

ZONING REGULATIONS

GARFIELD COUNTY
OKLAHOMA

ADOPTED JUNE 19, 1963
BY THE
BOARD OF COUNTY COMMISSIONERS

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Lee Dillingham - Member

METROPOLITAN AREA PLANNING COMMISSION

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Regulations establishing zoning classifications within certain parts of the unincorporated area of Garfield County, being a part of the comprehensive plan: establishing and creating districts in which the uses of land, the use, height, bulk and area of open spaces about buildings, structures and improvements are regulated: providing for the enforcement, adjustment and amendment thereof: requiring permits for land uses and buildings, structures and improvements constructed and used; defining terms; prescribing penalties for the violation of any of the provisions thereof.

Whereas Title 19, Oklahoma Statutes Annotated, Section 866.1 to 866.34 inclusive provides that in counties having within their boundaries a city of more than 5,000 population and less than 100,000 population according to the last preceding Federal Decennial Census or any future federal census, a City-County, Metropolitan-Area Planning Commission may be established, which commission may, for the mutual benefit of the city and the rural and suburban areas within three (3) miles of the City limits of said City and within one-fourth ($\frac{1}{4}$) mile of any State or Federal highway located anywhere in the County, excluding, however, any incorporated area, prepare and submit to the Board of County Commissioners a draft of zoning regulations, which includes zoning or land regulations and provision for appeals made from decisions made under the authority of such regulations, and further, that the Board of County Commissioners is authorized and empowered to adopt such regulations; and

Whereas the Board of County Commissioners of Garfield County and the City Council of Enid, Oklahoma have entered into an agreement and have appointed a Metropolitan-Area Planning Commission in accordance with the provisions of said Title 19, Oklahoma Annotated Section 866.1 to 866.34 inclusive.

Whereas, said Commission was established, among other purposes, to prepare and submit to the Board of County Commissioners the draft of zoning regulations and land use regulations for the unincorporated portions of the County within three (3) miles of the City limits of Enid, Oklahoma, and within one-fourth ($\frac{1}{4}$) mile of any State or Federal highway located anywhere in the County, excluding, however, any incorporated area; and

Whereas, the public health, safety, morals or general welfare are to be promoted by such comprehensive zoning regulations; and

Whereas, the Commission has made a detailed land use study of all portions of Garfield County which the Commission is empowered to zone, and all zones have been established according to a comprehensive plan; and

Whereas, the Commission has fully complied with all of the requirements of the enabling legislation, aforesaid with reference to holding public hearings after due notice and publication in a news paper of general circulation of time and place set forth for such public hearings.

Now, therefore, be it resolved that the Board of County Commissioners hereby this _____ day of _____,

adopts by a majority vote these zoning regulations, as here-
inafter set forth.

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SECTION 1. CITATION:

These Regulations, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 19, Oklahoma Statutes Annotated Section 866.1 to 866.34 inclusive of the Oklahoma Statutes, shall be known as the Zoning Regulations and may be cited as such.

SECTION 2. PURPOSE AND NECESSITY:

The Regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of these Regulations they shall be held to be necessary for the promotion of the public health, safety, comfort, convenience and general welfare.

SECTION 3. NATURE OF ZONING PLAN:

These Regulations classify and regulate the use of land, buildings, and structures within the unincorporated areas of Garfield County, Oklahoma, shall apply to those areas within three (3) miles of the city of Enid, Oklahoma and within one-fourth ($\frac{1}{4}$) mile of any state or federal highway in the county excluding, however, any incorporated area, over which the Board of County Commissioners assumes jurisdiction as indicated by the zoning maps. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing designated unincorporated areas in Garfield County into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

SECTION 4. REGULATION OF USE, HEIGHT, AREA, YARDS
AND OPEN SPACES:

Except as hereinafter otherwise provided, no land shall be used and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accord-

ance with the requirements established in the district in which such land, building, structure or improvement is located and in accordance with the provisions of the articles contained herein relating to any or all districts.

SECTION 5. DISTRICTS:

Districts designated for agricultural, residential, commercial, industrial and other uses, are created by adoption of zoning maps as amendments to and as a part of these Regulations.

Districts shall be designated as follows:

Agricultural and Suburban

- A-1 General Agricultural District
- A-2 Suburban District

Residential

- R-1 One-Family District
- R-2 General Residential District
- R-3 Apartment

Commercial

- C-1 Neighborhood Commercial District
- C-2 General Commercial District
- C-3 Small Shopping Center
- C-4 Large Shopping Center
- C-5 Central Business District

Industrial

- I-1 Restricted Light Industrial District
- I-2 Light Industrial District
- I-3 Heavy Industrial District

F - Flood-Plain District

Specific district regulations are set forth in Article II.

SECTION 6. DEFINITIONS:

For the purpose of these Regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tenses; words in the singular number include the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory.

(1) ACCESSORY BUILDING: A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

(2) ACCESSORY USE: A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

(3) ADVERTISING SIGN OR STRUCTURE: Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

(4) ALLEY: A minor right-of-way dedicated to public use which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

(5) APARTMENT HOUSE OR MULTIPLE-FAMILY DWELLING: A single detached dwelling designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort-type hotels.

(6) BASEMENT: A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

(7) BOARDING HOUSE: A dwelling other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three (3) or more but not exceeding twelve (12) persons.

(8) BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel when separated by dividing fire walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

✓(9) BUILDING HEIGHT: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof, or to the average heights of the highest gable of a pitch or hip roof.

✓(10) BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

✓(11) BUILDING SITE: A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

✓(12) CHILD CARE CENTER: Any place, home or institution which receives three or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the laws of this state for custody of children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

(13) COVERAGE: The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

✓(14) DISTRICT: Any section or sections of Garfield County for which regulations governing the use of buildings and premises or the height and area of buildings are uniform. *Encl. Oklahoma*

✓(15) DWELLING: Any buildings, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers.

✓(16) DWELLING, SINGLE-FAMILY: A dwelling designed to be occupied by one family.

✓(17) DWELLING, TWO-FAMILY: A dwelling designed to be occupied by two families living independently of each other.

✓(18) DWELLING, MULTIPLE-FAMILY: A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort-type hotels.

✓(19) FAMILY: One person or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

✓(20) GARAGE APARTMENT: A dwelling unit for one family erected above a private garage.

✓(21) GARAGE, PRIVATE: An accessory building or a part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed two times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is greater.

✓(22) GARAGE, PUBLIC: Any garage other than a private garage, available to the public, used for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

✓(23) GASOLINE, SERVICE OR FILLING STATION: Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubrication, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

✓(24) HELP-YOURSELF LAUNDRY: A laundry providing home type washing, drying, and ironing machines for hire to be used primarily by the customers on the premises. This includes coin operated machines for dry cleaning purposes also.

✓(25) HOME OCCUPATION: Any occupation or profession carried on by the inhabitants, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no dis-

*Carroll's
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Group
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Partners*

play of merchandise or sign other than one nonilluminated nameplate not more than two square feet in area attached to the main or accessory building and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The conducting of barber shop, tea room or restaurant, rest home, clinic doctor or dentist office, child care center, tourist home, or cabinet, metal or auto repair shop shall not be deemed a home occupation.

✓(26) HOTEL: A building or group of buildings under one ownership containing six or more sleeping rooms, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

✓(27) KENNEL: Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept.

✓(28) LOT: Any plot of land occupied or intended to be occupied by one building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by these regulations and other laws or regulations, and having its principle frontage on a street.

✓(29) LOT, CORNER: A lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides in less than one hundred thirty-five (135) degrees.

✓(30) LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets.

✓(31) LOT, INTERIOR: A lot other than a corner lot.

✓(32) LOT AREA: Total horizontal area included within lot lines.

✓(33) LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

✓(34) LOT LINES: The lines bounding a lot as defined herein.

✓(35) MEDICAL FACILITIES:

(a) Convalescent, Rest, or Nursing Home: A health facility where persons are housed and furnished with meals and continuing care for compensation.

(b) Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept over-night except under emergency conditions.

(c) Dental Office or Doctors Office: Same as dental or medical clinic.

(d) Hospital: An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments training facilities, central service facilities and staff offices which are an integral part of the facilities.

(e) Public Health Center: A facility primarily utilized by a health unit for the provisions of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith.

(f) Sanatorium: An institution providing health facilities for in-patient medical treatment or treatment and recuperation using natural therapeutic agents.

✓(36) NONCONFORMING USE: A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

✓(37) PARKING SPACE: A space located on private property which is a permanently surfaced area enclosed or unenclosed, sufficient in size to store one (1) automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

✓(38) ROOMING HOUSE: A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons; all in excess of this number shall be defined as a hotel under the terms of these regulations.

✓(39) STORY: That portion of a building, other than

a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(40) STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

(41) STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

(42) STREET, INTERSECTING: Any street which joins another street at an angle, whether or not it crosses the other.

(43) STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

(44) STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

(45) TOURIST COURT: An area containing one (1) or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

(46) TRAILER, MOBILE HOME OR TRAILER HOME OR HOUSE TRAILER: A portable or mobile living unit used or designed for human occupancy on a permanent or year round basis.

(47) TRAILER, CAMPING: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

(48) TRAILER, HAULING: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.

(49) TRAILER COURT OR CAMP: A parcel of land under single ownership which has been designed or improved or

is intended to be used of rented for occupancy by one or more trailer houses or mobile homes.

(50) TOURIST HOME: A dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guests for compensation.

(51) YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in these regulations that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

(52) YARD, FRONT: A yard located in front of the front elevation of a building and extending across a lot between the side yards lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

(53) YARD, REAR: A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(54) YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

SECTION 7. INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning maps, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- (b) Where district boundaries are so indicated that

they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

- (c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the zoning maps.
- (d) Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

SECTION 8. VACATION OF PUBLIC EASEMENTS:

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall be come the classification of the vacated land.

SECTION 9. OPENING OF PUBLIC ROADS, PRIVATE DRIVES:

- (a) Whenever a public road or private road is opened the Board of County Commissioners will take no responsibility in grading, draining, paving or furnishing of culverts.
- (b) All development will be financed intirely by the developer.

ARTICLE 11

SPECIFIC DISTRICT REGULATIONS

SECTION 1. A-1 GENERAL AGRICULTURAL DISTRICT:

1.1 General Description

This district is intended to provide an area primarily for either agricultural endeavors involving twenty or more acres under one ownership or the extraction of the various products such as oil, minerals, rock and gravel from the earth. The rural nature and low density of population in this district requires only that uses essential to agriculture, mining, quarrying and earth-extraction endeavors have a reasonable set-back of buildings from streets and/or highways. It is the purpose of the district to encourage and protect such uses from urbanization until such is warranted and the appropriate change in district classification is made.

1.2 Uses Permitted

Property and buildings in an A-1, General Agricultural District shall be used only for the following purposes:

- (a) Dwelling structure for farm owner, operator or employee.
- (b) All agricultural land uses buildings and activities.
- (c) Mining, quarrying and earth-extraction industries.
- (d) Drilling for and extraction of oil and natural gas.
- (e) Transportation, pipeline and utility easements and rights-of-way.
- (f) Temporary roadside stands for the sale of farm products grown on the premises; provided, however, that up to fifteen per cent (15%) of the display area for produce may be used for the sale of products not grown on the premises. The temporary structure shall be required to set back from the roadway only an adequate distance to permit parking and ingress and egress, and shall not be constructed in such a location as would create an undue traffic hazard

subject to the regulations and recommendations of the County Engineer.

(g) All of the following uses:

- Public stable or riding arena
- Public utility buildings and facilities
- Advertising signs
- School
- Church
- Cemetery
- Park or playground
- Municipal use
- Airport or landing field
- Library
- Country club
- Golf course
- Home occupation
- Plant nursery

(h) Accessory buildings which are not a part of the main building, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

1.3 Area Regulations

(a) Front yard: All building and mining operations except temporary roadside stands for the sale of farm products grown on the premises, shall be set back from road and street right-of-way lines to comply with the following front yard requirements:

- (1) Front yard adjacent to a state or federal highway. All buildings shall set back from a state or federal highway a minimum of forty (40) feet from the right-of-way line or one hundred (100) feet of the center line of the right-of-way easement whichever is greater.
- (2) Front yard adjacent to a primary thoroughfare all buildings shall set back from a primary thoroughfare a minimum of twenty-five (25) feet from the right-of-way line or seventy-five (75) feet from the center line of the right-of-way easement, whichever is greater.
- (3) Front yard adjacent to a secondary thoroughfare or a section line road or county .

highway. All buildings shall set back from a secondary thoroughfare or a section line road or county highway a minimum of twenty-five (25) feet from the right-of-way line or sixty-five (65) feet from the center line of the right-of-way easement, whichever is greater.

(4) Front yard adjacent to any public road or street other than a federal, state or county highway, primary or secondary thoroughfare, or a section line road. On all public roads or streets, other than federal, state or county highway, primary or secondary thoroughfare, or a section line road, all buildings shall set back a minimum of twenty-five (25) feet from the right-of-way line or fifty-five (55) feet from the center line of the right-of-way easement, whichever is greater.

(b) Side yard and rear yard: There are no side yard or rear yard setbacks requirements for either main or accessory buildings except that clusters of three (3) or more dwellings on one parcel of land under one ownership shall be located on the parcel in such a manner that they will comply with the minimum side yard and rear yard requirements of the A-2 suburban district in the event that one or more of the home sites is conveyed to a second party.

SECTION 2. A-2 SUBURBAN DISTRICT:

2.1 General Description

This district is intended to provide a location for the land situated on the fringe of the urban area that may be either agricultural or urban in character. This area commonly has been subdivided by ownership into various shaped tracts usually ranging from less than an acre to twenty acres in size. The use of land in these areas will represent a variety of urban and rural uses including the single family dwelling unit on a small tract, residential uses with farm animals on acreages and agricultural endeavors of a limited scale. It is the purpose of this district to promote a compatibility between uses and to encourage and provide an orderly transition from agricultural to urban uses.

2.2 Uses Permitted

Property and buildings in a A-2, suburban district shall be used only for the following purposes:

- (a) Detached one-family dwelling.
- (b) Church
- (c) Public school or school offering general educational courses the same as ordinarily given in the public schools and having no rooms regularly used for housing or sleeping.
- (d) Agricultural crops
- (e) The raising of farm animals in accordance with county regulations and the regulations of the county and state health department, but this is not to be construed to allow commercial feed lots.
- (f) Drilling for and extraction of oil and natural gas.
- (g) All of the following uses:
 - Country Club
 - Golf Course or Driving Range
 - Home Occupation
 - Library
 - Municipal Use
 - County Use
 - Park or Playground
 - Plant Nursery
- (h) Home beauty shop located in a dwelling provided such shop is conducted within the main dwelling, and is operated only by the inhabitants thereof and does not exceed one operator. The use shall be conducted in such a way that it is clearly incidental to the dwelling use and shall not change the character thereof. No sign shall be permitted except one non-illuminated nameplate not exceeding two (2) square feet in area, attached to the main building.
- (i) Bulletin board or sign, not exceeding forty (40) square feet in area appertaining to the lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

- (j) Accessory buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

2.3 Area Regulation

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
- (1) See Article II, Section 1 (A-1 Regulations)
 - (2) See Article II, Section 2 (A-1 Regulations)
 - (3) See Article II, Section 3 (A-1 Regulations)
 - (4) See Article II, Section 4 (A-1 Regulations)
- (b) Side Yard:
- (1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than seven (7) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings of more than one (1) story, except as herein after provided in Article III, Section 2.
 - (2) For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
 - (3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twentyfive (25) feet in every other case; provided, however,

- (j) Accessory buildings, including barns, sheds and other farm buildings, private garages and accessory buildings which are a part of the main building.

2.3 Area Regulation

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
- (1) See Article II, Section 1 (A-1 Regulations)
 - (2) See Article II, Section 2 (A-1 Regulations)
 - (3) See Article II, Section 3 (A-1 Regulations)
 - (4) See Article II, Section 4 (A-1 Regulations)
- (b) Side Yard:
- (1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than seven (7) feet for dwellings of one (1) story, and of not less than ten (10) feet for dwellings of more than one (1) story, except as herein after provided in Article III, Section 2.
 - (2) For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located more than ninety (90) feet behind the front lot line.
 - (3) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twentyfive (25) feet in every other case; provided, however,

that the side yard setback adjacent to a federal, state or county highway and section line road shall be the same as the front yard setback required on these facilities. The interior side yard on a corner lot shall be the same as for dwellings and accessory buildings on an interior lot.

- (4) Churches and main and accessory buildings other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than thirty-five (35) feet. The side yard set back from the intersecting street on the corner lot shall be the same as required for residential uses in paragraph (b) (3) above.
- (c) Rear Yard: There shall be a rear yard for a main building or not less than twenty (20) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.
- (d) Lot Width: For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
- (e) Intensity of Use:
 - (1) For dwelling sites served by a sanitary sewer approved by the state health department there shall be a lot area of not less than seven thousand five hundred (7,500) square feet for each dwelling and buildings accessory thereto.
 - (2) For dwelling sites which are not served by a sanitary sewer approved by the state health department there shall be a lot area of not less than twenty-five thousand (25,000) square feet for each dwelling and buildings accessory thereto.
 - (3) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations

that lot may be used for any of the uses except churches, permitted by this section.

- (4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article IV; provided, however, that the lot area for a church shall not be less than twenty-five thousand (25,000) square feet, and for each increment in seating capacity of twenty (20) persons beyond a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand (3,000) square feet of lot area shall be provided. Provided, however, that the maximum size lot required by this paragraph shall not be required to exceed forty thousand (40,000) square feet.

- (f) Coverage: Main and accessory buildings shall not cover more than twenty-five (25) per cent of the lot area on interior lots, and thirty (30) per cent of the lot area on corner lots; accessory buildings shall not cover more than twenty (20) per cent of the rear yard.

2.4 Height Regulations

No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height except as provided in Article III, Section 3.

SECTION 3. R-1 SINGLE-FAMILY DWELLING DISTRICT:

3.1 General Description

This is the most restrictive residential district. The principle use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the pro-

per functional relationship of each element.

3.2 Uses Permitted

Property and buildings in an R-1, single-family dwelling district, shall be used only for the following purposes:

- (a) Detached one-family dwelling
- (b) Church
- (c) Public school or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing and sleeping.
- (d) Non-profit institutions of higher education with all accessory and auxiliary buildings and uses customarily incidental to such institutions.
- (e) Public park or playground
- (f) Library
- (g) General purpose farms or garden, but not the raising of livestock.
- (h) Home occupation
- (i) Accessory buildings which are not a part of the main buildings, including a private garage or accessory buildings which are a part of the main building, including a private garage.
- (j) Bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

3.4 Area Regulations

All buildings shall be set back from street right-of-way lines or lot lines to comply with the following yard requirements:

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
 - (1) See Article II, Section 1 (A-1) Regulations.

- (2) See Article II, Section 2 (A-1 Regulations)
- (3) See Article II, Section 3 (A-1 Regulations)
- (4) See Article II, Section 4 (A-1 Regulations)
- (5) When a yard has double frontage the front yard requirements shall be complied with on both streets.

(b) Side Yard:

- (1) For dwellings of one story located on interior lots there shall be a side yard on each of the main building of not less than ten (10) per cent of the average width of the lot and not less than fifteen (15) per cent of the average width of the lot for main buildings of more than one story except as hereinafter provided in Article III, Section 2; provided, however, that the minimum side yard shall be not less than five (5) feet for one-story main buildings and not less than eight (8) feet for main buildings of more than one story. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than ninety (90) feet back of the front property line.
- (2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet and in case such lot is back to back with another corner lot, and twenty-five (25) feet in every other case; provided, however, that the side yard set back adjacent to a federal, state or county highway and section line road shall be the same as the front yard setback required on these facilities, the interior side yard on a corner lot shall be the same as for dwellings and accessory building on an interior lot.

- (3) Churches and main and accessory buildings other than dwellings and buildings accessory to dwellings, shall set back from all interior side lot lines a distance of not less than thirty-five (35) feet and they shall set back from all exterior lot lines a distance of not less than twenty-five (25) feet. Provided, however, that in the event a church owns a parcel of land completely surrounded by streets or by streets and alleys, the side yard set back on the corner lot shall be the same as required for residential uses in paragraph (b) (2) above.
- (c) Rear Yard: There shall be a rear yard for a main building of not less than twenty (20) feet or twenty (20) per cent of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building.
- (d) Lot Width: For dwellings there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.
- (e) Intensity of Use:
- (1) For dwelling sites served by a sanitary sewer approved by the state health department there shall be a lot area of not less than six thousand five hundred (6,500) square feet for each dwelling and buildings accessory thereto.
 - (2) For dwelling sites which are not served by a sanitary sewer approved by the state health department there shall be a lot area of not less than twenty-five thousand square feet for each dwelling and buildings accessory thereto.
 - (3) Where a lot has less area than herein required and all the boundary lines of that lot touch lands under other ownership on the effective date of these regulations that lot may be used for any of the uses, except churches, permitted by this section.
 - (4) For churches and main and accessory buildings, other than dwellings and buildings

accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in Article IV; provided, however, that the lot area for a church shall not be less than twenty-five thousand (25,000) square feet, and for each increment in seating capacity of twenty (20) persons beyond a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand (3,000) square feet of lot area shall be provided. Provided, however, that the maximum size lot required by this paragraph shall not be required to exceed forty thousand (40,000) square feet.

- (f) Coverage: Main and accessory buildings shall not cover more than twenty-five (25) per cent of the lot area on corner lots; accessory buildings shall not cover more than twenty (20) per cent of the rear yard.

3.5 Height Regulations

No building shall exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height except as provided in Article III, Section 3.

SECTION 4. R-2 TWO-FAMILY DWELLING DISTRICT:

4.1 General Description

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

4.2 Uses Permitted

Property and buildings in an R-2, two-family dwell-

ing district, shall be used only for the following purposes:

- (a) Any uses permitted in R-1, single-family dwelling district.
- (b) Two-family dwelling or a single-family dwelling and a garage apartment.
- (c) Accessory buildings and used customarily incidental to any of the above uses when located on the same lot.

4.3 Uses Permitted on Review

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article VII, Section 2:

- (a) Any use permitted on review in R-1, single-family dwelling district.
- (b) Child care center.

4.4 Area Regulations

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the front yard regulations in Section 3, R-1 single-family dwelling district.
- (b) Side Yard:
 - (1) For dwellings of one story located on interior lots there shall be a side yard on each side of the main building of not less than ten (10) per cent of the average width of the lot and not less than fifteen (15) per cent of the average width of the lot for main buildings more than one story and for garage apartments, except as hereinafter provided in Article III, Section 2; provided, however, that the minimum side yard shall be not less than five (5) feet for one story main buildings, and not less than eight (8) feet for main buildings of more than one story.

For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided however, that unattached one-story buildings of accessory

use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not less than ninety (90) feet back of the front property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot.

(3) Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings shall set back from all interior side lot lines a distance of not less than thirty-five (35) feet and they shall set back from all exterior lot lines a distance of not less than twenty-five (25) feet provided, however, that in the event a church owns a parcel of land completely surrounded by streets or by streets and alleys, the side yard setback on the corner lot shall be the same as required for residential uses in paragraph (b) (2) above.

(c) Rear Yard:

(1) For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty (20) per cent of the depth of the lot whichever is smaller. Garage apartments may be located in the rear yard of a single family dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building.

(d) Lot Width:

(1) For single-family dwellings, two-family dwellings, or single-family dwellings and garage apartments, there shall be a min-

imum lot width of fifty (50) feet at the front building line, and the lot shall abut on a street for a distance of not less than thirty-five (35) feet.

(e) Intensity of use:

- (1) For each single-family dwelling and accessory buildings there shall be a lot area of not less than six thousand (6,000) square feet.
- (2) For each two-family dwelling and accessory buildings there shall be a lot area of not less than seven thousand (7,000) square feet. A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases a garage apartment shall be provided with the same lot area required by a single-family dwelling.
- (3) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance that lot may be used for any use, except churches, permitted in the R-1 single-family district.
- (4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article IV; provided, however, that the lot area for a church shall be not less than twenty-one thousand (21,000) square feet and for each increment in seating capacity of twenty (20) persons beyond a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand (3,000) square feet of lot area shall be provided. Provided, however, that the maximum size lot required by this paragraph shall not be required to exceed forty thousand (40,000) square feet.

(f) Coverage:

- (1) Main and accessory building shall not cover more than thirty (30) per cent of the lot area. Accessory buildings shall not cover more than twenty (20) per cent of the rear yard.

2.5 Height Regulations

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as provided in Article III, Section 3.

SECTION 5. R-3 APARTMENT AND MULTIPLE DWELLING DISTRICT:

5.1 General Description

This is a residential district to provide for medium population density, and rooming or boarding houses.

The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

5.2 Uses Permitted

- (a) Any use permitted in an R-2 Residential District.
- (b) Multiple-family dwelling, apartment house.
- (c) Rooming or boarding house.
- (d) Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

5.3 Uses Permitted on Review

The following uses may be permitted on review by the Planning Commission in accordance with provisions contained in Article VII, Section 2.

- (a) Any use permitted on review in an R-1 or R-2 Residential district.
- (b) Child care center.
- (c) Medical facility
- (d) Trailer court
- (e) An off-street parking lot associated with a C-commercial use as required under the provisions of Article IV of these regulations.

5.4 Area Regulations

(a) Front Yard:

All building shall be set back from street right-of-way lines to comply with the following front yard requirements:

- (1) See yard requirements index.
- (2) If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed as average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum set back so established by the existing building; but this regulation shall not require a front yard of greater depth than forty (40) feet.
- (3) When a yard has double frontage the front yard requirements shall be provided on both streets.

(b) Churches:

- (1) Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all interior side lot lines a distance of not less than thirty-five (35) feet and they shall set back from all exterior lot lines a distance of not less than twenty-five (25) feet. Provided, however, that in the event a church owns a parcel of

land completely surrounded by streets or by streets and alleys, the side yard setback on the corner lot shall be the same as required for front yard set back.

(c) Lot Width:

There shall be a minimum lot width of fifty (50) feet at the front building line for single-family and two-family dwellings, and ten (10) feet additional width at the front building line for each family, more than two, occupying the dwelling. However, a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet. A lot shall abut on a street not less than thirty-five (35) feet.

(d) Intensity of Use:

- (1) There shall be a lot area of not less than six thousand (6,000) square feet for a single-family dwelling, not less than seven thousand (7,000) square feet for a two-family dwelling, and for a multiple-family dwelling there shall be a lot area of not less than ten thousand (10,000) square feet plus an additional area of not less than three thousand (3,000) square feet for each family, more than three occupying a dwelling.
- (2) There shall be a lot area of not less than seven thousand (7,000) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located in the rear yard of a two-family or multiple-family dwelling the lot area shall be not less than three thousand (3,000) square feet more than is required for the two-family or multiple-family dwelling.
- (3) Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance that lot may be used for any use except churches, permitted in the R-1 single-family dwelling district.

- (4) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Article IV. Provided, however, that the lot area for a church shall not be less than twenty-one thousand (21,000) square feet, and for each increment in seating capacity of twenty (20) persons beyond a seating capacity of one hundred (100) persons in the main auditorium, an additional three thousand (3,000) square feet of lot area shall be provided. Provided, however, that the maximum size lot required by this paragraph shall not be required to exceed forty thousand (40,000) square feet.

(f) Coverage:

Main and accessory buildings shall not cover more than thirty-five (35) per cent of the lot area. Accessory buildings shall not cover more than thirty (30) per cent of the rear yard.

5.5 Height Regulations

No buildings shall exceed three and one half (3½) stories or forty-five (45) feet in height, except as provided in Article III, Section 3.

SECTION 6. C-1 LOCAL COMMERCIAL DISTRICT:

6.1 General Description

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.

6.2 Uses Permitted

Property and buildings in a C-1, Local commercial district, shall be used only for the following purposes:

- (a) Any use permitted in an R-3 residential district.
- (b) Any use permitted on review in an R-3 residential district.
- (c) Retail stores and shops supplying the regular and customary needs of the residents of the neighborhood and primarily for their convenience, as follows:

- Antique shop
- Apartment hotel
- Appliance store
- Arts school, gallery or museum
- Artist materials, supply, studio
- Assembly hall for non-profit corporations
- Automobile service station
- Automobile parking lot
- Bakery goods store
- Bank
- Barber shop
- Beauty shop
- Book or stationery store
- Camera shop
- Candy store
- Catering establishment
- Cleaning, pressing, laundry agency,
provided cleaning and pressing is
not done on the premises
- Curio or gift shop
- Drug store or fountain
- Drygoods store
- Department store
- Dairy products or ice cream store
- Delicatessen
- Dress shop
- Florist shop, greenhouse, nursery
- Furniture
- Grocery store or supermarket
- Hardware store
- Hotel
- Help-yourself laundry and dry cleaners
- Jewelry or notion store
- Lodge hall
- Meat market
- Medical facility
- Messenger or telegraph service
- Museums
- Music conservatories
- Musical instrument sales

newspaper or magazine sales
Office, business
Office supply
Optometrists sales and service
Paint and decorating shop
Parking lot
Photographer studio
Pharmacy
Radio and television sales and service
Restaurant
Sewing machines sales, instruction
Sporting goods sales
Shoe repair shop
Tailor shop
Toy store
Variety store.

- (d) Name plate and sign relating only to the use of the store and premises or to products sold on the premises. Lighted signs or flashing or intermittent type shall be prohibited.
- (e) Accessory buildings and uses customarily incidental to the above uses.
- (f) A building used for any of the above enumerated uses may not have more than forty (40) per cent of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in (a) through (e) above shall be displayed or stored outside of a building.

6.3 Area Regulations

The area requirements for dwellings shall be the same as the requirements of the R-2 residential district. The following requirements shall apply to all other uses permitted in this district.

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
 - (1) (See Yard Requirement Index)
 - (2) (See Yard Requirement Index)
 - (3) (See Yard Requirement Index)
 - (4) (See Yard Requirement Index)

- (b) Side Yard: On the side of a lot adjoining a dwelling or agricultural district there shall be a side yard of not less than ten (10) feet. The side yard setback adjacent to an intersecting street shall be the same as the front yard setback required above.
- (c) Rear Yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service courts, rear yard, or combination thereof of not less than thirty (30) feet.
- (d) Buildings shall be provided with a yard adequate to meet the off-street parking requirements set forth in Article IV.

6.4 Height Regulations

No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article III, Section 3.

SECTION 7. C-2 GENERAL COMMERCIAL DISTRICT:

7.1 General Description

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

7.2 Uses Permitted

Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

- (a) Any use permitted in a C-1 local commercial district.
- H-D (b) Amusement enterprises.
- H-D (c) New automobile sales and services, new machinery sales and services, and public garages, provided no gasoline is stored above ground;

used automobile and machinery sales, used automobile and machinery repairing if conducted wholly within a completely enclosed building, but not including automobile or machinery wrecking establishments or junk yards.

- (d) Advertising signs or structures
Auto courts or tourist court
Ambulance service office or garage
Bakery
Boat sales
Bus terminal
Carpenter and cabinet shop
Cleaning or apparel store
Commercial school or hall
Dance hall
Department store
Drive-in theater or restaurant
Electric transmission station
Feed and fuel store
Frozen food locker
Furniture repair and upholstery
Funeral parlor or mortuary
Gasoline and oil retail distributing plant
Golf course, miniature or practice range
Heating, ventilating or plumbing supplies, sales and service.
Interior decorating shop
Ice storage locker plant or storage house for food
Key shop
→ Kennel
Laboratories, testing and experimental
Laundry
Leather goods shop
Music, radio or television shop
Night club
Nursery or garden supply store
Outdoor advertising signs
Pawn shop
Pet shop
Printing plant
Recreation center
Research Laboratories
Roller skating rink
Sign painting shop
→ Hospital for small animals
Sporting goods store
Stock and bond broker
Theater
Tavern
Toy store

- Trailer camp
- Used automobile sales
- Wholesale distributing center

- (e) Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.
- (f) Any other store or shop for retail trade or for rendering personal, professional or business service, which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

7.3 Area Regulations

The area requirements for dwellings shall be the same as the requirements of the R-2 residential district. The following requirements shall apply to all other uses permitted in this district.

- (a) Front Yard: All buildings shall be set back from the street or road right-of-way lines to comply with the following front yard requirements.
 - (1) (Same as C-1)
 - (2) (Same as C-1)
 - (3) (Same as C-1)
 - (4) (Same as C-1)
- (b) Side Yard: The side yard setback for buildings adjacent to a street or road shall be the same as the front yard requirements. There are no other specific side yard requirements for uses other than dwellings.
- (c) Rear Yard: There shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width.
- (d) Buildings shall be provided with a yard adequate to meet the off-street parking requirements set forth in Article IV.

SECTION 8. C-3 NEIGHBORHOOD SHOPPING CENTER DISTRICT:

8.1 General Description

This commercial district is intended for a unified grouping, in one or more buildings, of retail shops and stores that provide for the regular needs and are for the convenience of the people residing in the adjacent residential neighborhoods. It is intended that the neighborhood shopping center to be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and screening materials.

8.2 Uses Permitted

Property and buildings in a C-3 neighborhood shopping center district shall be used only for the uses enumerated below; provided, however, that these uses shall be located in a unified shopping center which shall have not less than five (5), or more than twenty (20) shops and stores, at least one of which shall be a supermarket of not less than ten thousand (10,000) square feet of gross floor area. The shops and stores of the shopping center shall have a combined total gross floor area of not less than twenty thousand (20,000) square feet or more than one hundred thousand (100,000) square feet, and shall be located on a tract of land of not less than four (4) acres or more than twenty (20) acres in area:

(a) Any of the following uses shall be permitted:

- Antique shop
- Appliance store
- Apparel store, family children, man or women
- Artists supplies
- Automobile parking lot
- Bakery goods store
- Bank
- Barber shop
- Beauty shop
- Book or stationery store
- Camera shop
- Candy store
- Catering establishment
- Cleaning and pressing collection station
- Curio shop
- Drug store or fountain
- Drygood store
- Dairy products or ice cream store
- Delicatessen

Florist shop
Furniture store
Gift shop
Grocery store
Hardware store
Help-yourself laundry and dry cleaning shop
Jewelry store
Meat market
Medical facility
Music store
Newspaper or magazine sales
Notions store
Office supply store
Optometrists sales and service
Paint and decorating shop
Photographer studio
Pharmacy
Radio and television sales and service
Restaurant
Sewing machine sales and service
Sporting goods sales
Shoe store or repair shop
Specialty shop for women
Supermarket
Tailor shop
Toy store
Variety store

- (b) Office uses; provided, however, that the total gross floor area of all office uses, exclusive of those listed in (a) above, shall not exceed twenty (20) per cent of the gross floor area of the shopping center.
- (c) Gasoline service or filling station; provided that it is designed as an integral part of the shopping center building group.
- (d) Advertising signs relating to the shopping center, the stores and shops therein and products sold therein. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other design features of the center.
- (e) Accessory buildings and uses customarily incidental to the above uses.

No material or goods offered for sale or stored in connection with the operation of the shopping center shall be stored or displayed outside of

a building; provided, however, that new material or goods which is actively being offered for sale may be temporarily displayed outside of a building, provided that it shall not be displayed on a public street or sidewalk or in an off-street parking area.

8.3 Area Regulations

- (a) Minimum and Maximum Area: The parcel of land on which a neighborhood shopping center is located shall not be less than four (4) or more than twenty (20) acres in area.
- (b) Yards: It is intended that the grouping of buildings and parking areas be designed to protect, in so far as possible, adjacent residential areas, and that ornamental screening from noise and light be provided where necessary; provided, however, that in no case shall the design of the shopping center provide less than the following standards:
 - (1) All buildings shall set back from all street right-of-way lines not less than twenty-five (25) feet, or a distance equal to the requirements of the C-1 local commercial district, whichever is more.
 - (2) On the side of a lot adjoining a dwelling district there shall be a side yard of not less than twenty-five (25) feet.
 - (3) There shall be a rear yard, alley, service court, or combination hereof, of not less than thirty (30) feet in width, and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials.
- (c) Coverage: Buildings shall not cover more than twenty (20) per cent of the site on which the shopping center is located.

8.4 Height Regulations

No building shall exceed two and one half ($2\frac{1}{2}$) stories, or thirty-five (35) feet in height, except as hereinafter provided in Article III, Section 3.

8.5 Off-Street Parking

The off-street parking requirements set forth in Article IV may be complied with by providing a permanent common off-street parking facility for all of the uses within the shopping center, provided that the lots contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements; provided, however, that in no case shall the amount of off-street parking area, including driveways required for ingress and egress and circulation, be less than four (4) times the gross floor area of the shopping center.

8.6 Administration Procedures for Shopping Center Development

Rezoning Application

Neighborhood shopping center locations have been designated on the general plan. An application for rezoning for a neighborhood shopping center for any area, all of which is located within nine hundred ninety (990) feet of the center of the shopping center symbol set forth on the general plan map, and in accordance with the requirements of this section, may be submitted. The application shall include the following, in addition to the administrative requirements set forth in Article VII, Section I, of this ordinance:

- (a) The developer shall submit site plans of the proposed development which shall be in adequate detail to determine compliance with the provisions of this section; and which shall show the arrangement of buildings, types of shops and stores, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, and utility and drainage easements and facilities; and the relationship of the shopping center development to adjacent areas which it may affect.
- (b) Signed lease agreements with proposed tenants or other evidence that indicates, to the satisfaction of the City Council or the Board of County Commissioners, whichever is appropriate and planning commission, the ability and intent of the developer to carry out the development of the shopping center in accordance with the plans submitted in accordance with

paragraph (2) above.

- (c) **Development Procedure:** The developer shall obtain a building permit for the shopping center in accordance with the requirements and procedure of Article VII, Section I, of this ordinance, and shall begin construction of the shopping center within one (1) year after the effective date of rezoning for the shopping center, and shall make a reasonable and continuous progress toward completion. If the shopping center is not under construction within one (1) year after the effective date of the shopping center rezoning the planning commission shall review the status of the development, and if it shall find that the developer cannot proceed immediately with the development, in conformity with the requirements of this section, this fact, and the reasons thereof, shall be reported to the proper legislative body. The City Council or the Board of County Commissioners may, at its discretion, rezone the shopping center district to a zoning district classification consistent with the general plan.

Any substantial deviation from the plans submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of the shopping center. Substantial changes in plans shall be resubmitted to the City Council or Board of County Commissioners, whichever is appropriate and the Planning Commission to insure compliance with the requirements and purpose and intent of this section, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

SECTION 9. C-4 COMMUNITY SHOPPING CENTER DISTRICT:

9.1 General Description

This commercial district is intended for a unified grouping in one or more buildings, of retail shops and stores that provide goods and services for the people residing within one and one-half to three miles of the shopping center. It is intended that the community shopping center be developed as a unit, with adequate off-street parking space for customers and employees, and with appropriate landscaping and

screening materials.

9.2 Uses Permitted

Property and buildings in a C-4 community shopping center district, shall be used only for the uses enumerated below; provided, however, that these uses shall be located in a unified shopping center which shall have not less than twenty (20), or more than forty (40), shops and stores, at least one of which shall be a junior department store or variety store having not less than twenty-five thousand (25,000) square feet of gross floor area. The shops and stores of the community shopping center shall have a combined total gross floor area of not less than one hundred thousand (100,000) square feet or more than two hundred fifty thousand (250,000) square feet, and shall be located on a tract of land of not less than twenty (20) acres or more than forty (40) acres in area:

(a) Any of the following uses shall be permitted:

- Antique shop
- Appliance store
- Apparel store, family, children, men or women
- Artists supplies
- Automobile parking lot
- Bakery goods store
- Bank
- Barber shop
- Beauty shop
- Book or stationery store
- Camera shop
- Catering establishment
- Cleaning and pressing collection station
- Curio shop
- Drug store or fountain
- Drygood store
- Dairy products or ice cream store
- Delicatessen
- Florist shop
- Furniture store
- Gift shop
- Grocery store
- Hardware store
- Help-yourself laundry
- Jewelry store
- Meat market
- Medical facility
- Music store
- Newspaper or magazine sales

Notions store
Office supply store
Optometrists sales and service
Paint and decorating shop
Photographer studio
Pharmacy
Radio and television sales and service
Restaurant
Sewing machine sales and service
Sporting goods sales
Shoe store or repair shop
Specialty shop for women
Supermarket
Tailor shop
Toy store
Variety store

- (b) Office Uses; Provided, however, that the total gross floor area of all office uses, exclusive of those listed in (a) above, shall not exceed twenty (20) percent of the gross floor area of the shopping center.
- (c) Gasoline service or filling station; provided that it is designed as an integral part of the shopping center building group.
- (d) Advertising signs regulating to the shopping center, the stores and shops therein and products sold therein. All advertising signs and structures shall be designed as an integral part of the shopping center development and shall be harmonious with the other architectural features of the center.
- (e) Accessory buildings and uses customarily incidental to the above uses.

No material or goods offered for sale or stored in connection with the operation of the shopping center shall be stored or displayed outside of a building; provided, however, that new material or goods which is actively being offered for sale may be temporarily displayed outside of a building, provided that it shall not be displayed on a public street or sidewalk or in an off-street parking area.

9.3 Area Regulations

- (a) Minimum and Maximum Area:

The parcel of land on which a community shopping center is located shall not be less than twenty (20) or more than forty (40) acres in area.

(b) Yards: It is intended that the grouping of buildings and parking areas be designed to protect, in so far as possible, adjacent residential areas and that ornamental screening from noise and light be provided where necessary; Provided, however, that in no case shall the design of the center be less than the following standards:

- (1) All buildings shall setback from all street right-of-way lines not less than twenty-five (25) feet or a distance equal to the setback required by the C-1 local commercial district, whichever is more.
- (2) On the side of a lot adjoining a dwelling district there shall be a side yard of not less than twenty-five (25) feet.
- (3) There shall be a rear yard, alley, service court, or combination thereof, of not less than thirty (30) feet in width, and all of the service area of all buildings shall be completely screened, with permanent ornamental screening materials, from public view.

(c) Coverage: Buildings shall not cover more than twenty (20) per cent of the site on which the shopping center is located.

9.4 Height Regulations

No building shall exceed two and one half (2½) stories, or thirty-five (35) feet in height, except as hereinafter provided in Article III, Section 3.

9.5 Off-Street Parking

The off-street parking requirements set forth in Article IV may be complied with by providing a permanent common off-street parking facility for all of the uses within the shopping center, provided that the lot contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements; Provided, however, that in no case shall the

amount of off-street parking area, including drive ways required for ingress and egress and circulation be less than four (4) times the gross floor area of the shopping center.

Administrative Procedures for Shopping Center Development

Rezoning Application

Community shopping center locations have been designated on the general plan. An application for rezoning for a community shopping center for any area, all of which is located within nine hundred ninety (990) feet of the center of the shopping center symbol set forth on the general plan map, or for the change from an existing neighborhood to a community shopping center, and in accordance with the requirements of this section, may be submitted. The application shall include the following, in addition to the administrative requirements set forth in Article VII, Section 1, of this ordinance:

- (a) The developer shall submit site plans of the proposed development which shall be in adequate detail to determine compliance with the provisions of this section; and which shall show the arrangement of buildings, types of shops and stores, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, and utility and drainage easements and facilities; and the relationship of the shopping center development to adjacent areas which it may affect.
- (b) Signed lease agreements with proposed tenants or other evidence that indicates, to the satisfaction of the City Council and Planning Commission, the ability and intent of the developer to carry out the development of the shopping center in accordance with the plans submitted in accordance with paragraph (2) above.
- (c) Development Procedure: The developer shall obtain a building permit for the shopping center in accordance with the requirements and procedure of Article VII, Section 1 of this ordinance and shall begin construction of the shopping center within one (1) year after the effective date of rezoning for the shopping center,

and shall make a reasonable and continuous progress toward completion. If the shopping center is not under construction within one (1) year after the effective date of the shopping center rezoning the Planning Commission shall review the status of the development, and if it shall find that the developer cannot proceed immediately with the development, in conformity with the requirements of this section, this fact, and the reasons thereof, shall be reported to the City Council. The City Council may, at its discretion, rezone the shopping center district to a zoning district classification consistent with the general plan.

Any substantial deviation from the plans submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of the shopping center. Substantial changes in plans shall be resubmitted to the City Council and the Planning Commission to insure compliance with the requirements and purpose and intent of this section, and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

SECTION 10. C-5 Central BUSINESS DISTRICT:

10.1 General Description

This district is designed to be the central business district or the downtown shopping and employment area for the community and surrounding area. This district is intended to provide space for retailing of all kinds, professional offices, financial institutions, amusement facilities, transient residential facilities, and limited wholesaling and warehousing.

10.2 Uses Permitted

Property and buildings in a C-5 central business district shall be used only for the following purposes:

- (a) Any use permitted in a C-2 general commercial district.

10.3 Area Regulations

The area requirements for dwellings shall be the same as the requirements of the R-3 district. The following requirements shall apply to all other uses permitted in this district.

- (a) There are no specific front or side yard requirements for uses other than dwellings.
- (b) Rear Yard: There shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width.
- (c) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article IV.

10.4 Height Regulations

No building shall exceed six and one-half ($6\frac{1}{2}$) stories or eighty (80) feet in height, except as hereinafter provided in Article III, Section 3 of these regulations.

SECTION 11. I-1 RESTRICTED LIGHT INDUSTRIAL DISTRICT:

11.1 General Description

This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the light and heavy industrial districts. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

11.2 Uses Permitted

Property and buildings in a I-1 restricted light industrial district shall be used only for the following purposes:

- (a) Any use, except a residential use, permitted in a C-2 general commercial district, and including sleeping facilities for caretakers and nightwatchmen employed on the premises.

(b) Any of the following uses:

Bakery
Bottling works
Book bindery
Candy manufacturing
Engraving plant
Electrical equipment assembly
Electronic equipment assembly and manufacture
Food products processing and packing
Furniture manufacturing
Instrument and meter manufacturing
Jewelry and watch manufacturing
Laboratories, experimental
Laundry and cleaning establishment
Leather goods fabrication
Optical goods manufacturing
Paper products manufacturing
Sporting goods manufacturing

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious, odor or fumes outside of the building housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article or material stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

11.3 Area Regulations

(a) Front Yard: All buildings shall be set back from the street or road right-of-way lines to comply with the following front yard requirements.

- (1) (Same as C-2)
- (2) (Same as C-2)
- (3) (Same as C-2)
- (4) (Same as C-2)

(b) Side Yard: The side yard setback for buildings adjacent to a street or road shall be the same

as the front yard requirements. No building shall be located closer than twenty-five (25) feet to an interior side lot line.

- (c) Rear Yard: No building shall be located closer than twenty-five (25) feet to the rear lot line.
- (d) Coverage: Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) per cent of the lot area.

All yard areas required under this section and other yards and open spaces existing around buildings shall be landscaped and maintained in a neat condition.

11.4 Height Regulations

No building or structure shall exceed three and one-half ($3\frac{1}{2}$) stories or forty-five (45) feet in height, except as hereinafter provided in Article III, Section 3 of these regulations.

SECTION 12. I-2 LIGHT INDUSTRIAL DISTRICT:

12.1 General Description

This industrial district is intended primarily for the conduct of light manufacturing, assembling, and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail, air or street transportation routes.

12.2 Uses Permitted

Property and buildings in an I-2 light industrial district shall be used only for the following purposes:

- (a) Any use except dwellings, permitted in the C-2 general commercial district or in the I-1 restricted light industrial district. No dwelling use, except sleeping facilities required by caretakers or nightwatchmen employed on the premises, shall be permitted in an I-2 light industrial district.
- (b) Any of the following uses:

- 2 (1) Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concret batch plant or transit mix plant.
- 3 (2) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
- 4 (3) Freighting or trucking yard or terminal.
- 5 (4) Oilfield equipment storage yard.
- 6 (5) Public utility service yard or electrical receiving or transforming station.
- 7 (6) Sale barn.
- 8 (7) Wholesale liquor warehouse.

No article or material permitted in this district shall be kept, stored or displayed outside the confines of a building unless it be so screened by fences, walls or planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

(c) The following uses when conducted within a completely enclosed building:

- 1 (1) The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
- 2 (2) The manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials: Bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
- 3 (3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns

fired only by electricity or gas.

- (4) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
- (5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- (6) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and overhauling, tire retreading or recapping, and battery manufacturing.
- (7) Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
- (8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.
- (9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.

- (d) Buildings, structures and uses accessory and customarily incidental to any of the above uses.

The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

12.3 Area Regulations

- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
 - (1) Front yard adjacent to a state or federal highway. All buildings shall set back from a state or federal highway a minimum of forty (40) feet from the right-of-way line or one hundred (100) feet from the

center line of the right-of-way easement, whichever is greater.

- (2) (Same as I-1)
- (3) (Same as I-1)
- (4) (Same as I-1)
- (b) Side Yard: On the side of a lot adjoining a dwelling or agricultural district there shall be a side yard of not less than ten (10) feet. The side yard setback adjacent to an intersecting street shall be the same as the front yard setback required above.
- (c) Rear Yard: Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.
- (d) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article IV.

12.4 Height Regulations

No building shall exceed three and one-half (3½) stories or forty-five (45) feet in height, except as hereinafter provided in Article III, Section 3.

SECTION 13. I-3 HEAVY INDUSTRIAL DISTRICT:

13.1 General Description

This industrial district is intended to provide for heavy industrial uses and other uses not otherwise provided for in the districts established by these regulations. The intensity of uses permitted in this district makes it desirable that they be located downwind and separated from residential and commercial uses.

13.2 Uses Permitted

Property and buildings in an I-² heavy industrial district may be used for any use except the following:

- (a) All residential uses except sleeping facilities required by nightwatchmen and caretakers employed upon the premises.
- (b) All uses not complying with these regulations, or any other county, state or federal regulation or law.
- (c) All of the following uses until they have been studied by the planning commission and have received the express approval of the board of county commissioners. The commission may require approval of the city or county health department, the state fire marshal and other state and county regulating agencies and may attach to the approval specific restrictions designed to protect the public welfare:
 - (1) Acid manufacture.
 - (2) Cement, lime, gypsum or plaster of paris manufacture.
 - (3) Explosives, manufacture or wholesale storage.
 - (4) Gas manufacture.
 - (5) Grain elevator and storage.
 - (6) Petroleum or its products, refining of.
 - (7) Wholesale or bulk storage of gasoline, propane butane, or other petroleum products.

Property and buildings in an I-~~3~~² heavy industrial district, when used for the following purposes shall have the uses thereon conducted in such a manner that all operation, display or storage of material or equipment is so screened by ornamental fences, walls, and /or permanent ever-green planting that it cannot be seen from a public street or from adjacent lots when viewed by a person standing at ground level, provided, however, that no screening in excess of seven (7) feet in height shall be required.

- (1) Automobile salvage or junk yard.
- (2) Building materials salvage yard.
- (3) Junk or salvage yard of any kind.

(4) Scrap metal storage yard.

13.3 Area Regulations

- As per Ord*
- (a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements.
- (1) (Same as I-2)
 - (2) (Same as I-2)
 - (3) (Same as I-2)
 - (4) (Same as I-2)
- (b) Side Yard: ^{on} On the side of a lot adjoining a dwelling or agricultural district there shall be a side yard of not less than ten (10) feet. The side yard set back adjacent to an intersecting street shall be the same as the front yard setback required above.
- (c) Rear Yard: ^{on} Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.
- (b) Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Article IV.

13.4 Height Regulations

Where a lot adjoins a dwelling district the building height shall not exceed forty-five (45) feet, unless it is set back ten (10) feet from all front and side yard lines, plus an additional one (1) foot of set back for each foot of additional height above forty-five (45) feet except as otherwise provided in Article III, Section 3.

ARTICLE III

ADDITIONAL DISTRICT PROVISIONS

SECTION 1. CONDITIONS OF A MORE RESTRICTED DISTRICT:

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

SECTION 2. OPEN SPACE:

No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.

- (a) Fences, walls, and hedges in residential districts may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge located in front of the front building line shall exceed four (4) feet in height, and no other wall or fence within five (5) feet of the property line shall exceed six (6) feet in height; provided, however, that a higher fence can be constructed, but it must comply with the setback requirements of a structure.
- (b) Where the dedicated street right-of-way is less than sixty (60) feet, the depth of the front yard shall be measured starting at a point thirty (30) feet from the center line of the street easement.
- (c) No dwelling shall be erected on a lot which does not abut on at least one street for at least thirty-five (35) feet and have a width of at least fifty (50) feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.
- (d) No minimum lot sizes and open spaces are prescribed for commercial and industrial uses.

It is the intent of these regulations that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

- (e) On any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth, which obstructs sight lines at elevations between two feet six inches (2' 6") and six feet (6') above any portion of the crown of the adjacent roadway shall be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.
- (f) An attached or detached private garage or carport which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.

SECTION 3. HEIGHT:

The regulations herein set forth qualify or supplement, as the case may be, the specific district appearing in Article II.

- (a) In measuring heights, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof the area of which story at a height of four (4) feet above the floor does not exceed two-thirds ($2/3$) of the floor area of the story immediately below it and which does not contain an independent apartment shall be counted as a half story.
- (b) Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.
- (c) Churches, schools, hospitals, sanatoriums and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two feet by which the height of such public or

semi-public structure exceeds the prescribed height limit.

SECTION 4. GROUP HOUSING PROJECTS:

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots, and which will not be so subdivided, or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of the regulations to the individual buildings in such housing projects, the application of such requirements to such housing project shall be done by the Board of County Commissioners in a manner that will be in harmony with the character of the neighborhood, will insure a density of land use no higher and a standard of open space at least as high as required by these regulations in the district in which the proposed project is to be located. In no case shall a use or building height or density of population be permitted which is less than the requirements of the district in which the housing project is to be located.

SECTION 5. STORAGE OF LIQUEFIED PETROLEUM GASES:

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the regulations of the liquefied petroleum gas administration of the state of Oklahoma.

SECTION 6. TRAILER COURT REGULATIONS:

Trailer parks shall be constructed and operated in accordance with the requirements of the regulations of Garfield County relating thereto.

ARTICLE IV

OFF-STREET AUTOMOBILE AND VEHICLE
PARKING AND LOADING

SECTION 1. GENERAL INTENT AND APPLICATION:

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the jurisdiction of these regulations. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

SECTION 2. REQUIRED OPEN SPACE:

Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

- (a) The area required for off-street parking shall be in addition to the yard areas herein required, except that the front yard required in industrial districts may be used for uncovered parking area and the front yard of a residential district may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use and may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 7 below.

SECTION 3. LOCATION:

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley.

SECTION 4. OWNERSHIP:

The ownership of land upon which the off-street parking is provided shall be the same as the ownership of land on which the principal use is located.

SECTION 5. SIZE OF OFF-STREET PARKING SPACE:

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty-one (21) feet plus adequate area for ingress and egress.

SECTION 6. AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED:

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

- (1) Dwelling: One (1) parking space for each separate dwelling unit within the structure.
- (2) Boarding or rooming house or hotel: One (1) parking space for each two (2) guests provided overnight accommodations.
- (3) Hospitals: One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.
- (4) Medical or dental clinics or offices: Four (4) spaces per doctor plus one (1) space for each two (2) employees.
- (5) Sanatoriums, convalescent or nursing homes: One (1) space for each six (6) patient beds plus one (1) space for each staff or visiting doctor plus one (1) space for each two (2) employees including nurses.
- (6) Community center, theater, auditorium, church sanctuary: One (1) parking space for each five (5) seats, based on maximum seating capacity.
- (7) Convention hall, lodge, club, library, museum, place of amusement or recreation: One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.
- (8) Office building: One (1) parking space

for each three hundred (300) square feet or gross floor area in the building, exclusive of the area used for storage, utilities and building service.

- (9) Commercial establishments not otherwise classified: One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater.
- (10) Industrial establishments: Adequate area to park all employees and customers vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or as part of the primary operation of the establishment.

For all uses not covered in (1) through (10) above, the planning commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

SECTION 7. OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS:

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply.

- (1) All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) feet nor more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition.
- (2) No parking shall be permitted within a front yard setback line established fifteen (15) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required; however, that on any corner lot on which a front and side yard is required, no wall, fence, sign, structure or any plant growth which obstructs sight lines at elevations

between two feet six inches (2' 6") and six feet (6') be maintained in a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

- (3) All yards shall be landscaped with grass, shrubs, and evergreen ground cover and maintained in good condition the year round.
- (4) Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.
- (5) All of the lot used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- (6) The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.
- (7) No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only nonintermittent lighting of signs shall be permitted.

ARTICLE V

NONCONFORMING BUILDINGS, STRUCTURES
AND USES OF LAND

SECTION 1. NONCONFORMING BUILDINGS AND STRUCTURES:

A nonconforming building or structure existing at the time of adoption of these regulations may be continued and maintained except as otherwise provided in this section.

1.1 Alteration or Enlargement of Buildings and Structures

A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

1.2 Outdoor Advertising Signs and Structures

Any advertising sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time these regulations became effective, which does not conform with the provisions hereof shall not be structurally altered and all such non-conforming advertising signs, billboards, commercial advertising structures and statuary, and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of these regulations.

1.3 Building Vacancy

A nonconforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the dis-

trict in which it is located.

1.4 Change In Use

A nonconforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a nonconforming use of a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of these regulations.

The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of a nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification.

SECTION 2. NONCONFORMING USES OF LAND:

A nonconforming use of land, where the aggregate value of all permanent buildings or structures is less than one thousand dollars (\$1,000), existing at the time of adoption of these regulations, may be continued for a period of not more than three (3) years therefrom, provided:

- (a) Said nonconforming use may not be extended or expanded.
- (b) If said nonconforming use or any portion thereof is discontinued for a period of three (3) months, or changed, any future use of such land, or change in use, shall be in conformity with the provisions of the district in which said land is located.

ARTICLE VI

SECTION 1. BOARD OF ZONING ADJUSTMENT AND METHOD OF APPEAL:

The Garfield County Board of Adjustment has the powers and duties as hereinafter set forth.

SECTION 2. MEMBERSHIP:

The Board of Adjustment shall be composed of five (5) members, residents of Garfield County and all of whom shall reside outside the City limits of Enid, Oklahoma, appointed by the Board of County Commissioners for a term of three (3) years provided, however, that for the first appointment under the provisions of these regulations two (2) members shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of three (3) years. All appointments thereafter shall be for a term of three (3) years. Not less than one (1) member shall be appointed from the membership of the Metropolitan Area Planning Commission.

The Board shall elect a chairman from its membership to serve for a term of two (2) years.

SECTION 3. PROCEDURE:

The County Board of Adjustment shall adopt rules in accordance with the provisions of these regulations. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations or to effect any variation in such regulations.

SECTION 4. APPEALS:

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Garfield County affected by any decision of the County In-

spection Officer such appeal shall be taken within ten (10) days from the date of filing with the County Inspecting Officer from whom the appeal is taken and with the County Board of Adjustment, a notice of appeal specifying the grounds thereof, and by paying a filing fee of fifteen dollars (\$15.00) at the office of the County Treasurer at the time the notice is filed. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the County Board of Adjustment or by a court or record on application and notice to the officer from whom the appeal is taken and on the cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

SECTION 5. POWERS:

The Board of Adjustment shall have the following powers:

- (a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the County Inspecting Office in the interpretation or enforcement of these regulations.
- (b) Powers relative to variances: Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions of other extra-ordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of these regulations, would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, the Board is hereby empowered to authorize upon an appeal relating to such property a variance from such strict ap-

plication so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of these regulations.

- (c) Powers relative to exceptions: Upon appeal, the Board is hereby empowered to permit the following exceptions:
- (1) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
 - (2) To interpret the provisions of these regulations where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is attached to and made a part of these regulations.
 - (3) To grant exceptions to the off-street parking requirements set forth in Article IV, when it is determined that the size and shape of the lot to be built on is such that off-street parking provisions could not be complied with, and that the proposed use will not create undue traffic congestion in the adjacent streets.

In exercising the above mentioned powers the County Board of Adjustment may, in conformance with the provisions of these regulations reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from the rulings made under these regulations, the Board shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of Garfield County. Every ruling made upon any appeal to the Board shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board, and shall specify the reason for granting or denying the appeal.

SECTION 6. APPEAL TO DISTRICT COURT:

An appeal from any action, decision, ruling, judgment or order of the County Board of Adjustment may be taken by any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of Garfield County to the District Court and Superior Court by filing notice of appeal with the Clerk of said Board of Adjustment within ten (10) days from the filing of the decision of the Board, which notice shall specify the grounds of such appeal. Upon filing of the notice of appeal as herein provided, the Clerk of said Board shall forthwith transmit to the Court Clerk of the District Court the original or certified copy of all the papers constituting the record in the case, together with the order, decision or ruling of the Board.

ARTICLE VII
ADMINISTRATION

SECTION 1. BUILDING PERMIT OF CERTIFICATE OF OCCUPANCY
REQUIRED:

These regulations shall be enforced by a County Inspecting Officer appointed by the Board of County Commissioners. The County Inspector and the City Inspector may be the same person. It shall be a violation for any person to change or permit the change in the use of land or buildings or structures or to erect, alter, move or improve any building or structure until a building permit or certificate of occupancy has been obtained under the following conditions.

1.1 Building Permits

Whenever any structure or building is to be improved in an amount exceeding five hundred dollars (\$500) or erected, moved or structurally altered a building permit shall be obtained from the County Inspection Office. The County Inspecting Officer may require every applicant for a building permit to furnish the following information:

- (a) A plot plan, drawn to scale, showing the exact size, shape, and dimensions of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off-street parking and loading facilities.
- (b) A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
- (c) Additional information relating to the proposed improvement needed to determine compliance with these regulations.
- (d) A survey prepared by an engineer registered in the State of Oklahoma of the boundaries of the lot on which the improvement is proposed to be located.

1.2 Certificate of Occupancy

No change shall be made in the use of any land or building or structure after the passage of these regulations until a certificate of occupancy is obtained from the County Inspecting Officer certifying that all of the provisions of these regulations are complied with. Wherever a building permit is issued for the erection of a new building or structure an occupancy permit shall not be required, except where the use of the building or structure is changed from that for which the permit is issued or where the intended use is not clearly stated on the building permit.

SECTION 2. PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW:

The uses listed under the various Districts herein as "Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedures.

- (a) An application shall be filed with the Metropolitan Area Planning Commission for review. Said application shall show the location and intended use of the site, the names of all the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Planning Commission may require.
- (b) The Planning Commission shall hold one or more public hearings thereon.
- (c) The Planning Commission shall within forty-five (45) days of the date of application, transmit to the Board of County Commissioners its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the Planning Commission concerning use thereon. Thereupon the Board of County Commissioners may authorize or deny the issuance of a building permit for the use of land or buildings as requested.

SECTION 3. VIOLATIONS AND PENALTIES:

A violation of these regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of these regulations shall be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4. AMENDMENTS:

The Board of County Commissioners may, from time to time, on its own motion, or on petition from a property owner, or on recommendation of the Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto by the Planning Commission, at which parties in interest and citizens shall have an opportunity to be heard. Every such proposed amendment shall be referred to the Planning Commission for report. At least fifteen (15) days notice of the time and place of such hearings shall be published in an official paper or paper of general circulation in Garfield County. For each petition for amendment to the zoning regulations a fee of (\$20.00) Twenty dollars shall be paid to Garfield County.

SECTION 5. CLASSIFICATION OF DE-ANNEXED PROPERTY:

All de-annexations of land from city of Enid shall be in an R-1 residential zone unless otherwise classified by the Board of County Commissioners, for a period of time not to exceed one (1) year from the effective date of the ordinance de-annexing said property.

Within this one year period of time the Board of County Commissioners shall instruct the Planning Commission to study and make recommendations concerning the use of land within said de-annexed area to promote the general welfare and in accordance with the comprehensive plan, and upon receipt of such recommendations the Board of County Commissioners shall, establish the district classification of said property; provided, however, that this shall not be construed as preventing the Board of County Commissioners from establishing the district classification at the time of said de-annexation.

SECTION 6. INVALIDITY OF A PART:

In case any portion of these regulations shall be held to

be invalid or unconstitutional, the reminder of these regulations shall not thereby be invalid, but shall remain in full force and effect.

SECTION 7. CONFLICTING REGULATIONS:

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any other regulations of Garfield County, Oklahoma; in any case when the provisions of these regulations and the provisions of other regulations both apply, the provisions of greatest restriction shall govern.

SECTION 8. EMERGENCY CLAUSE:

It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof these regulations shall take effect and be in full force from and after its passage and approval.

Passed and adopted this 19th day of JUNE, 1963.

ATTEST:

A. B. Vanderkirk
County Clerk

[Signature]
Chairman, Board of
County Commissioners

TABLE #1

ZONE	YARD REQUIREMENTS											AREA	HEIGHT	USES PERMITTED
	FRONT							SIDE		REAR				
	HIGHWAY		PRIMARY		SECONDARY		PUBLIC	INTERIOR	CORNER					
FROM R-O-W LINE	FROM CENTER LINE	FROM R-O-W LINE	FROM CENTER LINE	FROM R-O-W LINE	FROM CENTER LINE	FROM R-O-W LINE	STORY (1)	(2)						
A-1	40	100	25	75	25	65	25	10	15	25	35	20 ACRES	-	AGRICULTURE AND RESIDENCE RURAL IN NATURE.
A-2	40	100	25	75	25	65	25	7	10	25	35	25,000	35	AGRICULTURE AND RESIDENCE SEMI-URBAN IN NATURE.
R-1	40	100	25	75	25	65	25	5	8	15	30	6,500	35	SINGLE FAMILY RESIDENCE - NO HOME OCCUPATION.
R-2	40	100	25	75	25	65	25	5	8	12½	25	6,500	35	TWO FAMILY RESIDENCE - TWO FAMILY AND GARAGE APARTMENT.
R-3	25		25		25		25	5	8	12½	25	6,000	35	APARTMENTS.
C-1	25		25		25		25	5	-	-	-	-	35	LIGHT COMMERCIAL - RETAIL STORES - SERVICE STATIONS - BARBER SHOPS.
C-2	25		25		25		25	-	-	-	-	-	35	GENERAL COMMERCIAL - WHOLESALE - LOCKER PLANTS - CABINET SHOPS ETC.
C-3	25		25		25		25	PLANS MUST INCLUDE PARKING AND YARD REQUIREMENTS AND BE APPROVED BY THE PLANNING COMMISSION.						SMALL SHOPPING CENTER DISTRICT - WITH A LARGE SUPERMARKET.
C-4	25		25		25		25	PLANS MUST INCLUDE PARKING AND YARD REQUIREMENTS AND BE APPROVED BY THE PLANNING COMMISSION.						LARGE SHOPPING CENTER DISTRICT - WITH BETWEEN 20 AND 40 STORES & SHOP
C-5	-		-		-		-	-	-	-	-	-	80	CENTRAL BUSINESS DISTRICT - SAME AS C-2 BUT REQUIRES NO SET BACK.
I-1	25		25		25		25	PLANS MUST INCLUDE PARKING AND YARD REQUIREMENTS AND BE APPROVED BY THE PLANNING COMMISSION.						LIGHT INDUSTRIAL DISTRICT - NO ODOR OR NOISE.
I-2	25		25		25		25	PLANS MUST INCLUDE PARKING AND YARD REQUIREMENTS AND BE APPROVED BY THE PLANNING COMMISSION.						MEDIUM INDUSTRIAL DISTRICT - ALLOWS HEAVY MANUFACTURING.
I-3	25		25		25		25	PLANS MUST INCLUDE PARKING AND YARD REQUIREMENTS AND BE APPROVED BY THE PLANNING COMMISSION.						HEAVY INDUSTRIAL DISTRICT - SALVAGE YARDS - ACID MANUFACTURE.