoe repair
18. Specialty retail, i.e., gifts, collectables, antiques, cards, etc.
19. Parking lot/parking structure
20. Day Care Center/Day Care, Group
21. School
22. Post Office
23. Library
24. Museum
25. Civic or Fraternal Organization
26. Government Building

C. Uses permitted with Conditions

1. Church, temple or synagogue or place worship (See Article 9)
2. Reserved

D. Height and area regulations

1. Required Yards (setbacks):
  - a) Front: 0-15 feet maximum (Corner lots: 0-15 feet maximum per frontage) or within 5 feet of the established median setback of the structures on the adjoining property
  - b) Rear: 15 feet (Alley garage: 4 feet)
  - c) Side: 5 feet, except for zero lot line developments
2. Lot Area: N/A, Setbacks and Lot Coverage shall dictate
3. Lot Coverage (Impermeable area including parking lots): 80% max.
4. Parking: (See Article 12)
5. Parking lots: Shall be subject to 10 foot minimum yard setbacks or acceptable alternative i.e., can be less if screening wall or landscape screening is provided to shield vehicle lights
6. Height: 40 feet max.

E. Performance and design standards. In reviewing any application for development or redevelopment within the TNZ district the Commission and/or Governing Body may give consideration to the criteria stated below, to the extent they are pertinent to the particular application.

1. Building design and character – Existing and new buildings are expected to reflect the residential character of building design and be compatible with adjacent residential style properties.

2. Uses – Uses not identified in “B” or “C” above may be considered but only as special uses within this district and must comply with Article 10 of this Chapter.
3. Setbacks – Shall comply with “D” above.
4. Hours of operation – Hours of operation may be established or limited by the Commission and/or Governing Body.
5. Landscaping – Shall be approved per plan, in lieu of Article 14 of this Chapter, and shall consist of ornamental type landscape varieties, i.e., flowering trees, 1.5 inch diameter; small/low scale shrubs, 2 gallon size; and ground covers to soften the hardscape of the urban environment.
6. Lighting – Lighting, if provided, shall be limited in numbers and in intensity to 150 watts maximum, or within 50 watts of surrounding properties intensity, per fixture and be of a pedestrian scale compatible to residential areas within the immediate vicinity. Wall packs shall be prohibited. Parking lot lighting shall also be prohibited except for the use of bollard type lighting not exceeding 4 feet in height.
7. Parking lot landscaping– Parking lots shall be landscaped in accordance with the requirements of this Chapter except where decorative screening walls are provided for reducing the required setbacks to less than 10 feet.
8. Signage – Signage shall be limited to:
  - a. One wall or projecting sign 6 square feet maximum located near the front door of the business; and
  - b. One free-standing hanging sign no larger than 8 square feet, supported by the extended arm of a single post, with the top edge of the sign face not exceeding 6 feet above grade level.
  - c. Lighted signage shall not exceed the wattage established for lighted signs within the area in which located.

**Section 5.170. PO Planned office district**

- A. Statement of intent and purpose. The PO Planned Office District is established to provide for both private and public administrative and professional offices.
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  1. FAR (floor area ratio), density and lot width: (See Table 5-2).
  2. Setback requirements, including minimum front yard, side yard, and rear yard standards: (See Table 5-3).
  3. Height requirements: (See Table 5-4).
  4. Exception to the maximum height requirements is contained in Section 5.290.
- D. Performance and design standards.
  1. Design standards are applicable to development in this district. (See Article 7).
  2. Parking regulations: (See Article 12).
  3. Sign regulations: (See Article 13).

4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.180. CP-1 Planned Neighborhood commercial district**

- A. Statement of intent and purpose. The CP-1 Neighborhood Commercial District is established to provide for office, commercial and public uses that are of a scale that serve surrounding neighborhoods.
- B. Uses. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
- C. Height and area regulations.
  1. FAR (floor area ratio), density and lot width: (See Table 5-2).
  2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
  3. Height requirements: (See Table 5-4).
  4. Exception to the maximum height requirements is contained in Section 5.290.
  5. Due to the “neighborhood” scale of this district, buildings containing retail sales and services that range in size from 1,000 to 15,000 square feet are most appropriate.
- D. Performance and design standards.
  1. Design standards are applicable to development in this district. (See Article 7). Design standards encourage on-street parking, buildings with zero front yard setbacks, parking lots that are not positioned as primary uses along pedestrian walkways, and wide sidewalks that encourage use for both pedestrians and outside dining.
  2. Parking regulations: (See Article 12).
  3. Sign regulations: (See Article 13).
  4. Landscaping, buffering and tree protection: (See Article 14).
  5. Neighborhood-oriented office development that generates pedestrian activity shall be located on ground-floor levels in the CP-1 District. Office uses that do not create the same level of street activity or do not have a high visibility need shall be located on the second or above floors, or in space to the rear of the retail buildings.
  6. Residential development is considered appropriate in the CP-1 District if built in a manner that supports the neighborhood commercial character of the area. This includes such uses as units above stores (loft units), elderly apartments, townhomes, or small, single-entry four-unit type walk-up apartments, i.e. row house concept.

**Section 5.190. CP-2 Planned community commercial district**

- A. Statement of intent and purpose. The CP-2 Community Commercial District is established to provide a location for a full-range of retail and office development serving the general needs of the community. The CP-2 District is not considered appropriate for heavier commercial uses that border on being more light industrial in nature, and thus more appropriate for the BP or L-I District. The intent of the CP-2 District is to promote a streetscape that encourages buildings to be moved forward adjacent to the front yard setback line or adjacent to the required landscape improvements. This site design improves the benefits derived from the required landscaping and the overall image of the commercial corridor.

B. Uses.

1. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
2. Apartment, townhouses or loft development is considered appropriate in the CP-2 District, if planned as a part of the overall development.

C. Height and area regulations.

1. FAR (floor-area ratio), density and lot width: (See Table 5-2).
2. Setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
3. Height requirements: (See Table 5-4).
4. Exception to the maximum height requirements is contained in Section 5.290.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7). Design standards encourage on-street parking and wide sidewalks that encourage use for both pedestrians and outside dining.
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.200. CBD Planned central business district**

A. Statement of intent and purpose. The CBD Planned Central Business District is established to permit the most intensive use of land that combines a variety of commercial, office, residential and public uses. The district is designed to have uses that are centrally located and compact so that maximum convenience is afforded the users and occupants of the district. It is the intent of the CBD District to be pedestrian friendly.

B. Uses.

1. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
2. In the CBD District, residential loft and townhouse developments are encouraged.
3. Vertical mixed-use development is encouraged with combinations of retail, office, and residential uses.
4. Parking structures are allowed as a permitted use or accessory use.

C. Height and area regulations.

1. FAR (floor-area ratio), density and lot width: (See Table 5-2).
2. The setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3). Minimal or no yard setbacks are required, to encourage buildings to locate adjacent to the property line and utilize on-street or structured parking to the greatest extent possible.
3. Height requirements: (See Table 5-4).



4. Exception to the maximum height requirements is contained in Section 5.290.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7). Design standards encourage on-street parking and wide sidewalks that encourage use for both pedestrians and outside dining.
2. Parking regulations: (See Article 12). On-street, to-the-rear, or structured parking is encouraged over front or side surface parking lots.
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.210. CS Planned commercial services district (Amend.#19)**

A. Statement of intent and purpose. The CS Planned Commercial Services District is intended to provide for service type uses that require screened outdoor storage of equipment and materials in conjunction with office warehouse facilities. The CS district is not intended to operate as an industrial district but to provide for quality low intensity transitional uses between commercial and industrial districts.

B. Uses.

1. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1
2. Reserved

C. Height and area regulations.

1. FAR (floor-area ratio), density and lot width: (See Table 5-2).
2. The setback requirements, including minimum front yard, side yard and rear yard standards: (See Table 5-3) in Section 5.330. Minimal or no yard setbacks are required, to encourage buildings to locate adjacent to the property line and utilize on-street or structured parking to the greatest extent possible.
3. Height requirements: (See Table 5-4).
4. Exception to the maximum height requirements is contained in Section 5.290.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7). Design standards encourage on-street parking and wide sidewalks that encourage use for both pedestrians and outside dining.
2. Parking regulations: (See Article 12). On-street, to-the-rear, or structured parking is encouraged over front or side surface parking lots.
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).

**Section 5.220. PI Planned industrial district (Amend. #34)**

A. Statement of intent and purpose. The PI Planned Industrial District is established to provide for industrial uses that are fully indoor operations with outside storage only

permitted within fully-screened enclosures to the rear or side lot areas. The PI District is intended to provide areas for light manufacturing uses that primarily involve finishing or assembly of previously manufactured goods. The district is also intended to provide for the location of wholesaling, distribution or warehousing uses.

B. Uses.

1. Permitted principal and accessory uses, uses permitted as of right but with conditions, and special uses are contained in Table 5-1.
2. The PI District excludes manufacturing or industrial uses that emit noxious odors, dust, fumes, gas, noise or vibration. It also excludes hazardous materials such as those involving bulk storage of gasoline or toxic chemicals.

C. Height and area regulations.

1. FAR (floor-area ratio), density and lot area/width: (See Table 5-2).
2. Setback regulations, including minimum front yard, side yard and rear yard standards: (See Table 5-3).
3. Height requirements: (See Table 5-4).
4. Exception to the maximum height requirements is contained in Section 5.290.

D. Performance and design standards.

1. Design standards are applicable to development in this district. (See Article 7).
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).
5. This district is designed for industrial and warehousing uses that do not have a detrimental effect upon adjoining residential, office or commercial development.
6. Physical appearance.
  - a. All operations shall be carried on within an enclosed building except that new finished products or equipment in operable condition may be stored outside only within fully-screened enclosures to the rear or side lot areas.
  - b. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are screened from view.
  - c. All company service vehicles, fleet trucks, etc., used in conjunction with a permitted use shall be stored overnight such that they are screened with a landscape buffer, or are not visible from a public street.
7. Performance standards.
  - a. Fire hazard. All flammable substances involved in any activity established in this district shall be handled in conformance with the latest edition of the Uniform Fire Code published by the American Insurance Association and applicable codes and ordinances.
  - b. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a

suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges. All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.

- c. Sewage and other liquid waste. No operation shall be carried on which involves the discharge into a sewer, water course, or the ground of liquid wastes of any radioactive nature or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- d. Air contaminants.
  - (1) Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one (1) four (4) minute period in each one-half ( $\frac{1}{2}$ ) hour. Light colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
  - (2) Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths (0.2) grain per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half ( $\frac{1}{2}$ ) hour, at which time it may equal but not exceed six-tenths (0.6) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.
  - (3) Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other materials in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.
- c. Odor. The emission of odors that are generally agreed to be obnoxious to any considerable number of persons shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor, it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Chapter.
- d. Gasses. The gasses sulfur dioxide and hydrogen sulfide shall not exceed five (5) parts per million. All nitrous fumes shall not exceed one (1) part per million. Measurements shall be taken at the property line of the particular establishment involved.
- e. Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration, and in no case shall such vibration exceed a displacement of three thousandths ( $\frac{3}{1,000}$ ) of an inch measured at the property line. The use of steam or broad hammers shall not be permitted in this district.

- f. Glare and heat. Glare, such as welding arcs and open furnaces, shall be shielded so that it shall not be visible from the property line. No heat from furnaces or processing equipment shall be sensed at the property line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.
- g. Hazardous materials. Operations involving the storage or use of hazardous materials in reportable quantities, as classified by the Environmental Protection Agency (EPA), shall obtain any necessary permits from the Fire Department and make improvements to the building and grounds required by the Uniform Fire Code.

**Section 5.230. PMIX Planned mixed use district**

**A. Statement of intent and purpose.**

- 1. It is the Governing Body's intent, in providing for a PMIX Planned Mixed Use District, to
  - a. Allow greater flexibility in development standards (lot coverage, setbacks, building heights, lot sizes, etc.) to facilitate adaptation of development to the unique conditions of a particular site,
  - b. Permit a mixture of uses which, with proper design and planning, will be compatible with each other and with surrounding uses or zoning districts and will permit a finer-grained and more comprehensive response to market demand, and
  - c. Obtain greater economic vitality, higher standards of site and building design, a high level of environmental sensitivity, and more satisfying living and working environments than can be achieved under the standards of other zoning districts.
- 2. Applicability. An area may be considered for rezoning to PMIX District if any one of the following conditions exist:
  - a. More than one land use is proposed for development on a single parcel, where only a single use is permitted under other zoning classifications.
  - b. Different land uses that would not otherwise be permitted to locate within the same zoning district are proposed for development on one or more adjacent parcels under single or separate ownership.
  - c. An exception or variation from the size, setback, frontage, density, uses or other standards that are required in other zoning districts permitting the same uses are being proposed as part of a development plan.

**B. Uses.**

- 1. Residential uses.
  - a. Characteristics.
    - (1) A PMIX may allow for a more flexible placement, arrangement and orientation of residential structures, with accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking.
    - (2) The PMIX also may provide for a mixture of housing types (single-family, two-family, multi-family, etc.) according to a carefully drawn plan.

(3) The proposed residential development shall make maximum use of natural features, and, through proper site planning measures, it shall be compatible with the existing character and development pattern of the surrounding area.

b. General requirements.

The following special items shall be included in the final development plan application:

- (1) The proposed architectural style and siting of all duplex and multi-family structures shall be indicated.
- (2) If development standards (lot coverage, setbacks, building heights, lot sizes, etc.) are not specifically proposed by the applicant or specific standards are not established by the Governing Body at the time of approval, then the applicable standards of the R-1 district shall apply.

2. Office uses.

a. Characteristics.

A PMIX may contain orderly, well-designed office and institutional uses compatible with the surrounding area.

b. Requirements.

If development standards (lot coverage, setbacks, building heights, lot sizes, etc.) are not specifically proposed by the applicant or specific standards are not established by the Governing Body at the time of approval, then the applicable standards of the PO district shall apply.

3. Commercial uses.

a. Characteristics.

A PMIX may provide for maximum attainable commercial usage of property while ensuring development consistent with the Governing Body's long-range plans.

b. Requirements.

If development standards (lot coverage, setbacks, building heights, lot sizes, etc.) are not specifically proposed by the applicant or specific standards are not established by the Governing Body at the time of approval, then the applicable standards of the CP-2 district shall apply.

4. Industrial uses.

a. Characteristics.

A PMIX may contain land designated for a single industrial use or for multiple but compatible industrial uses in an industrial park.

b. Requirements.

If development standards (lot coverage, setbacks, building heights, lot sizes, etc.) are not specifically proposed by the applicant or specific standards are not established by the Governing Body at the time of approval, then the applicable standards of the PI-1 district shall apply.

5. Special uses.

Approval of a use requiring a “special use permit” shall be considered as an amendment to the PMIX District. In considering a “special use permit,” in addition to criteria of Article 10, all rezoning considerations for a PMIX District shall be applicable.

C. Height and area regulations.

1. Densities, lot sizes, structure heights and structure setbacks are established a part of the zoning approval for each particular PMIX zoning approval. The maximum structure height requirements applicable to this district are found in Table 5-4.

D. Performance and design standards.

1. Design standards) are applicable to development in this district. (See Article 7). Standards are established in the zoning approval for the PMIX.
2. Parking regulations: (See Article 12).
3. Sign regulations: (See Article 13).
4. Landscaping, buffering and tree protection: (See Article 14).
5. Minimum site requirements.
  - a. A site proposed for a PMIX District classification shall contain a contiguous area of five (5) acres or more, unless a smaller area is specifically approved by the Governing Body due to special and unusual circumstances. (Amend.#3) Property shall be deemed to be contiguous if all parts are under unified control, to ensure that the development plan can be executed as approved, and all parts abut or are separated by only a road, easement, or right-of-way.
  - b. The site shall abut a public street for a distance of at least one hundred (100) feet.
6. Open space.
  - a. All open spaces not proposed for dedication to the City shall have the proposed maintenance and ownership agreements explained in detail.
  - b. The landowner shall establish an organization for ownership and maintenance of common open space, and that organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space). The conditions of any transfer shall conform to the approved final development plan. The final development plan application shall include a description (in narrative form) of the ownership and maintenance organization and copies of any covenants, restrictions, by-laws and agreements proposed. If the maintenance organization will be a corporation, a copy of the articles of incorporation shall be included in the final development plan application.
  - c. The Director may stipulate additional provisions for minimum widths and areas, interconnection, desirable features, uses of open space and access to open space. The Director shall ensure that land counted as open space is usable by and suitable for occupants of the development and that it enhances the value of the area.

### **DIVISION III: PERMITTED USES AND RELATED STANDARDS**

#### **Section 5.250. Other applicable regulations**

- A. The following sections or articles further regulate uses within each zoning district, the requirements of which shall be satisfied as applicable to any proposed development:
- B. Airports, flood plains, historic districts, residential cluster development and transportation corridors.  

Applicable standards regulating development in or near airports, flood plains, historical districts, residential cluster subdivisions or major transportation corridors are contained in Article 6 (Overlay Districts).
- C. Design standards.  

Applicable standards regarding design requirements for residential, office, commercial and industrial development are contained in Article 7 (Design Standards).
- D. Accessory uses and uses permitted with conditions.  

Applicable standards regulating accessory uses and uses permitted with conditions are contained in Article 8 and Article 9 respectively. (Accessory Uses and Structures and Uses Permitted with Conditions).
- E. Special use permits.  

For any use listed as a special use in Table 5-1, applicable standards regulating uses subject to special use permits are contained in Article 10 (Special Use Permits).
- F. Parking requirements.  

Applicable standards regulating parking are contained in Article 12 (Parking).
- G. Sign regulations.  

Applicable standards regulating signs are contained in Article 13 (Sign Regulations).
- H. Landscaping, buffering and tree protection.  

Applicable regulations regulating landscaping, buffering and tree protection are contained in Article 14 (Landscaping, Buffering and Tree Protection).

#### **Section 5.260. Permitted, conditional and special use tables**

- A. Uses that are permitted by right or permitted by right but with conditions and uses permitted as special uses are shown in Table 5-1.
- B. In a PMIX District, permitted uses are specified as part of the zoning approval for each development.
- C. Any use not shown as a permitted, conditional or special use in a zoning district is specifically prohibited in that district.
- D. Uses that are allowed in the PMIX District pursuant to Table 5-1 may be modified by the Governing Body when it is determined that a better overall plan can be achieved.



**Table 5-1**

**List of Permitted, Conditional and Special Uses  
(Amend. #37)**

Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use Per approved Plan	S *
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
<b>PRINCIPAL USES</b>																		
<b>Agriculture</b>																		
Agriculture Operation	C	C																
Horse Riding Stable, Track or Polo Field (Commercial)	C	C																*
Plant nursery, garden center, greenhouse (Commercial)	C	C										S	S		S			*
<b>Residential</b>																		
Dwelling, Single-Family Detached	P	P	P	P	P	P	P		P	P								*
Dwelling, Single-Family Attached (Townhouse)						P	P	P	P	P				P				*
Dwelling, Two-Family ("Duplex")						P	P	P						P				*
Dwelling, Three-Family ("Triplex")							P	P						P				*
Dwelling, Four-Family ("Fourplex")							P	P						P				*

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Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use	S
Per approved Plan	*
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Dwelling, Multi-Family (Apartment)								P						P				*
Dwelling, Loft									P	P	P	P	P	P				*
Dwelling, Zero-Lot Line Development					P	P	P		P	P				P				*
Convalescent, Nursing or Retirement Home	S	S	S	S	S	S	S	S	S		S	S	S					*
Group Home for Persons w/Disabilities, Hospice, or Special Care	S	S					S	S				S	S					*
Halfway House	S	S					S	S				S	S					*
Manufactured Home Park	S	S																*
<b>Offices</b>																		
Accounting, Auditing or Bookkeeping Office									P	P	P	P	P	P	P	P		*
Advertising Agency									P		P	P	P	P	P	P		*
Bank (Amend. #33)											C	C	C	C	C	C		C*
Bank Drive-Through (Amend. #33)											C	C	C	C	C	C		C*
Brokerage for Securities or Commodities									P		P	P	P	P	P	P		*
Building Contractor or Construction Contractor Firm/Office (no machinery, equipment or storage)											P	P	P	P	P	P		*
Business Office, General									P	P	P	P	P	P	P	P		*

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Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use	S
Per approved Plan	*
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Business Office, Professional or Trade Organization									P		P	P	P	P	P	P		*
Check cashing, business (See Unsecured Loan Business) (Amend. #33)																		
Employment or Personnel Agency											P	P	P	P	P	P		*
Engineering, Architectural or Other Professional Office									P	P	P	P	P	P	P	P		*
Financial Services (Amend. #33)											C	C	C	C	C	C		C
Financial Services with drive-up window or drive-through facility (Amend. #33)											C	C	C	C	C	C		C
Insurance Company or Carrier									P		P	P	P	P	P	P		*
Legal Services Office									P		P	P	P	P	P	P		*
Management and Public Relations Service									P		P	P	P	P	P	P		*
Medical or Dental Offices or Labs											P	P	P	P	P	P		*
Political Organization Office									P		P	P	P	P	P	P		*
Real Estate Office									P		P	P	P	P	P	P		*
Secretarial or Court Reporting Service									P	P	P	P	P	P	P	P		*
Title Loan Business (Amend. #33)											C	C	C	C	C	C		C*
Unsecured Loan Business (Amend. #33)											C	C	C	C	C	C		C*

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Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use	S
Per approved Plan	*
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
<b>Retail Sales and Services</b>																		
Adult Business (Amend. #3)													C		C			
Adult Entertainment Business (Amend. #3)													C		C			
Adult Personal Services													C		C			
Agricultural Sales and Services	C	C	C										C		C	C		*
Airline Ticket Office											P	P	P	P	P			*
Ambulance Service															P	P		*
Apparel and Accessory Stores												P	P	P				*
Appliance Repair Service												C	C		C	C		*
Appliance Store												P	P	P	P			*
Arts and Crafts Studio												P	P	P	P	P		*
Audio/Video Sales and Rentals												P	P		P			*
Automotive Parking Garage or Lot													P	P	P	P		*
Automotive Parts and Supply Store													P		P	P		*
Automotive Rental Agency													C		C	C		*
Automotive Repair Services – Major Repairs (Amend. #33)													S		S	S		*
Automotive Repair Shop – Minor Repair (Amend. #3)													C		C	C		*
Automotive Sales or Lease (Amend. #3)													S		S	S		*
Automotive Service Station													C		C	C		*
Automotive Tire Store													P		P	P		*

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Use is permitted by right  
 Use is permitted by right but with conditions  
 Use may be permitted as a Special Use  
 Per approved Plan  
 Use is not permitted

	P
	C
	S
	*

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Automotive Upholstery Shop (see Repair Services in Article 9)													C		C	C		*
Automotive Washing (See Car Wash) (Amend. #3)																		
Bakery (Retail)											P	P	P	P	P	P		*
Banquet Facilities (Amend. #1)													P	P	P			*
Bar/Tavern (Amend. #1)													C	C	C			*
Barber Shop									P		P	P	P	P	P			*
Beauty Shop									P		P	P	P	P	P			*
Beauty Supplies Store												P	P	P	P			*
Bed and Breakfast Inn (4 – 12 rooms)	S	S	S				S	S				S	S	S				*
Bed and Breakfast, Homestay (1 – 3 rooms)	S	S	S	S	S	S	S	S	S	S		S		S				*
Boat Dealers													S		S	S		*
Boats, Recreational vehicles and maintenance equipment storage (Amend. #3)	S	S	S	S	S	S	S	S			S	S	S		S	S		*
Book Store, News Dealers and Newsstands											P	P	P	P				*
Building or Ground Maintenance													P		P	P		*
Bus Terminal													P		P	P		*
Business or Vocational School											P	P	P		P	P		*
Camera and Photographic Supply Stores											P	P	P	P				*
Car Wash, Full Service Indoor (Amend. #3)													P		P	P		*

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Use is permitted by right  
 Use is permitted by right but with conditions  
 Use may be permitted as a Special Use  
 Per approved Plan  
 Use is not permitted

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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Car Wash, Self Service Bays (Amend. #3)												S	S		P	P		*
Catalog Sales and Direct Selling Office											P	P	P	P				*
Catering Service											P	P	P	P	P			*
Cemetery or Mausoleum	S	S	S	S	S	S	S	S										*
Club House or Country Club (Amend. #3)	C	C	C	C	C	C	C	C			C	C	C					*
Cocktail Lounge (Amend.1)See Bar/Tavern (Amend. #3)													C*	C*	C*			*
Commercial Art or Graphic Design Service										P	P	P	P	P	P	P		*
Computer or computer Software Store											P	P	P	P				*
Computer Programming Repair or Data Processing Service											P	P	P	P	P	P		*
Construction Materials Sales and Services													C		C	C		*
Convenience Store – C-Store (Amend.#33)												C	C	C	C	C		C*
Crematories													S		S	S		*
Custom Order Shop											P	P	P	P	P	P		*
Dance Club (Amend. #1)													C*		C*			*
Dance Studios or Schools												P	P					*
Day Care Center (over 10 persons)											P	P	P		P	P		*
Day Care, Group (5-10 persons) (Amend. #8)	S	S	S	S	S	S	S	S	S	S	P	P	P		P	P		*
Direct Mail Advertising Service											P	P	P	P	P	P		*
Drug Store (Pharmacy) (Amend.#8)												P	P	P	P	P		*
Drug Store (Pharmacy) with drive-up												C	C	C	C	C		*

Article 5. ZONING DISTRICTS

Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use	S
Per approved Plan	*
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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
window/facility (Amend. #8)																		
Dry Cleaners (drop-off/pick-up only) (Amend. #8)												P	P	P	P	P		*
Dry Cleaners with drive-up window or drive through facility (Amend. #8)												C	C	C	C	C		*
Electrical Repair Shops (See Repair Services Non-Automotive (Amend. #3)												C	C		C	P		*
Electronic Equipment Sales or Service												P	P	P	P	S		*
Equipment Rental-includes all motorized equipment not listed elsewhere (Amend. #3)													S		S	S		*
Equipment Sales and Service (Heavy)													S		S	S		*
Exterminating Services													P		P	P		*
Financial Services (Amend. #33)											C	C	C	C	C	C		C
Financial Services with drive-up window or drive-through facility (Amend. #33)											C	C	C	C	C	C		C*
Freight Agency or Shipping Coordinator															P	P		*
Funeral Home Services											P		P		P			*
Furniture and Equipment Store Lease/Rental													P	P	P	P		*
Garden Center, Plant Nursery or Greenhouse	C	C	C									S	S		S			*
General Merchandise Store												P	P	P	P			*
Gift, Novelty or Souvenir Shop											P	P	P	P	P			*

Article 5. ZONING DISTRICTS

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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Golf Driving Range (Commercial) or Illuminated (Non-Commercial)	S												S			S		*
Golf, Miniature (outdoor)													S		P			*
Grocery Store (General)													P	P	P			*
Grocery Store (Limited)												P	P	P	P			*
Hardware Store												P	P	P	P			*
Health Club or Fitness Center											P	P	P		P	S		*
Heavy Equipment Sales and Rental															S	S		*
Hobby, Toy and Game Shop											P	P	P	P				*
Home Furniture and Furnishings Store													P	P	P	P		*
Hospital											S		S		S			*
Hotel or Motel											S		S	S	S	P		*
Interior Designer										P	P	P	P	P	P			*
Jewelry Repair											P	P	P	P	P			*
Jewelry Store											P	P	P	P				*
Kennel w/outside runs (Amend. #1)																P*		*
Laundromat, coin operated (Amend. #16)												P	P		P	P		*
Laundry, Dry Cleaning or Garment Services													P		P	P		*
Linen and Diaper Services													P		P	P		*
Limousine/Taxi Service													P		P			*
Liquor Store (Amend. #14)													P					*
LP Gas or Fuel Oil Sales															S	S		*
Luggage or Leather Goods Store												P	P	P				*



Article 5. ZONING DISTRICTS

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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Martial Arts Studio											P	P	P	C	P	P		
Massage Therapist (In-home as home occupation) (Amend. #16)				S														
Massage Therapy/Parlor (as defined herein) (Amend. #3)											C	C	C	C	C			*
Manufactured Home Sales															S	S		*
Motorcycle Sales, Rental or Service (No Outdoor Display) (Amend. #3)													P		P	P		*
Musical Instrument Store												P	P	P				*
Outdoor Gun Club, Skeet or Trap Shoot or Archery Range	S															S		*
Pawn Shop (Amend. #33)													C					
Paint or Wallpaper Store												P	P	P	P			*
Personal Enrichment School or Tutoring											P	P	P		P			*
Pet Grooming (Amend. #5)												P	P	P	P	P		
Pet Motel or Training (Amend. #5)													P		P	P		*
Photocopying and Duplicating Services											P	P	P	P	P			*
Photography Service										P	P	P	P	P	P			*
Plumbing and Heating Equipment Dealers													P		P	P		*
Produce Stand, Outdoor (off-site)												S	S		S	S		*
Radio or TV Repair											P	P	P	P	P			*
Recording Studio													P	P	P			*
Recreation Facility or Area, commercial or non-commercial (indoor) (Amend.#51)												C	C		C	C		
Recreation Facility or Area, commercial												S	S		S	S		*

Article 5. ZONING DISTRICTS

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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
(outdoor) (Amend.#54) (Amend. #1) (Amend. #4)																		
Recreation Facility or Area, non-commercial (Outdoor) (Amend. #12)	S	S	S										S		S	S		*
Recreation Vehicle Sales, Lease or Rental													S		S	S		*
Repair Services, Automotive Major(Amend. #3)													S		S	S		
Repair Services, Automotive Minor(Amend. #3)													C		C	C		*
Repair Services, Non-Automotive												P	P		P	P		*
Restaurant – carry-out (Amend. #3)												P	P	P	P	P		*
Restaurant – delivery (Amend. #3)												P	P	P	P	P		*
Restaurant – drive-in (Amend. #3)													C		C	P		*
Restaurant – drive-up (Amend. #3)													C		C	P		*
Restaurant – drive-through (Amend. #3)													C		C	P		*
Restaurant – general (Amend. #3)													C	C	P	P		*
Restaurant – limited (Amend. #3)												P	P	P	P	P		*
Reupholstery or Furniture Repair Shop													P	P	P	P		*
Sewing, Needlework or Fabric Store												P	P	P				*
Shoe Repair Shop												P	P	P				*
Sporting Goods Store or Bicycle Shop												P	P	P	P			*
Stationery Store											P	P	P	P				*
Tattoo Parlor/Permanent cosmetic services/Body Piercing Studio (Amend. #3)													P			P		*

Article 5. ZONING DISTRICTS

Use is permitted by right	P
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Per approved Plan	*
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
and 50)																		
Television or Radio Broadcast Station													P	P	P	P		*
Theater (except Drive-In)													P	P	P			*
Theater, Drive-In	S														S	S		*
Theater, Performing Arts (Amend. #1)	S										P	P	P		S	S		*
Title Loan Business (Amend. #33)											C	C	C	C	C	C		C*
Travel Agency or Tour Operator											P	P	P	P	P			*
Travel Trailer Camp	S	S	S															*
Truck Sales and Lease (Amend. #3)													S		S	S		*
Unsecured Loan Business (Amend. #33)											C	C	C	C	C	C		C*
Used Merchandise Store (excluding pawn shops)												P	P	P	P	P		*
Veterinarian	C											C	C		C	C		*
Yoga Studio											P	P	P	C	P	P		
<b>Manufacturing, Industrial, Transportation and Storage</b>																		
Apparel and Other Fabric Products															P	P		*
Asphalt Plant																S		*
Aviation Field, Airport and Heliport																S		*
Bakery (Wholesale)															P	P		*
Bottling Works															P	P		*
Cement, Lime, Gypsum and Plaster of Paris Manufacture																S		*

Article 5. ZONING DISTRICTS

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Per approved Plan	*
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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Chemical and Allied Products																S		*
Computer Equipment															P	P		*
Concrete Batch Plant (Amend. #29)	S															S		*
Construction Contractor – With Machinery, Equipment and Storage															C	C		*
Electronic Equipment and Components															P	P		*
Fabricated Metal Products (Amend.#3 and #12)																P		*
Food and Kindred Products															P	P		*
Furniture and Fixtures															P	P		*
Garbage Processing Facility																		*
Industrial Park (May include Retail Uses)																C		*
Landfill Sanitary and Demolition	S															S		*
Leather Products (not including tanning and finishing)																P		*
Mining	S															S		*
Mini-Warehouse Facility															S	S		*
Miscellaneous Manufacturing Industries																S		*
Office/Warehouse															P	P		*
Oil and Gas Production																		*
Precision Instruments															P	P		*
Printing and Publishing															P	P		*
Railroad Lines, Yards or Station														S	S	S		*
Recycling Facility																P		*

Article 5. ZONING DISTRICTS

Use is permitted by right	P
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Use may be permitted as a Special Use	S
Per approved Plan	*
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	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Research Service and Laboratory															P	P		*
Rubber and Plastics Products																P		*
Salvage Yard, Scrap Yard, Junkyard and Automobile Wrecking Yard																S		*
Sewage Treatment Facility	S															S		*
Sign Manufacture															P	P		*
Solid Waste Transfer Station	S															S		*
Stone, Clay, Glass and Concrete Products																S		*
Tow Lot (Amend. #3)																S		*
Transportation Equipment																P		*
Trucking and Courier Service															P	P		*
Underground Space	S														S	S		*
Warehousing and Distribution															P	P		*
Welding Repair Shop																P		*
<b>Semi-Public Uses and Utilities</b>																		
Cemetery or Mausoleum	S	S	S	S	S	S	S	S										*
Church or Place of Worship (Amend.#1)	C*	C*	C*	C*	C*	C*	C*	C*	C*		C*	C*	C*	C*	C*	C*		*
Civic or Fraternal Organization											C	C	C	C				*
Governmental Administration Building											P	P	P	P	P	P		*
Library											P	P	P	P				*
Museum or Art Gallery											P	P	P	P				*
Penal or Correctional Institution																		*

Article 5. ZONING DISTRICTS

Use is permitted by right	P
Use is permitted by right but with conditions	C
Use may be permitted as a Special Use Per approved Plan	S *
Use is not permitted	

	AG	RDR	RLL	R-1	RP-1	RP-2	RP-3	RP-4	PRO	NFO	PO	CP-1	CP-2	CBD	CS	PI		PMIX
Post Office											P	P	P	P	P	P		*
Recreational Facility or Area (Non-Commercial)	S	S	S	S	S	S	S	S			S	S	S	S	S	S		*
Reservoir, Water Supply or Storage Facility	S	S	S	S	S	S	S	S			S	S	S	S	S	S		*
Sewage Treatment Facility	S																	*
School	P	P	P	P	P	P	P	P			P	P	P	P				*
Swimming Pool (Commercial)												S	S					*
Swimming Pool, subdivision (Amend. #12)	C	C	C	C	C	C												*
Swimming Pool, public (Amend. #12)	S	S	S	S	S	S	S	S		S	S	S	S	S	S			*
Telecommunication Tower/ Antenna Mount (Amend. #3)	S	S	S								S	S	S	S	S	S		*
Utility Building and Services	C	C	C	C	C	C	C	C			C	C	C	C	C	C		*
<b>ACCESSORY USES (SEE ARTICLE 8)</b>																		

**Section 5.270. Minimum lot size**

Every property upon which a principal use may be located shall meet or exceed the following requirements for its respective zoning district:

<b>Table 5-2 Minimum Lot Sizes (Amend.#19)</b>				
<b>Zoning District</b>	<b>Density*</b>	<b>Minimum Lot Size (per unit)</b>	<b>Minimum Lot Width Major Streets**</b>	<b>Minimum Lot Width Other Streets</b>
AG	2 units/10 acres (under the same ownership)	10 acres minimum for either 1 or 2 DU's	330 feet	330 feet
RDR	1 unit/acre	1 acre	150 feet	150 feet
RLL	NA	.5 acre	NA	90 feet
R-1	4 units/acre	8,400 sf	NA	70 feet
RP-1	4 units/acre 6/acre w/bonuses	6,600 sf	NA	60 feet (SF) - Clusters may vary (determined at preliminary plan approval)
RP-2	7.5 units/acre	6,000 sf (Single Family) 4,500 sf (Duplex)	NA	60 feet (Single Family); Clusters may vary (determined at preliminary plan approval) 80 feet (Duplex)
RP-3	10 units/acre	4,000 sf	NA	50 feet (SF) – Clusters may vary (determined at preliminary plan approval) 35 feet per unit for Duplex, Triplex or Quadplex
RP-4	12 units/acre	3,500 sf	Per Approved Plan	Per Approved Plan
PRO	Max. .25 FAR (Maximum Building Size 2,500 sf)	NA	NA	NA
NFO	N/A	60% Max. Lot Coverage	NA	NA
PO	Max. .55 FAR	1 Acre	175 feet	NA
CP-1	Max. .20 FAR	20,000 sf	100 feet	NA
CP-2	Max. .55 FAR	20,000 sf	100 feet	NA
CBD	Max. 1.0 FAR	NA	NA	NA

<b>Table 5-2 Minimum Lot Sizes (Amend.#19)</b>				
<b>Zoning District</b>	<b>Density*</b>	<b>Minimum Lot Size (per unit)</b>	<b>Minimum Lot Width Major Streets**</b>	<b>Minimum Lot Width Other Streets</b>
CS	Max. .65 FAR	NA	NA	NA
PI (Amend.#34)	Max. 1.0 FAR	NA	NA	NA
(Amend.#34)				
PMIX	Densities and lot sizes established as part of zoning approval for each development	As specifically approved per development plan	Per Approved Plan	100 feet

\*FAR – Floor Area Ratio: ratio of building square footage to lot square footage.

\*\* Major streets include highways and existing and proposed 4-lane streets

NA – Not Applicable

**Section 5.280. Minimum principal building setbacks**

All principal buildings on a lot shall be set back from the street rights-of-way lines and property lines bounding the lot no less than the distances shown in Table 5-3:

<b>Table 5-3 Minimum Principal Building Setbacks Amend.#19)</b>				
<b>Zoning District</b>	<b>Front Yard*</b>		<b>Side Yard ++</b>	<b>Rear Yard</b>
	<b>Major Street**</b>	<b>All Other Streets</b>		
AG,RDR	100 feet or as established by existing homes on the same side of street	50 feet or as established by existing homes on the same side of street	50 feet	50 feet
RLL	30 feet	30 feet	10 feet	30 feet
R-1	NA	30 feet	7.5 feet	30 feet
RP-1	50 feet (Amend. #3)	20 feet Bldg. and 25 feet Garage (Front facing) 20 feet (side entry garage) (Amend. #10)	5 feet	20 feet; 4 feet (Alley Entry Garage)
RP-2	50 feet (Amend #3)	“	“	“



<b>Table 5-3 Minimum Principal Building Setbacks Amend.#19)</b>				
<b>Zoning District</b>	<b>Front Yard*</b>		<b>Side Yard ++</b>	<b>Rear Yard</b>
	<b>Major Street**</b>	<b>All Other Streets</b>		
RP-3	50 feet (Amend. #3)	20 feet Bldg. and 25 feet Garage (Amend. #10)	SF and 2F- 5 feet Multifamily: 10-feet from lot line and 20 foot separation between buildings (Amend #3)	SF and 2F - 20 feet; 4 feet (Alley Entry Garage) MF 30 feet
RP-4	50 feet	20 feet	10-feet from lot line and 20-foot separation between buildings; (Amend. #3)	20 feet; (Amend. #1)
PRO	15 feet minimum or within 5 feet of the established median setback of the structures on the adjoining property		15 feet	15 feet
NFO (Amend.# 11)	15 feet minimum or within 5 feet of the established median setback of the structures on the adjoining property		5 feet (except for zero lot line development)	4 feet (Alley Entry Garage)
PO	15 feet Arterial; 0 feet other streets if main entry and any display windows face street otherwise, 15 feet (Amend. #3)		15 feet, 0 feet for interior lot lines, 20 feet between buildings	20 feet
CP-1	Max. of 0-5 feet for Building	Max. of 0-5 feet for Building	None Required	None Required
CP-2	15 feet Arterial; 0 feet other streets if main entry and any display windows face street, otherwise 15 feet (Amend. #3)		10 feet, 0 feet for interior lot lines	20 feet
CBD	Max. of 0-5 feet for Building	Max. of 0-5 feet for Building	None Required	None Required
CS	20 feet		20 feet	20 feet
PI	(Amend.#34) 20 feet		10 feet (Amend. #3)	20 feet
	(Amend. #34)			
PMIX	Setbacks established as part of zoning approval for each Planned Development			

\* Front yard setback may be reduced by 5 feet if garage is accessed from alley.

\*\* Major streets include highways and existing and proposed 4-lane streets

++Not applicable for townhouses, except for end units.

**Section 5.290. Maximum structure heights**

The maximum height of all structures in each zoning district (except as provided in the subsections below) shall be as follows:

<b>Table 5-4 (Amend.#19) Maximum Structure Heights</b>	
<b>Zoning District</b>	<b>Maximum Structure Height in feet (stories)</b>
AG,RDR, RLL	40
R-1,RP-1	40 (3 stories)
RP-2	40 (3 stories)
RP-3	45 (3 stories)
RP-4	50 (4 stories)
PRO	40 (3 stories)
NFO (Amend. #11)	40 (3 stories)
PO	75 (5 stories)
CP-1	35 (3 stories)
CP-2	40 (3 stories)
CBD	50 (4 stories)
CS	50 (4 stories)
PI	NA (Amend.#34)
PMIX	Height established as part of zoning approval for each Planned Development

**Section 5.300. Additional height and yard regulations**

**A. Height**

1. Exemptions. The following are exempt from the district height standards:
  - a. Agricultural buildings such as but not limited to barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
  - b. Cooling towers, gas holders, or other industrial structures where required as part of the manufacturing process.
2. Additional regulations. The regulations and requirements as to height of buildings, and area of lots which may be occupied by buildings, yards and other regulations and requirements in the foregoing sections of this ordinance, shall be subject to the following exceptions and additional regulations:
  - a. In any district, public or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards the depth and width of which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit

as established by the regulations of the district in which such buildings are situated.

- b. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, electric display signs, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, storage towers, radio, television or microwave towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances of the City of Lee's Summit, Missouri.

**B. Yard exceptions and additional regulations**

1. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, belt courses, canopies, cornices, chimneys, buttresses, ornamental features and eaves. None of the above projections shall extend into a court or into a minimum yard more than thirty-six (36) inches.
2. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
3. In computing the depth of a rear yard for any building where such yard abuts an alley, one-half (½) of such alley may be assumed to be a portion of the rear yard.
4. Condominium ownership shall not constitute violation of the lot and yard requirements of this ordinance. (Amend.2)
5. Irregular Lots – Only within districts R-1 and RP-1, lots that are irregular in shape, i.e., the lot dimensions are such that it would be difficult to place a home within the building envelope established by the required setbacks (as determined by the Director), may be averaged. Examples of such lots may include:
  - a. Lots that get significantly narrower from front to back
  - b. Lots where side lot lines are not equal in length thereby producing an odd shaped lot
  - c. Lots referred to as “Flag” lots that have a very narrow access and then open into normal size and shaped lots may utilize the averaging only if the resulting area beyond the narrow access meets one of the other criteria as mentioned above

In order to determine the dimension allowed for the rear yard, each side of the existing or proposed structure shall be extended in a straight line to its point of intersection with the property line. One additional measurement shall be included in the calculation and shall be determined by drawing a perpendicular line from the center of the structure to the property line. An average of these three measurements shall equal a minimum of 30 feet in R-1 and 20 feet in RP-1.

6. Corner lots in Districts R-1 and RP-1. (See Table 5-5)
  - a. On corner lots where no adjacent interior lot faces the side street, there shall be a side yard on the street side of not less than fifteen (15) feet.
  - b. On corner lots where adjacent interior lots have been platted fronting the street the required setback shall be either equal to the front yard setback of the adjacent interior lot or may be reduced by not more than five (5) feet.(Amend.#3)

7. Homes angled on corner lots – In R-1 and RP-1 districts where a home is to be angled on a corner lot the two front yard setbacks may both be reduced by five (5) feet according to its respective district requirement. The other lot lines shall maintain a minimum setback of seven and one-half (7.5) feet.(See Table 5-5).(Amend.#3)
8. Single Family Homes shall be a minimum of 720 sq. ft. (Amend.1)

<b>Table 5-5 (Amend. #3)</b>				
<b>Corner Lot Minimum Principal Building Setbacks</b>				
<b>Situation</b>	<b>Section 5.310. Front Yard</b>		<b>Side Yard</b>	<b>Rear Yard</b>
	<b>Front Street</b>	<b>Side Street</b>		
Corner lot to corner lot	30 feet (R-1) 20 feet for building (RP-1) 25 feet for garage (RP-1) (Amend. #10)	15 feet (R-1) and (RP-1)	7.5 feet (R-1) 5 feet RP-1)	30 feet (R-1) 20 feet (RP-1)
Corner lot to Interior lot	25 feet (R-1) 25 feet (RP-1) *See Table 5-3 for exceptions	25 feet (R-1) 25 feet (RP-1) *See Table 5-3 for exceptions	7.5 feet (R-1) 5 feet (RP-1)	30 feet (R-1) 20 feet (RP-1)
<b>For Homes Angled on Corner Lots</b>				
Corner lot to corner lot	25 feet (R-1) 15 feet (RP-1)	25 feet (R-1) 15 feet (RP-1)	7.5 feet (R-1) and (RP-1)	7.5 feet (R-1) and (RP-1)

**DIVISION IV: EXEMPTIONS (Amend. #1)**

**Section 5.320. Exemptions (Amend. #1)**

The following structures or uses are exempt from the regulations of this ordinance and shall be permitted in any district. This Section shall not be construed to exempt any public utility from other ordinances or regulations of the City, including, but not limited to, franchise agreements and applicable building codes.

- A. Poles, wires, cables, conduits, vaults (when totally screened), laterals, pipes, mains, valves, or any other similar equipment for transmission or distribution to customers of telephone or other communication services, electricity, gas, steam or water, or the collection of sewage or surface water, operated or maintained by a public utility (see also 89.380, RSMo);
- B. Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way.

## **DIVISION V. COMMON PROPERTY (Amend. #15)**

### **Section 5.330. General Provisions (Amend. #15)**

- A. Common property shall be designated as "Tract(s)" on all preliminary development plans, final development plans, preliminary plats, and final plats. Common property shall not be permitted on minor plats.
- B. No common property shall be permitted in any development unless the applicant, in its common property maintenance plan, provides that abatement costs imposed by the City pursuant to this Division shall be assessable proportionally against all lots and lot owners and shall be a lien against all lots in the development.
- C. Every preliminary development plan, or preliminary plat if no preliminary development plan is required, designating storm water conveyance, retention, or detention facilities to be located on common property shall set forth the standards to which such facilities will be maintained by the condominium or homeowners' association, and shall also provide that in the event of failure to maintain such facilities to such standards, that abatement by the City shall be authorized, and that costs of abatement incurred by the City pursuant to this Division shall be assessed proportionally against all lots and lot owners and shall be a lien against all lots in the development.
- D. No final development plan, or final plat if no final development plan is required, shall be approved unless the Director has received written verification from the Director of Public Works that all requirements pertaining to maintenance of common storm water conveyance, retention, or detention facilities and the assessment of costs substantially conform to the approved preliminary development plan.

### **Section 5.340. Condominium or Property Owners' Associations and Maintenance Contracts. (Amend. #15)**

- A. An applicant for approval of a preliminary development plan, or preliminary plat if no preliminary development plan is required, which contains common property shall provide for the establishment of a condominium or property owners' association for the perpetual ownership and maintenance of any common property, and shall also provide assurance of the financial and administrative ability of any such condominium or property owners' association to own and maintain the common property.
- B. No such condominium or property owners' association shall be dissolved or dispose of any common property by sale or otherwise (except to a new condominium or property owners' association assuming all the duties and obligations of the original association) unless the maintenance responsibilities set forth in the final development plan, or final plat if no final development plan is required, are assigned, with the consent of the City, to a person or entity with the financial, legal, and administrative ability to perform such obligations.
- C. Any such condominium or property owners' association may be required by the Governing Body to enter into a maintenance contract to provide for the perpetual maintenance of the common property.
- D. The Governing Body may approve the use of an entity other than a condominium or property owners' association to own and maintain the common property in lieu of the requirements of this Section.

**Section 5.350. Declaration of Covenants and Restrictions. (Amend. #15)**

There shall be recorded in the land records of the county or counties in which the development is located, prior to the recording of the final plat or conveyance of any ownership interest in any of the real property in any development containing common property, a declaration of covenants and restrictions which shall:

- A. Specify the ownership of the common property; and
- B. Be prepared in accordance with this Division; and
- C. Provide for the establishment of a condominium or property owners' association, or other entity approved by the Governing Body, prior to the recording of the final plat or sale of any part of the property; and
- D. Provide that ownership of any lot in the development shall not occur until the condominium or property owners' association, or other entity approved by the Governing Body, is formed and ownership of all common property has been transferred to the condominium or property owners' association or other entity; and
- E. Provide for the method of maintenance of common property; and
- F. Provide that the declaration of covenants and restrictions pertaining to common property shall be permanent; and
- G. Provide that the lot owners within the development are liable for the costs of maintenance of all common property and that the costs shall be assessed proportionally against the individual lots and lot owners within the development in accordance with the rules of the condominium or property owners' association; and
- H. Provide that the condominium or property owners' association, or other entity approved by the Governing Body, shall be responsible for liability insurance, taxes and perpetual maintenance; and
- I. Provide that membership in the condominium or property owners' association, or other entity approved by the Governing Body, shall be mandatory for each lot owner and any successive buyer; and
- J. Provide that each lot owner, at the time of purchase, shall be furnished with a copy of the declaration of covenants and restrictions; and
- K. Provide that the condominium or property owners' association, or other entity approved by the Governing Body, formed to own and maintain common property shall not be dissolved without the consent of the City, unless the maintenance responsibilities set forth in the final development plan are assigned, with the consent of the City, to a person or entity with the financial, legal, and administrative ability to perform such obligations; and
- L. Provide that in the event that any condition of the common property is determined to be a nuisance or in disrepair in violation of any provision of the Lee's Summit Property Maintenance Code, and such disrepair or nuisance is abated pursuant to procedures otherwise provided in the Property Maintenance Code, that the costs to abate the nuisance created by the failure to maintain any common property shall be assessed proportionally against the individual lots and lot owners within the development, in an equal amount per individual lot or lot owner, pursuant to the tax bill provisions of the Property Maintenance Code, and that the amount caused by the Finance Director to be assessed annually by tax bill shall not exceed five percent (5%) of assessed valuation per individual lot or lot owner; and
- M. Provide that in the event it is determined that the maintenance of any storm water

conveyance, retention or detention facility located on common property fails to meet any standard set forth in the final development plan, or final plat if no final development plan is required, and such failure is abated by the City pursuant to the procedures of this Division, that upon completion of the work and certification by the Director of Public Works that the deficiency has been abated, the Director of Public Works shall certify all costs of such abatement, including enforcement costs and expenses of staff time incurred in the remediation of the deficiency, to the City's Director of Finance who shall cause a special tax bill therefore, or add the costs thereof to the annual real estate tax bill, at the Finance Director's option, proportionally against the individual lots and lot owners within the development, in an equal amount per individual lot or lot owner, that the amount caused by the Finance Director to be assessed annually by tax bill shall not exceed five percent (5%) of assessed valuation per individual lot or lot owner, that the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance shall be a defense thereto, that each special tax bill shall be issued by the City Clerk and delivered to the City Finance Director on or before the first day of June of each year, and that such tax bill, if not paid when due, shall bear interest at the rate of eight (8) percent; and

- N. Provide that the City shall be a third party beneficiary of all provisions pertaining to the assessment of costs for maintenance of storm water conveyance, retention, or detention facilities on common property, and that such provisions shall not be modified or amended without the written consent of the City.

The Governing Body may waive, amend, or approve requirements or the use of other entities in lieu of, the requirements of this Section.

**Section 5.360. Maintenance of Common Property. (Amend. #15)**

- A. The City shall not be responsible for the maintenance of common property.
- B. Maintenance responsibility for all common property in the development shall be the responsibility of the condominium or property owners' association, or other entity approved by the Governing Body. During the period in which the developer maintains effective control of the board of the condominium or property owners' association, or other entity approved by the Governing Body, the developer shall remain jointly and severally liable for the maintenance obligations of the condominium or property owners' association.

**Section 5.370. Enforcement. (Amend. #15)**

- A. The failure of the developer, the condominium or property owners' association, or other entity approved by the Governing Body, to properly maintain any common property shall subject the developer, the condominium or property owners' association, other entity approved by the Governing Body, and/or persons or entities with any ownership interest in lots within the development, to enforcement action pursuant to the City's Property Maintenance Code, Ordinance No. 4934, as may be amended from time to time. The costs to abate a nuisance created by the failure to maintain any common property shall be assessed proportionally against the individual lots and lot owners within the development, in an equal amount per individual lot or lot owner, pursuant to the tax bill provisions of the Property Maintenance Code. The amount caused by the Finance Director to be assessed annually by tax bill shall not exceed five percent (5%) of assessed valuation per individual lot or lot owner.

- B. The failure of the developer, the condominium or property owners' association, or other entity approved by the Governing Body, to properly maintain any common property shall be considered to be a violation of this Article and subject to the penalties and/or remedies set forth in Sections 1.150 and 1.160 of this Chapter.
- C. In the event the Director, in consultation with the Director of Public Works, determines that probable cause exists to believe that maintenance of any common storm water conveyance, retention or detention facility located on common property fails to meet a standard or standards set forth in the final development plan, or final plat if no final development plan is required, the Director shall provide notice by U.S. mail to the developer, the condominium or property owners' association, or the entity approved by the Governing Body, or the registered agent of the developer, condominium or property owners' association, or other entity, describing with particularity the facts constituting such cause to believe a deficiency exists, and setting a date, time, and place for administrative hearing before the Director no sooner than ten days from the date of said Notice. In emergency circumstances, when failure to promptly abate such deficiency can reasonably be expected to cause damage to any person or property, twenty four (24) hour notice of such administrative hearing may be delivered to any responsible officer or director of the developer, condominium or property owners' association, or other entity. At the date, time, and place of the hearing set forth in the Notice, the Director shall receive evidence and testimony from the developer, the condominium or property owners' association, or other entity, or anyone on behalf of the developer, condominium or property owners' association, or other entity, and all other persons with relevant evidence or testimony to provide, on the issue of whether a maintenance deficiency exists, and if the Director finds that a deficiency exists, the Director may either order remedial action by the developer, condominium or property owners' association, or other entity, with compliance deadlines, or the Director may order abatement by the City. The Director's decision shall be final when mailed by U.S. mail postage prepaid to the developer, the condominium or property owners' association, the other entity, or to a registered agent of the developer, association, or other entity, and may be appealed within ten (10) days from the date of such mailing. The appeal, if any, shall be pursuant to the contested case procedures of Chapter 536, RSMo. In the event the decision of the Director is to order abatement by the City, the Director of Public Works shall be authorized to procure by emergency contract the services of such consultants, design professionals, and contractors as may be necessary to abate the condition. Upon completion of the work and certification by the Director of Public Works that the deficiency has been abated, the Director of Public Works shall certify all costs of such abatement, including enforcement costs and expenses of staff time incurred in the remediation of the deficiency, to the City's Director of Finance who shall cause a special tax bill therefore, or add the costs thereof to the annual real estate tax bill, at the Finance Director's option, proportionally against the individual lots and lot owners within the development, in an equal amount per individual lot or lot owner. The amount caused by the Finance Director to be assessed annually by tax bill shall not exceed five percent (5%) of assessed valuation per individual lot or lot owner. The tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the City Finance Director on or before the first day of June of each year. Such tax bill, if not paid when due, shall bear interest at the rate of eight (8) percent.