

GARRISON, ND - ZONING ORDINANCE

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ORDINANCE NO. _____
ZONING ORDINANCE - CITY OF GARRISON, NORTH DAKOTA

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF GARRISON, INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A ZONING DISTRICT MAP OF THE CITY OF GARRISON, NORTH DAKOTA, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A PLANNING AND ZONING COMMISSION PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID ORDINANCE; PRESCRIBING PENALTIES THE VIOLATION OF ITS PROVISIONS; BE IT ORDAINED by the Governing body that:

ARTICLE I - TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance for the City of Garrison, North Dakota and shall repeal all ordinances in conflict herewith.

-ARTICLE II - INTERPRETATION AND SCOPE

In the interpretation and application of this ordinance, the provisions of this ordinance shall be held to be the minimum requirements adopted for the promotion of public health, safety, and welfare. Where this ordinance imposes a greater restriction upon the land, buildings, or structures that are imposed or required by existing provisions of law, ordinance, contract or deed, or resolution, the provisions of this ordinance shall control.

ARTICLE III - RULES AND DEFINITIONS

SECTION 1. RULES:

For this Ordinance, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used plurally shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustees, receiver, agent, or other representatives.
3. The word "shall" is mandatory.
4. The words "use", "used", "occupy", or "occupied" as applied to any land or building shall be constructed to include the words "intended", "arranged", or "designed" to be used or occupied.

SECTION 2: DEFINITIONS:

To interpreting the provisions of this Ordinance, certain terms or words used herein are defined as follows:

1. ACCESSORY BUILDING: A subordinate building or portion of the main building, the use of which customarily is incidental to the main use of the premises.
2. ACCESSORY USE: A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. ALLEY: A public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way of which is twenty (20) feet, or less in width.
4. ALTERATIONS: (see STRUCTURAL ALTERATIONS.)
5. APARTMENT: (see DWELLING, MULTIPLE-FAMILY.)
6. AESTHETIC ZONING: The regulation of a building or site to accomplish a standard of exterior architectural appeal and/or neighborhood harmony.
7. ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This does not include open kennels or runs.
8. BASEMENT: A story having a part, but not less than one—half (1/2), of its height below grade.
9. BOULEVARD SIDEWALK: sidewalks located so as to create a landscaped strip between the

- curb/gutter or edge of the paved roadway/street and the sidewalk.
12. **BUILDING:** Any structure designed, or intended for the enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.
10. **BUILDING:** Any structure designed, or intended for the enclosure, shelter, or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls for the ground up, each part is deemed a separate building.
11. **BUILDING HEIGHT:** the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof. (See illustration at the end of this Article.)
12. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
13. **CELLAR:** A story having more than one-half (1/2) of its height below grade.
14. **CHILD CARE:** providing child care, including meals, for compensation for defined periods.
15. **CLINIC:** (see **MEDICAL, DENTAL, OR HEALTH CLINIC**)
16. **CLUB OR LODGE:** A non-profit association or organization formed for either fraternal, social, educational, philanthropic or other similar purposes, including unions and professional organizations.
17. **COMPREHENSIVE PLAN:** The duty adopted a comprehensive plan for the development of the community which includes maps, charts, illustrations and texts for the following:
- a. Land use studies
 - b. Goals and objectives
 - c. Population study and forecasts
 - d. Economic base study
 - e. Housing survey
 - f. Major thoroughfare plan
 - g. Central business district plan
 - h. Community facilities and public utilities plan
 - i. General development plan
18. **DISTRICT:** A section or sections of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.
19. **DUMP:** A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.
20. **DWELLING:** Any building or portion thereof which is designed and used exclusively for residential purposes.
21. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family.
22. **DWELLING, TWO OR MORE FAMILY:** A building having accommodations for and occupied exclusively by two (2) or more families.
23. **DWELLING UNIT:** A room or group of rooms with culinary and sanitary facilities which are designed or intended for occupancy by a single-family.
24. **EXCEPTION:** An exception shall mean the allowance of use within a given district by Planning and Zoning Commission. Exceptions shall be limited to only those specifically authorized and listed in the Adjustment Section of this Zoning Ordinance.
25. **EXTRATORIAL JURISDICTION:** the area outside the city limits which cities can regulate some activities through agreements with the county.
26. **FAMILY:** One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, fraternity or sorority house, hotel or motel.
27. **FLOOR AREA:** Floor area shall mean the gross floor area of the building of several floors in the building.
28. **FRONTAGE:** All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall

be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

29. GARAGE, PRIVATE: An accessory building designed or used for the storage and used by the occupants of the building to which it is accessory.

30. GARAGE, PUBLIC: A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

31. GOVERNING BODY: The City Council of the City of Garrison, North Dakota.

32. HOME OCCUPATION: An occupation or activity carried on in the principal building which meets all the following conditions:

- a. The occupation is carried on by a member, or members of the immediate family, residing on the premises.
- b. The occupation is customarily incidental to the use of the premises as a dwelling place.
- c. Not more than one nonilluminated nameplate is used. The nameplate shall be attached to the building and shall not exceed one (1) square foot in area.
- d. The occupation does not occupy more than twenty-five (25) percent of the floor area of one floor of the principal building.
- e. No display will indicate from the exterior of the building that the premises are being used in part for any purposes other than a dwelling.
- f. There is no commodity displayed or stored on the premises except, that which is prepared on the premises.
- g. No mechanical equipment is used except for a type that is normally used for purely domestic or household purposes.
- h. The use or occupation is one of the following:
 1. Office for the emergency consultation and treatment but not the general practice of a physician, surgeon, dentist, lawyer, clergyman, and other recognized professions.
 2. Dressmaking, sewing, millinery, and similar occupations.
 3. The giving of voice, piano or other musical instrument lessons limited to one pupil at a time.
 - a. A consent agreement is filed with the Planning and Zoning Commission which has been signed by seventy-five (75) percent of all the owners of land located within two hundred (200) feet of the boundaries of the property on which the home occupation is located. The consent by the Planning and Zoning Commission to use a premise for a home occupation shall be personal to the applicant thereof and shall not be assignable.

33. HOSPITAL: An establishment used primarily for inpatient care and provides health, medical, mental, and surgical care of the sick or injured.

34. HOTEL: A building used as a place for more than twenty (20) persons who are being lodged for compensation with or without meals.

35. INSTITUTION OF HIGHER LEARNING: A college, university, or incorporated academy providing general academic instruction equivalent two the standards prescribed by the State of Education. Dormitories, fraternity houses, sorority houses and other student housing which are constructed on campus shall be considered accessory buildings.

36. INSTITUTION (NONPROFIT): building occupied by a nonprofit corporation or a nonprofit establishment for public use.

37. JUNK OR SALVAGE YARD: A lot, parcel or tract of land, including buildings, used primarily for the collection, storage and sale or waste paper, rags, scrap metal, or other discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

38. KENNEL: An establishment used for keeping more than two (2) domesticated animals, commonly considered to be household pets, more than three (3) months old.

39. LABORATORY, MEDICAL: An establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

40. LAUNDRY (SELF-SERVICE): An establishment equipped with individual coin-operated washing,

drying or dry-cleaning machines.

41. LAUNDRY: An establishment where commercial laundry and dry-cleaning work is undertaken.

42. LOT AREA: the total area within the property lines of the lot, plot, or tract.

43. LOT OR PLOT: A parcel of land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this ordinance. A lot or plot may include more than one platted lot.

44. LOT, CORNER: A lot, as defined above, abutting upon two (2) or more streets at their intersection. (See illustration at the end of this Article.)

45. LOT COVERAGE: The total area of building expressed as a percentage of the total lot, plot or tract.

46. LOT, INTERIOR: A lot other than a corner lot, which has frontage on one street, only. (See illustration at the end of this Article.)

47. LOT, DEPTH OF: The mean horizontal distance between the front and the rear lot lines (See illustration at, the end of this Article.)

48. LOT, DOUBLE FRONTAGE: lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot. (See illustration at the end of this Article.)

49. LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

50. MAN CAMPS: temporary housing to accommodate a large influx of workers in the resource extraction industries. They are an informal and temporary form of workforce housing adapted for temporary and high-paid jobs in resource extraction.

51. MANUFACTURE: Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts into a semi-finished or finished product.

52. MANUFACTURED HOME: A factor built structure, transportable in one (1) or more sections, which is built on a permanent chassis, not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, is designed for use with or without a permanent foundation when attached to the required utilities, and which bears the label certifying that is was bilt in compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280) which became effective June 15,1976. The term "manufactured home" does not include recreational vehicles.

53. MEDICAL, DENTAL HEALTH CLINIC: building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, psychiatrists, and podiatrists; and in which no patients are lodged overnight.

54. MOBILE HOME: A transportable, factory-built, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 (24 CFR 3280), which became effective June 15, 1976.

55. MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes occupied or intended to be occupied for non-transient use.

56. NONCONFORMING: The use of a building or portion there of lawfully existing at the time of the passage of this zoning ordinance and amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

57. NONCONFORMING USE: Any land lawfully occupied by a use, at the time of the passage of this ordinance or amendments thereto, which does not conform with the provisions of this ordinance or amendments thereto.

58. NURSING HOMES: An establishment or agency licensed by the State of North Dakota for the reception, COMMISSION, care or treatment of three (3) or more unrelated elderly individuals.

59. OVERLAY ZONE: a special zone placed over an existing zoning district, part of a district, or a combination of districts and includes a set of regulations that is applied to property within the overlay zone in addition to the requirements of the underlying or base zoning district.

60. PARKING SPACE: An area surfaced for the purpose of storing one (1) parked automobile. For this

ordinance one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing, off-street parking, additional space shall be required off-street for access drives to each parking space.

61. PLANNING COMMISSION: The Garrison City Planning and Zoning Commission.

62. PLATTING: Whenever the term platting, platted, or subdivided is used in this Zoning Ordinance it shall refer to the process established by the duly adopted Subdivision Regulations.

63. PLACE OR COURT: An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

64. PROFESSIONAL OFFICE: Any building or part thereof used by one (1) or more persons engaged in the practice of law, medicine, accounting, architecture, engineering or other occupations customarily considered as a profession.

65. PUBLIC ROAD: Any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

66. PUBLIC UTILITY: Any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, or water, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State.

67. RECREATIONAL VEHICLE: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to: travel-trailers, campers, motorcoach homes, converted automobiles, buses, trucks, boats, and boat trailers.

68. RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.

69. RESTAURANT, DRIVE-IN: An eating establishment at where for compensation, food is prepared and dispensed, having only incidental consumption within the principal building on the premises.

70. ROOMING HOUSE: Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.

71. SCHOOL: A public elementary or secondary educational facility which is under direction and control of the State COMMISSION of Education and the State Superintendent of Public Instruction and/or a parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.

72. SERVICE STATION: An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.

73. SET BACK: The distance between the lot line and building line. The setback line shall be determined by measuring the horizontal distance from the property line to nearest, architectural projection of the building.

74. STORAGE CONTAINERS: Metal structures not permanently affixed to real estate.

75. STREET: A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.

76. STREET LINE: A dividing line between a lot, tract or parcel of land and the contiguous street.

77. STREET NETWORK:

a. Arterial Street: A street which provides for through traffic movement between and around areas and across the city with direct access to abutting property; subject to necessary control of entrances, exits and curb uses.

b. Collector Street: A street which provides for traffic movement between arterial and local streets, with direct access to abutting property.

c. Local Street: A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial or residential areas.

78. STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having & permanent location on the ground, but not including fences.

79. STRUCTURAL ALTERATIONS: Any change or rearrangement of the supporting members of

building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For this ordinance, the following shall not be considered structural alterations:

- a. Attachment of a new front where structural supports are not changed.
- b. Addition of fire escapes where structural supports are not changed.
- c. New windows where lintels and support walls are not materially changed.
- d. Minor repair or replacement of nonstructural members.

80. **SUBDIVISION:** The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes resubdivision and the term "resubdivision", as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

81. **SUBDIVISION PLAT:** A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.

82. **TAVERN:** An establishment in which the primary function is the public sale and serving of alcoholic beverages.

83. **TINY HOME:** A residential structure of 400 square feet or less.

84. **THIS ORDINANCE:** The document duly approved and adopted by the City Council of the City of Garrison, North Dakota, which establishes zoning requirements.

85. **TRACT:** A plot or parcel of land, other than a lot in a subdivision which is recorded in the office of the Register of Deeds.

86. **TRAILER:** (see **MOBILE HOME.**)

87. **USE:** The specific purpose for which land or a building is used. The term "permitted use" or its equivalent, shall not be deemed to include any illegal nonconforming use.

88. **VARIANCE:** The authorization, by the Planning and Zoning Commission, of a variance from the specific terms of this Zoning Ordinance. Variances are limited to those authorized in the powers and duties of the Planning and Zoning Commission as defined in this ordinance.

89. **YARD:** A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

90. **YARD, FRONT:** A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the front building line. (See illustration at the end of this Article.)

91. **YARD, REAR:** A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an alley is platted at the rear of the lots, one-half the width of the alley may be included in the rear yard requirements. (See illustrations at the end of this Article.)

92. **YARD, SIDE:** A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building. (See illustration at the end of this Article.)

93. **ZONE OR DISTRICT:** A portion, area or section of the city of Garrison, North Dakota, for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open spaces about buildings are herein established.

SECTION 3. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

ARTICLE IV - DISTRICTS AND BOUNDARIES

SECTION 1. DISTRICT CLASSIFICATIONS: In order to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified uses; to regulate and limit, the height and bulk of buildings; to regulate and Limit, the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City of Garrison, North Dakota, into districts designed as follows:

"R-1" - Single-Family Dwelling District

- "R-2" - Two-Family and Multiple-Family Dwelling District
- "R-3" - Recreational Vehicle District
- "PUD" - Planned Unit Development District
- "M-H" - Mobile Home District
- "M-P" - Mobile Home Park District
- "C-S" - Highway Service District
- "C-1" - Retail Business District
- "I-P" - Industrial Park District
- "I-1" - Light Industrial District
- "I-2" - Heavy Industrial District
- Man Camps
- "A-1" - Agricultural District

SECTION 2. ZONING DISTRICT MAP: The boundaries of the zoning districts are shown on the map and/or section thereof attached hereto and made a part of this ordinance, which map is designed as the "Zoning District Map". The Zoning District Map and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if said map and all the notations, references and other information shown thereon were all fully set forth or described herein. Copies of the Zoning District Map are properly attested and are on file with the City of Garrison, North Dakota.

SECTION 3. ANNEXATION RULE: All territory which may hereafter be annexed to the City shall be annexed as previously zoned until or unless otherwise changed by ordinance.

SECTION 4. RULES UNCERTAINTY MAY ARISE: Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this ordinance, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designed on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary line on the map accompanying and made a part of this ordinance shall be determined using the scale appearing on the map.

ARTICLE V - "R-1" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: Single-Family Dwelling District is established for the purpose of low-density single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the district. Regulations are intended to control the density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes

SECTION 2. DISTRICT REGULATIONS: In the District, no building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwellings, but not, including trailer houses or mobile/manufactured homes.
2. Churches and similar places of worship and parish houses.
3. Golf courses, except miniature golf courses and driving tees, operated for commercial purposes.
4. Hospitals for people only on a lot, plot. or tract of land five (5) acres or larger.
5. Nursing Homes on a lot, plot or tract of land five (5) acres or larger.
6. Public parks, playgrounds, recreational areas.
7. Raising of crops, trees, shrubs, and grasses not sold on the premises.
8. Schools - public or parochial, elementary, junior high and high schools and private schools

with the equivalent curriculum.

9. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.

10. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

SECTION 4. INTENSITY or USE REGULATIONS: Every lot shall have an area of not less than six thousand (6,000) square feet and an average width of not less than sixty-five (65) feet.

SECTION 5. HEIGHT REGULATION: No building shall exceed thirty-five (35) feet in height.

SECTION 6. REGULATIONS:

1. Front Yard:

a. There shall be a front yard having a depth of not, less than twenty-five (25) feet except as required for arterial and collector streets in Article XXII.

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

c. Where a lot, is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this ordinance shall not be reduced to less than thirty-five (35) feet. No accessory building shall project beyond the front yard line on either street.

2. Side Yard: Except as hereinafter required in the additional height, area and use regulations of this ordinance, there shall be a side yard having a width of not less than six (6) feet on each side of the principal building

3. Rear Yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 7 SIGN REGULATIONS: (See ARTICLE XVII.)

SECTION 8. PARKING REGULATIONS: (see ARTICLE XVIII.)

ARTICLE VI - "R-2" TWO-FAMILY AND MULTIPLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "R-2" Two-Family and Multiple-Family Dwelling District is intended for the purpose of allowing high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, yet retaining the basic residential qualities.

SECTION 2. DISTRICT REGULATIONS: In District "R-2", no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwellings.

2. Two-family dwellings.

3. Multiple-family dwellings.

4. Rooming houses.

5. Community recreation buildings owned and operated by a public agency.

6. Churches and similar places of worship and parish houses.

7. Child Care Facilities.

8. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.

9. Home occupations. (See definition for interpretation.)

10. Hospitals on a parcel of land not less than two (2) acres in size (but not animal hospitals or mental hospitals.)

11. Institutions of higher learning, including dormitory accommodations.

12. Public Buildings.

13. Public parks, playgrounds, and recreation areas.

14. Raising of crops, trees, shrubs, and grasses not sold on the premises.
15. Schools - public or parochial elementary, junior high and high schools and private schools with the equivalent curriculum.
16. Nonprofit institutions of an educational, philanthropic or eleemosynary nature.
17. Nursing homes and homes for the aged on a tract of land not less than two (2) acres in size.
18. Customary accessory uses and structures located on the same lot or group of lots with the principal use, including tennis courts, swimming pools, private garages, garden houses, barbeque ovens, and fireplaces, but does not include use unrelated to the principal use or any activity commonly conducted for gain.
19. Temporary structures incidental to construction work but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is complete.

SECTION 4. INTENSITY OF USE REGULATIONS: as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

1. A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand (6,000) square feet.
2. A lot on which there is erected a two-family dwelling shall contain an area of not less than eight thousand eight hundred (8,800) square feet.
3. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than nine thousand (9,000) square feet. One (1) dwelling unit shall be permitted for each two thousand (2,000) square feet of lot area.
4. Dormitories, rooming houses and nursing homes shall provide five hundred (500) square feet of lot area for each occupant.

SECTION 5. HEIGHT REGULATIONS: No building shall exceed forty-five (45) feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard:
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial and collector streets in ARTICLE XXIII.
 - b. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a lot of record as of the effective date of this ordinance shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard: There shall be a side yard on each side of a principal building of six (6) feet.
3. Rear Yard: There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XX.)

ARTICLE VII - "R-3" RECREATIONAL VEHICLES DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "R-3" Recreational Vehicles District is intended for the purpose to provide for the placement and location of recreational vehicles on residential lots.

SECTION 2. DISTRICT REGULATIONS: In District "R-3", no building shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Residential Recreational Vehicles.
2. Customary accessory uses and structures located on the same lot with the principal use, including

tennis courts, swimming pools, private garages, garden houses, barbeque ovens and, fireplaces, but does not include use unrelated to the principal use or any activity commonly conducted for gain.

SECTION 4. RESIDENTIAL LOT REQUIREMENTS:

1. All residential recreational vehicles must be on a twenty-five (25) feet width lot or larger and must have water and sewer hookup. Only one recreational vehicle allowed per lot.
2. The owner of the lot will be responsible for all utilities.

SECTION 5. BUILDING PERMIT: It shall be unlawful for any person to build upon any property or structurally alter any building without obtaining a building permit.

SECTION 6. YARD REGULATIONS:

1. Front Yard:
 - a. There shall be a front yard having a depth of not less than ten (10) feet except as required for arterial and collector streets in ARTICLE XXIII.
 - b. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of the lot of record as of the effective date of this ordinance shall not be reduced to less than thirty (30) feet. No accessory building shall project beyond the front yard line on either street.
2. Side Yard:
 - a. There shall be a side yard on each side of a principal building of six (6) feet.
3. Rear Yard:
 - a. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

SECTION 7. HEIGHT REGULATIONS: No building shall exceed twenty-five (25) feet in height.

SECTION 8. SIGN REGULATIONS: (See ARTICLE XVIII)

SECTION 9. PARKING REGULATIONS: (See ARTICLE XX)

ARTICLE VIII - "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "PUD" Planned Unit Development, District is intended to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character and quality of new developments; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

SECTION 2. SITE PLAN AND WRITTEN STATEMENT: The application must be accompanied by a site plan and a written statement:

- a. Site plan: A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information:
 1. The existing topographic character of the land;
 2. Existing and proposed land uses;
 3. The location of all existing and proposed buildings, structures and improvements;
 4. The maximum height, of all buildings;
 5. The density and type of dwelling;
 6. The internal traffic and circulation systems, off-street parking areas, and major points of access to public rights-of-way's;
 7. Areas which are to be conveyed, dedicated, or reserved as common park areas, including public parks and recreational areas;
 8. Proposed interior buffer areas between uses;
 9. The acreage of PUD;
 10. Utility service plan showing existing utilities in place and all existing and proposed easements;

11. Landscape plan; and
 12. Surrounding land uses, zoning and ownership.
- b. Written statement: The written statement to be submitted with the planned unit application must contain the following information:
1. A statement of the present ownership and a legal description of all the land included in the planned unit;
 2. An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to describe the objectives; and
 3. A copy of all proposed condominium agreements for common areas.

SECTION 3. REVIEW AND APPROVAL:

- a. All planned units shall be considered by the Planning and Zoning Commission in the same manner as zoning changes. The Planning and Zoning Commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the Planning and Zoning Commission. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

SECTION 4. STANDARDS: The Planning and Zoning Commission must be satisfied that the site plan for the planned unit has met, each of the following criteria:

- a. The proposal conforms to the Comprehensive Plan.
- b. Buffer areas between noncompatible land uses may be required by the Planning and Zoning Commission.
- c. Preservation of natural features including trees and drainage areas should be accomplished.
- d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the City Engineer.

SECTION 5. CHANGES:

- a. Minor changes in the location, getting, or character of buildings and structures may be authorized by the Planning and Zoning Commission. Structures may be built up to the property lines.
- b. All other changes in the planned unit must be made under the procedures that are applicable to the initial approval of the planned unit.

ARTICLE IX - "M-H" MOBILE HOME DISTRICT

SECTION 1. INTENT AID PURPOSE OF DISTRICT: It is intended that this district be established to permit mobile homes on permanent foundations where a lot or a group of lots is owned by the mobile homeowner.

SECTION 2. DISTRICT REGULATIONS: In District "M-H", no building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Mobile homes on permanent foundations used by one family.
2. Single-family dwellings.
3. Community recreation areas and buildings.
4. Public parks and playgrounds.
5. Schools - public or parochial elementary, junior high and high school and private schools with the equivalent curriculum.
6. Accessory uses customarily incident to the principal use.

SECTION 4. INTENSITY OF USE REGULATIONS: A mobile home in an "M-H" District may be located on a lot which contains an area of not less than five thousand (5,000) square feet of area.

SECTION 5. HEIGHT REGULATIONS: No mobile home shall exceed thirty-five (35) feet in height.

SECTION 6. YARD REGULATIONS:

1. Front yard: There shall be a front yard having a depth of not less than twenty-five (25) feet

except as required for arterial.

2. Side Yard: There shall be a side yard on each side of the mobile home which shall not be less than five (5) feet.

3. Rear Yard: there shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XX.)

ARTICLE X - "M-P" MOBILE HOME PARK DISTRICT

SECTION 1. PURPOSE OF DISTRICT: It is the intent of the "M-P" Mobile Home Park District to permit low-density mobile home uses in a park-like atmosphere. The mobile home park district is intended for those areas where the owner proposes to develop and rent or lease individual sites.

SECTION 2. DISTRICT REGULATIONS: In District "M-P", no building shall be used and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Independent mobile homes located on a well-drained concrete slab.

2. Parks and playgrounds.

3. Mobile Home service buildings such as coin-operated washers and driers, for the exclusive use of residents of the mobile home park.

4. Office for the manager of the mobile home park.

5. Storage building for vehicles used to tow mobile homes.

6. Storage building for blocks, skirts, pipe and other material and equipment required to set up a mobile home.

7. Accessory uses and buildings including swimming pools, bathhouses, patio, etc., for the exclusive use of mobile home residents

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A tract to be used for a mobile home park shall be large enough to accommodate twenty-five (25) or more mobile homes.

2. Each mobile home park space shall not be less than thirty-five (35) feet wide.

3. Mobile home parks shall have a maximum density of eight (8) trailers or mobile homes per gross acre and each trailer space shall have not less than three thousand (3,000) square feet.

SECTION 5. HEIGHT REGULATIONS: Mobile homes and other structures built or constructed in a mobile home park shall not exceed thirty-five (35) feet in height.

SECTION 6. YARD REGULATIONS:

1. No mobile home shall be located closer than twenty-five (25) feet from any property line bordering the mobile park district, except as required for arterial or collector streets.

2. There shall be at least twenty (20) feet side and rear clearance between mobile homes.

3. Mobile homes shall set back not less than ten (10) feet from the service road providing access to the mobile home.

SECTION 7. SIGN REGULATIONS: (see ARTICLE XVIII)

SECTION 8. PARKING REGULATIONS (see ARTICLE XX)

SECTION 9. LANDSCAPE REQUIREMENTS: (see ARTICLE XXI.)

ARTICLE XI - "C-S" HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "C-S" Highway Service District is intended for the purpose of providing limited highway services grouped on a single tract. Floor area is restricted, off-street parking is required and landscaping is required to reduce possible adverse effects on adjacent properties.

SECTION 2. DISTRICT REGULATIONS: The in "C-S" District no building shall be used, and no building or structure shall be erected, altered, or enlarged, which is arranged, intended or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS: following uses shall be permitted in District "C-S".

1. Commercial recreation facilities (bowling alleys, miniature golf courses, and similar uses.)

2. Electric and telephone substations.
3. Grocery stores.
4. Motels, including accessory service uses such as newsstands, swimming pools, flower and gift shops, and similar uses for motel guests only.
5. Parks, playgrounds, and community buildings.
6. Parking lots (customer and private.)
7. Restaurants (except drive-ins)
8. On and off sale liquor establishments
9. Service stations.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A tract for Highway Service District shall not be less than five (5) acres in area.
2. The total ground area occupied by buildings and structures shall not exceed forty (40) percent of the total ground area. For this regulation, the total ground area shall include all areas to be devoted to public open spaces, sidewalks or open courts.

SECTION 5. HEIGHT REGULATIONS: No building or structure shall exceed forty-five (45) feet in height.

SECTION 6. YARD REGULATIONS:

1. Front yard:
 - a. There shall be a front yard having the depth of not less than twenty-five (25) feet except as required for arterial streets.
 - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets No accessory buildings or structures shall project beyond the front line of either street.
2. Side Yard and Rear Yard: Where a "C-S" Zone abuts a or "R-1" or "R-2" or "PUD" District Zone a side, and/or rear yard of not less than fifteen (15) feet, shall be provided.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 8. PARKING REGULATIONS: (See ARTICLE XX.)

SECTION 9. LANDSCAPE REGULATIONS: (See ARTICLE XXI.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XXIII.)

ARTICLE XII - "C-1" RETAIL BUSINESS

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "C-1" Retail Business is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses to include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of central business activity.

SECTION 2. DISTRICT REGULATIONS: In District "C-1" no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Adding machine and other small business machine repair, sales, and service.
2. Amusement places.
3. Antique shops and stores, providing all merchandise are displayed and sold inside a building.
4. Apparel and accessory stores.
5. Apartments on floors other than the ground floor.
6. Appliance stores.
7. Art and art supply stores.
8. Artist studios.
9. Auditoriums and similar places of public assembly.
10. Automobile accessory and supply stores.
11. Automobile sales and service.

12. Automobile parking lots and garages.
13. Bakery and pastry shops (retail only.)
14. Banks and other financial institutions.
15. Barbershops, beauty shops, and chiropractic, exercise, message, or similar personal services.
16. Bicycle shops.
17. Books and stationery stores.
18. Bowling alleys and recreational buildings.
19. Business and technical schools including schools for photography, dancing, and music.
20. Cigar and tobacco stores.
21. Clothing stores.
22. Clothing and costume rental shops.
23. Commercial recreational uses.
24. Custom dressmaking, millinery, tailoring, and similar trades.
25. Delicatessens and catering establishments.
26. Department stores.
27. Drug stores and prescription shops.
28. Dry goods and notion stores (including coin shops and fabric shops.)
29. Electric appliance sales and repair shops.
30. Electric substations, telephone exchange, and utility regulator stations.
31. Fire stations, police stations, jails.
32. Fix-it shops (radio, television, and small household appliances.)
33. Florist and gift shops.
34. Funeral homes and mortuaries.
35. Furniture and home furnishing stores.
36. Garage and automobile repair shops, but not including automobile body and fender work and automobile painting.
37. Government, buildings.
38. Grocery, fruit, and vegetable stores (retail only.)
39. Hardware stores.
40. Heating, and air conditioning shops, providing all merchandise is located in a building.
41. Hobby, stamp and coin shops.
42. Hotels and motels.
43. Household appliance stores.
44. Interior decorator's shop.
45. Jewelry and metal craft stores and shops.
46. Leather goods and luggage stores.
47. Libraries and museums (public.)
48. Liquor stores.
49. Lock and key shops.
50. Mail order catalog stores.
51. Machinery sales.
52. Medical, dental and health clinics.
53. Medical and orthopedic appliance stores.
54. Meeting halls and auditoriums (including union halls, Elks Lodge, American Legion Home, VFW, Masons, etc.)
55. Music instrument sales and repair shops.
56. Music stores and studios.
57. Newspaper offices.
58. Printing shops and printing supply stores.
59. Newsstands.
60. Offices and office buildings.
61. Office supply and office equipment sales and service stores.

62. Optician and optometrist shops.
63. Paint and glass stores.
64. Parking lots and garages.
65. Parks and open spaces.
66. Pawnshops.
67. Pet shops.
68. Photographic equipment sales and supply stores.
69. Photographic studios.
70. Picture framing shops.
71. Prescription shops.
72. Printing and publishing houses (including newspapers)
73. Public buildings, including the post office, city offices, county offices, state offices.
74. Radio and television studios.
75. Railway, taxi, and bus passenger stations.
76. Restaurants.
77. Service stations.
78. Self-service laundries.
79. Sewing machine shops and stores.
80. Shoe stores.
81. Shoe repair and shoeshine shops.
82. Sporting and athletic goods stores.
83. Tailor shops.
84. Taverns.
85. Television and radio sales and service establishments.
86. Theaters.
87. Thrift shops.
88. Toy stores.
89. Travel bureaus.
90. Used car lots.
91. Utility company offices.
92. Variety stores.
93. Wallpaper and paint stores.
94. Watch and watch repair shops.
95. Accessory uses customarily incident to the above uses.

SECTION 4. INTENSITY OF USE REGULATIONS: No requirements except those to meet fire regulations.

SECTION 5. HEIGHT REGULATIONS: building shall exceed sixty (60) feet in height except as otherwise provided in the additional height, area and use regulations of this ordinance.

SECTION 6. YARD REGULATIONS:

1. Front Yard: No front yard is required for any building in the "C-1" Retail Business District.
2. Side Yard: No side yard is required for any building in the "C-1" Retail Business District.
3. Rear Yard: No rear yard is required for any building in the "C-1" Retail Business District.

SECTION 7 SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 6. PARKING REGULATIONS: (None required.)

SECTION 9. LANDSCAPING REGULATIONS: (None required.)

SECTION 10. TRAFFIC REGULATIONS: (See ARTICLE XXIII.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (None Required.)

ARTICLE XIII - "I-P" INDUSTRIAL PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is the intent of the "I-P" Industrial Park District to allow certain industrial land uses in the park-like atmosphere and to control the type of use, setback, parking, loading, and unloading. It is also intended that this zone be compatible with the adjoining dwelling and commercial land uses.

SECTION 2. DISTRICT REGULATIONS: Regulations set forth in this article, or set forth elsewhere in this ordinance, when referred to in this article are the regulations for "I-P" Industrial Park District. No building shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS: The following uses be permitted providing the entire operation is conducted within a building or an enclosed and landscaped yard.

1. Animal hospitals or clinics.
2. Bottling works.
3. Building materials, storage, and sales.
4. Carpenter, cabinet, plumbing and sheet metal shops.
5. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
6. Dry cleaning and laundry plants.
7. Feed and seed stores.
8. Frozen food lockers.
9. Greenhouses and nurseries, retail and wholesale.
10. Lumber yards.
11. Machinery sales and storage lots (including farm and garden machinery.)
12. Manufacturing or fabricating establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.
13. Motor vehicle and farm implement sales and storage.
14. Public utility and public service use.
15. Radiator repair shops.
16. Truck and rail terminals.
17. Upholstering shops.
18. Warehouses or storage houses.
19. Wholesale houses.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. The tract for Industrial Park District, shall not be less than ten (10) acres in area.
2. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street, parking, off-street, loading and unloading and their access roads, arterial and/or collectors required in ARTICLE XXIII
3. In cases where required off-street loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except for land required for off-street parking and arterial and/or collector streets required in ARTICLE XXIII.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building or structure shall not exceed seventy-five (75) feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard: front yard of twenty (20) feet, shall be required for uses permitted in this district except required for arterial end/or collector streets required in ARTICLE XXIII.
2. Side Yard and Rear Yard: No side yard or rear yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required fifteen (15) feet of side and/or rear yard on the side of the lot and/or on the rear of the lot which abuts the residential district.

SECTION 8. SIGN REGULATIONS: (see ARTICLE XVIII)

SECTION 9. PARKING REGULATIONS: (see ARTICLE XX)

SECTION 10. LANDSCAPING REGULATIONS: (see ARTICLE XXI.)

SECTION 11. TRAFFIC REGULATIONS: (see ARTICLE XXIII.)

SECTION 12. LOADING AND UNLOADING REGULATIONS: (see ARTICLE XXIV.)

ARTICLE XIV - "I-1" LIGHT INDUSTRIAL DISTRICT

SECTION 1. INTENT AID PURPOSE OF DISTRICT: The "I-1" Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.
2. Generate large volumes of vehicular traffic.
3. Create obnoxious sounds, glare, dust or odor.
4. Require long-term (greater than 1 month) storage of items and/or materials to be repurposed, recycled or otherwise disposed of.

Height and land coverage are controlled to ensure compatibility with adjoining uses.

SECTION 2. DISTRICT REGULATIONS: In District "I-1", no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales and repair.
3. Bottling works.
4. Billboards subject to requirements outlined in SECTION 9 below.
5. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor or smoke.)
6. Carpenter, cabinet, plumbing or sheet metal shops.
7. Car wash establishments.
8. Contractor's office and equipment, storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
9. Dog kennels.
10. Dry cleaning and/or laundry places.
11. Farm implement sales and services.
12. Frozen food lockers.
13. Greenhouses and nurseries, retail and/or wholesale.
14. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke.
15. Machinery sales and storage lots.
16. Monument sales.
17. Motor vehicle and farm implement, sales and storage.
18. Public utility and public service use as follows:
 - a. Municipal power plant.
 - b. Substations.
 - c. Railroads.
 - d. Telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants
 - e. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot-wall or fence.
19. Sign printing and manufacturing.
20. Storage units.
21. Truck and rail terminals.
22. Upholstery shops.
23. Warehouses.
24. Wholesale merchandise sales and storage.
25. Restaurants.

SECTION 4. INTENSITY of USE REGULATIONS:

1. A building structure or use allowed in this district may occupy all that portion of the lot except for that, area required for off-street parking and off-street loading and unloading and their access roads and as otherwise required for arterial and/or collector streets in ARTICLE XXIII.

2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as otherwise required for arterial and/or collector streets in ARTICLE XXIII.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.

2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

SECTION 6. REGULATIONS:

1. Front yard: No front yard shall be required for uses permitted in this district, except as required for arterial and collector streets in ARTICLE XXIII.

2. Side Yard: No side yard shall be required for uses in this district except where such use abuts a residential district zone, in which case there shall be required fifteen (15) feet of the side yard on the side of the lot which abuts the residential district.

3. Rear Yard: No rear yard shall be required in this district except where such rear yard abuts a residential district zone, in which case there shall be required fifteen (15) feet of the rear yard.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 8. PARKING REGULATIONS: (see ARTICLE XX.)

SECTION 9 LANDSCAPING REGULATIONS: (see ARTICLE XXI.)

SECTION 10. TRAFFIC REGULATIONS: (see ARTICLE XXIII.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (see ARTICLE XXIV.)

ARTICLE XV - "I-2" HEAVY INDUSTRIAL DISTRICT

SECTION 1. PURPOSE AND INTENT OF DISTRICT: The "I-2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

SECTION 2. DISTRICT REGULATIONS: In District "I-2" no building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended, or designed for other than one (1) of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.

2. Auto sales and repair.

3. Bottling works.

4. Blacksmith shops.

5. Building materials, storage, and sales.

6. Carpenter, cabinet, plumbing and sheet metal shops.

7. Contractor's office and equipment storage yard.

8. Dog kennels.

9. Dry cleaning and laundry plants.

10. Feed and seed stores.

11. Frozen food lockers.

12. Grain elevators.

13. Greenhouses and nurseries, retail and wholesale.

14. Lumber yards.

15. Machinery sales and storage lots.

16. Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor or smoke.

17. Mobile home manufacture, sales, and storage.

18. Motor vehicle and farm implement, sales and storage.

19. Poultry storage or slaughtering.

20. Public utility and public service use.

21. Radiator repair shops.

22. Restaurants.
23. Service stations.
24. Storage Units.
24. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
25. Truck and rail terminals.
26. Upholstering Shops.
27. Warehouses or storage houses.
28. Wholesale houses.
29. The following uses of land may be allowed in this district by special use permit when submitted, reviewed and approved by the Planning and Zoning COMMISSION..
 - a. Automobile wrecking yards, junkyards, recycling centers and scrap processing yards; when the said yard is completely enclosed with a six (6) foot solid fence and no junk or scrap is stored outside the fence or wall, subject, however, to any restrictions by the Planning and Zoning Commission.
 - b. Petroleum refining.
 - c. Stockyard and slaughterhouses.
 - d. Ready-mix concrete and asphalt mix plants.
 - e. Storage of bulk oil, gas, and explosives.
 - f. Other uses which may be noxious or offensive by reason of the emission of odor, just, smoke, gas, noise or vibration.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A building, structure or use allowed in this district may occupy all that portion of a lot except for the area required for off-street parking, off-street, loading and unloading, and their access roads and/or arterial or collector streets in ARTICLE XXIII.
2. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot except as required for arterial and/or collector streets in ARTICLE XXIII.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When building or structure is more than one hundred fifty (150) feet from residential district zone, said building or structure shall not exceed one hundred fifty (150) feet in height if not in conflict with airport approach zones.

SECTION 6. YARD REGULATIONS:

1. Front Yard: No yard shall be required for uses permitted in this district except as required for arterial or collector streets in ARTICLE XXIII.
2. Side yard: No side yard shall be required for uses in this district, except where such use abuts a residential district, zone, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the residential district.
3. Rear Yard: No rear yard shall be required in the district except, where such rear yard abuts a residential district zone, in which case there shall be required fifteen (15) feet, of the rear yard.

SECTION 7. SIGN REGULATIONS: (See ARTICLE XVIII.)

SECTION 8. PARKING REGULATIONS: (see ARTICLE XX.)

SECTION 9. LANDSCAPING REGULATIONS: (see ARTICLE XXI.)

SECTION 10. TRAFFIC REGULATIONS: (see ARTICLE XXIII.)

SECTION 11. LOADING AND UNLOADING REGULATIONS: (see ARTICLE XXIV.)

ARTICLE XVI – MAN CAMPS

SECTION 1. Man Camps, or similar temporary housing are not permitted within the boundaries of the City of Garrison, nor within the extraterritorial jurisdiction surrounding the City.

ARTICLE XVII - "A-1" AGRICULTURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The "A-1" agricultural district is established as a district in which the predominant use of land is for general agricultural uses. For an "A-1" agricultural district, in promoting the general purposes of this ordinance, the specific intent, of this section is:

1. To encourage the continued use of land for agricultural uses.
2. To prohibit scattered commercial and industrial uses of the land, and to prohibit any other use which would interfere with integrated and efficient development of the land for more intensive urban uses as the city expands.
3. To discourage any use, which because of its character or size, would create unusual requirements and costs for public services, such as police and fire protection, water supply and sewerage before such services could be expanded efficiently in the normal development of the city.

SECTION 2. DISTRICT REGULATIONS: In District "A-1" no building shall be used, and no building structure shall be erected, altered or enlarged, which is arranged, intended or designed other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS: following uses shall be permitted in District "A-1".

1. Public recreation.
2. Fire station.
3. Railroad line trackage.
4. General farming.
5. Truck farming.
6. Utility Service.
7. Airport.
8. Animal hospital.
9. Livestock sales pavilion.
10. Loam stripping.
11. Oil or gas well.
12. Radio and television transmitting station.
13. Sand and gravel extraction.
14. Sewage treatment.

SECTION 4. SIGN REGULATIONS: (See ARTICLE XVIII.)

ARTICLE XVIII - SIGN REGULATIONS

SECTION 1. GENERAL REQUIREMENTS:

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause to permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign violation of this zoning ordinance and this Article.
2. It shall be unlawful for any person or persons to fasten, paste, place, post, paint or attach in any way any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph or electric light pole, tree or bridge. It shall be unlawful to paste, place, paint or attach any sign on any building, street, or property of the City; provided, however, that any property owner of the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon.

SECTION 2. DISTRICT REGULATIONS: Signs shall be permitted in the various districts as follows:

1. Sign regulations for "R-1", "R-2", "R-3", "PUD", "M-P" districts.
 - a. Unilluminated name plates subject to the following restrictions:
 1. The name plate shall not exceed one (1) square foot in area.
 2. The name plate shall show only the name and/or address of the occupant.
 3. There shall be no more than one name plate for each dwelling.
 4. The name plate shall be affixed to the principal building, flat against the wall.
 - b. Unilluminated "For Sale" and "For Rent" single- or double-faced business signs

subject to the following regulations:

1. Only one (1) sign shall be permitted per lot.
2. No sign shall exceed four (4) square feet in area.
3. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching & street intersection.
4. When the said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
5. Ground signs shall not project higher than four (4) feet above the ground grade.

c. Bulletin boards and signs for churches and other public institutions subject to the following regulations:

1. One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
2. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
3. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
4. No sign shall be located closer than eight (8) feet from any side or rear property line.
5. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard.
6. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
7. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
8. Buildings constructed on the property line prior to the adoption of this ordinance shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
9. On corner lots, no sign shall be constructed or located that will obstruct the view of traffic approaching the street intersection.

2. Sign regulations for "C-S" AND "I-P" Districts. Business signs (single or double faced) shall be allowed in "C-S" and "I-P" districts subject to sign regulations set forth in the building Code.

- a. Flashing signs are not permitted in or "I-P" districts within five hundred (500) feet of a residential districts zone.
- b. Non-flashing signs shall be permitted providing said sign is illuminated only during business hours or until 11:00 p.m., whichever is later, when said sign is located adjacent to a residential district; providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street. Clocks and/or thermometers installed for public convenience and information are exempt from the time limitation.
- c. Lighted signs in the direct vision of traffic signal shall not be in red, green or amber illumination.
- d. The gross surface area, in square feet, on one side of any business sign on a lot, shall not exceed three (3) times the lineal feet of frontage of the building; each side of a lot which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a structure shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
- e. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two or more streets shall have its lowest elevation at least ten (10) feet above the curb level.

- f. Signs within fifty (50) feet of a residential district shall be affixed to or be a part of the building.
 - g. A maximum of two (2) signs (only one (1) on a facade) shall be allowed for a business or profession conducted on the premises.
 - h. No sign shall be permitted in or overhanging the road, street or alley right-of-way and no sign shall be in a manner to constitute a traffic hazard.
 - i. Sandwich COMMISSION signs may be allowed providing said sign is permanently affixed to the surface on which it rests.
3. Sign regulations for "C-1" District.
- a. Where buildings or structures are established or are hereafter established on the property line, in "C-1" District, advertising and business signs shall conform with the following requirements, providing they are constructed and maintained in accordance with the Building Code of the City.
 - 1. The advertising or business sign shall be affixed flat against the face of the building or the front edge of a marquee. The front edge the marquee shall be considered that portion of the marquee which is parallel to the street.
 - 2. Where a sign is illuminated by light directed upon it, the direct rays of light shall not bean upon any part of any existing residential district.
 - 3. Lighted signs in the direct vision of traffic shall not be in red, green, or amber illumination.
 - 4. Flashing signs shall be allowed only upon approval of the Planning and Zoning Commission, providing it is first determined that the sign will in no way create a traffic hazard or confusion with traffic lights or with lights on emergency vehicles.
 - 5. The gross surface area, in square feet, on one side of any sign of an advertising or business sign shall not exceed three (3) times the lineal feet of, the lot occupied by the building; each side of the lot, which abuts upon a street shall be considered as a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet in the separate frontage. The total surface area shall not exceed four hundred (400) square feet for each face of the sign. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.
 - 6. Any sign located within three (3) feet of a driveway or parking area of within fifty (50) feet of the intersection of two or more streets shall have the lowest elevations at least ten (10) feet above the curb level.
 - 7. Where signs are affixed to canopies and marquees, the canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.
4. Sign Regulations "I-1", "A-1", and "I-2" Districts.
- a. Advertising and business signs (single or double faced) shall be allowed in and Industrial Districts subject to the following regulations and subject to construction standard set forth in the Building Code of other regulations of the City.
 - 1. Flashing signs shall be permitted only upon approval of the Planning and Zoning Commission providing it is first determined that the location and colors will no way create a traffic hazard or confusion with traffic lights on emergency vehicles and that the direct rays of the sign will not be directed into any residential district.
 - 2. Non-flashing signs shall be permitted, providing that where the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building, or into any residential district or into any street.
 - 3. Lighted signs in the direct vision of a traffic signal shall not be in red, green or

amber illumination.

4. The gross surface area, in square feet, on one side of any business sign on a lot shall not exceed three (3) times the lineal feet of frontage of the lots; each side of a lot which abuts upon a street shall be considered as a separate frontage. Individual letters, with no background, shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters irregular dimensions.

5. Any sign located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above the curb.

6. Signs within fifty (50) feet of a residential district shall be affixed to or be a part of the building.

7. A maximum of two (2) signs (only one (1) on a facade) shall be allowed for a business or profession conducted on the premises.

8. No sign shall project over an alley, road, street, or highway right-of-way.

9. Sandwich signs may be allowed providing said sign is permanently affixed to the surface on which it rests.

b. Billboards will be permitted in "I-1", "A-1" and "I-2" Industrial District if they conform to the following provisions:

1. The owner shall agree, at the time of issuance of the permit, to place and maintain on such billboard the name of the person owning, in charge of or in control of said billboard.

2. No billboard shall be erected, altered, constructed, reconstructed or moved until an application and plans shall have been filed with the Planning and Zoning Commission and shall have been approved by the Planning and Zoning Commission as to size, location, and construction.

3. Billboards shall not exceed twenty (20) feet, in height above ground.

4. The owner, lessee, and manager of such billboard and the owner of the sign shall maintain and keep the ground area around the sign clean, sanitary, inoffensive and free and clean of weeds and noxious substances.

5. Plans for billboards in the fire limits shall be referred to the Fire Department for review and recommendation.

6. No billboard shall project beyond the front, side or rear building line established for the district, as set forth in the zoning ordinance.

7. No billboard shall exceed five hundred (500) square feet in area (on a single face).

8. It shall be unlawful to construct or maintain, or cause to be constructed or maintained, any billboard in such a manner to:

a. Obstruct the view street crossings or railroad crossing.

b. Be unable to stand a pressure of at least forty (40) pounds per square foot of advertising space.

c. Be dangerous to the public by falling or blowing down.

d. Increase the danger of loss by fire or to increase fire insurance rates.

e. Approach nearer than five (5) feet, from any building, unless attached to the building.

9. Billboards hereafter erected, constructed, reconstructed, altered or moved in the City shall be constructed in such a manner and of such material that they shall be safe and substantial.

10. Billboards supported by the ground shall have posts set in concrete.

SECTION 3. PERMITS AND FEES REQUIRED.

1. A permit shall be required for the erection, construction or alteration of any sign in the City.

2. Application for permits by other than the property owner shall be accompanied, in each

instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right, of the applicant. Such application shall conform to the regulations herein provided and no sign shall be erected or painted on any area until the application is acted upon and granted.

3. A charge based upon the Project Cost shall be made for each permit granted.

4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.

5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over twelve (12) square feet in area.

6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of North Dakota.

7. Permits are issued for the life of the sign so long as it is kept in good condition and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.

SECTION 4. NONCONFORMING SIGNS: The lawful use of land for advertising, business signs or bulletin commissions which are not installed or maintained in accordance with this Article and other City, County, State and Federal requirements pertaining to construction, location and size shall be removed or converted to conform with this Article and other City, State and Federal regulations within five (5) years after the passing of these regulations.

SECTION 5. REMOVAL OF SIGNS FROM VACANT BUILDINGS: Signs located on vacant buildings shall be removed by the property owner or his authorized agent within fifteen (15) days after said premises are vacated.

ARTICLE XIX – FENCE REGULATIONS

SECTION 1. GENERAL REQUIREMENTS:

Except as otherwise specifically provided in other codes, ordinances or resolutions, the following regulations shall apply to the construction of fences.

1. Fences shall be an artificially constructed barrier of any material or materials erected to enclose, screen or decorate areas of land. Fences include walls, trees, hedges and earth berms meeting this definition.

2. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected.

3. No fence shall be constructed less than 1 foot from the adjoining property line.

4. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the Planning and Zoning Commission has certified that the proposed fence will not constitute a traffic hazard.

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

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

7. No fence, except fences erected upon public parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet from the ground; provided, however, that the Planning and Zoning Commission may, by special permit, authorize the construction of fence higher than six (6) feet if the Commission finds the public welfare is preserved

8. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.

SECTION 2. PERMITS AND FEES REQUIRED.

1. A permit shall be required for the erection, construction or alteration of any fence in the City.

2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a fence on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right, of the

applicant. Such application shall conform to the regulations herein provided and no fence shall be erected or painted on any area until the application is acted upon and granted.

3. A charge based upon the Project Cost shall be made for each permit granted.

4. If a fence, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.

ARTICLE XX - PARKING REGULATIONS

SECTION 1. SPACE REQUIREMENTS: Whenever a structure is erected, converted or structurally altered and where required by this ordinance there shall be provided off-street parking space as follows:

1. Single-and-Two-Family Dwellings and Mobile Homes: One (1) off-street parking space shall be provided for each dwelling unit.
2. Multiple-Family Dwelling Units: One and one-half off-street parking space per unit shall be provided in the side or rear yard.
3. Home Occupation: Two (2) off-street parking spaces shall be provided in the side or rear yard for home occupations. These spaces shall be in addition to those required for dwelling purposes.
4. Schools: Schools shall provide off-street parking spaces as follows:
 - a. Elementary School: Two (2) parking spaces for each classroom.
 - b. Junior High School: Four (4) parking spaces for each classroom.
 - c. High School: Eight (8) parking spaces for each classroom.
5. Churches and Other Places of Public Assembly: One (1) off-street parking space shall be provided for each five (5) seats, based on the maximum seating capacity of the main assembly room or sanctuary.
6. Golf Courses: One (1) space for each five (5) members.
7. Hospitals, Nursing Homes and Rooming Houses: One (1) off-street, parking space shall be provided in the side or rear yard for each five (5) beds.
8. Dormitory Fraternity or Sorority House of Other Similar Use or Establishment: One 1 off-street parking space shall be provided for each three (3) sleeping accommodations provided.
9. Business and Professional Offices: One (1) off-street parking for each one hundred (100) square feet of gross floor area.
10. Eating Establishments: One (1) off-street parking space for each three 3 seats.
11. Medical Dental or Health Clinics: One (1) off-street parking space for each fifty (50) square feet of gross floor area.
12. Motels: One (1) off-street parking space for each living or sleeping unit.
13. Personal Service Establishments Including Barber Shops, Beauty Shops, Exercise Centers, Shoeshine Shops, Cleaning and Laundry Pick-Up Stations, Shoe Repair Shops, Self-Service Laundry, Custom Dressmaking, Furrier, Millinery, and Taylor Shops, Service Stations and Similar Personal Service Uses: One (1) off-street parking feet of space for each fifty (50) square feet of gross floor area.
14. Industrial Uses Permitted in "I-1" and "I-2" Districts: One (1) off-street parking space for each one thousand square feet of gross floor area.

SECTION 2. LOCATION OF OFF-STREET PARKING LOTS:

1. Off-street parking lots for single-or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes and rooming houses, dormitories, fraternity or sorority houses shall be located in the side or rear yard.
2. Off-street parking spaces for uses permitted in "C-S", "I-P", "I-1", AND "I-2" Districts shall be located back of the required front yard line and shall be within 300 feet of the building they serve.

SECTION 3. PLANS AND APPROVAL REQUIRED: Plans for off-street parking lots, other than for single-family dwellings, shall be prepared and submitted to the Planning & Zoning Commission for review and approval prior to issuance of a building permit. Before approving any parking layout, the

Planning and Zoning Commission shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.

SECTION 4. CONSTRUCTION REQUIREMENTS: Parking lots for other than single-family dwellings shall be surfaced with asphalt, concrete or similar dust-free surface.

SECTION 5. PERFORMANCE: In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate security bond, cashier's check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon the actual completion of such work or improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means.

ARTICLE XXI – LANDSCAPING REQUIREMENTS

1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all stormwater and shall be free of hazards, nuisances or unsanitary conditioned.
2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
3. No vegetation shall overhang a public street or sidewalk or obstruct views of pedestrian and vehicular movements.
4. Where districts, "PUD", "M-P", "C-S", "I-P", "I-1", "I-2" adjoin "R-1" and "R-2" districts they shall be appropriately separated by a landscaped area of at least ten (10) feet wide or a decorative architectural screen of at least six (6) feet high.
5. Parking abutting public walkways or streets shall be appropriately separated by a landscaped area of a decorative architectural screen. The landscaped area or architectural screen shall not exceed four feet in height.

ARTICLE XXII – SIDEWALK REQUIREMENTS

1. It shall be the duty of all owners and occupants of any lot or parcel of land fronting or being upon or along any public road to build, keep in repair and rebuild boulevard sidewalks on each lot or parcel of land adjoining and abutting adjacent landowners.
2. The Planning and Zoning Commission shall prescribe the width of sidewalks and may establish different widths in different locations and shall determine and prescribe the kind and quality of material of which and the manner in which sidewalks shall be constructed, taking into consideration the business and the amount of travel in the vicinity of each sidewalk.
2. Removal of Snow and Ice. The occupant of any premises, or the owner of any unoccupied premises or real property, is required to keep the constructed sidewalks in front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

ARTICLE XXIII - TRAFFIC REGULATIONS

Plans for the erection or structural alteration of any business use dependent on vehicles entering onto the business site or parking lot shall be approved the Governing Body. The Governing body may require such changes therein in relation to yards, location of curb cuts, the width of drives, location of signs and accessory uses and buildings and construction of buildings as may deem best suited to ensure safety, to minimize traffic difficulties and to safeguard adjacent properties.

ARTICLE XXIV - LOADING AND UNLOADING REGULATIONS

SECTION 1. SPACE REQUIREMENTS:

1. Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for commercial and industrial uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located as to avoid undue interference with public use of streets, alleys, and walkways. The number of spaces shall be provided as follows:

Number of Spaces Gross Floor Area in Square Feet

1. 3,000 to 20,000
2. 20,000 to 40,000
3. 40,000 to 60,000
4. 60,000 to 80,000
5. 80,000 to 100,000
6. 100,000 to 150,000
7. One (1) additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

SECTION 2. PLANS AND APPROVAL REQUIRED: Plans showing the layout and design of all required loading and unloading areas shall be submitted and approved by the Planning and Zoning Commission prior to issuance of a building permit. Before approving the layout, the Planning and Zoning Commission shall satisfy himself that all spaces provided are usable and meet standard design criteria and that the complete loading and unloading operation is performed off-street.

SECTION 3. PERFORMANCE: In lieu of actual construction of the required off-street loading and unloading area, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount fixed by the Governing Body and conditioned upon actual construction of such work or improvement, within a specified time, and the Governing body may enforce such bond by all equitable means.

ARTICLE XXV – ADDITIONAL ZONING REGULATIONS.

SECTION 1. Developments where highly contrasting district abut may be subject to additional Aesthetic Zoning requirements as determined by the Planning and Zoning Commission.

SECTION 2. Developments or districts may be subject to Overlay Zones if located next to known underground mining areas, missile launch zones or similar physical or locational areas as determined by the Planning and Zoning Commission.

ARTICLE XXVI - BUILDINGS AND USES AFFECTED

SECTION 1. MINIMUM BUILDING REQUIREMENTS: No building or structure shall be erected, enlarged, remodeled or moved into the planning area with less than the following:

1. Dwelling Units:
 - a. All dwelling units shall provide a minimum floor area, exclusive of porches, breezeways, and garages, as follows:

Type of Dwelling Unit	Minimum Area
Single	Six Hundred (600) square feet
Two-Family	Six Hundred (600) square feet per unit
Multiple-Family	Four Hundred Eighty (480) square feet per unit
 - b. Every dwelling unit shall be provided with at least one (1) bathroom, which bathroom shall be located within the dwelling and in a room, which affords privacy.
 - c. Every dwelling unit shall contain a kitchen sink which is connected to running water and an approved sewer system.
 - d. Every dwelling unit shall be enclosed with an exterior wall surface, other than tar paper or corrugated metal.
 - e. No basement or cellar shall be occupied for residential purposes until the main portion, aboveground, is completed.
2. Mobile/Manufactured Home: May be used or occupied for residential purposes unless located in a mobile home district or mobile home park district.
3. Motels:
 - a. The number of motel units permitted on a tract of land shall not exceed the number obtained by dividing the total square feet of area of the site by one thousand five hundred (1,500).
 - b. Motels shall be served with an approved public water supply and approved public sanitary sewer system.

c. Each motel unit shall contain not less than two hundred (200) square feet of floor area.

4. Tents: No tent, except play tents for children, shall be used for any purpose except those authorized by the Governing Body.

SECTION 2. BUILDINGS AND STRUCTURES MOVED IN: Building and structures may be moved into various districts providing:

1. The proposed use conforms with the district zoning regulations of the district into which it is to be moved in, and
2. The building or structure meets building, fire, safety and health regulations, and
3. The COMMISSION finds that the building or structure will not devalue properties in the area where the structure is proposed to be moved.

SECTION 3. ELEVATION: Unless otherwise directed the Planning and Zoning Commission, the first-floor elevation of a building or group of buildings shall be at least eighteen (18) inches above the grade of the center of the street or roadway.

ARTICLE XXVII - ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS: The regulations hereinafter set forth in this section qualify or supplement the district regulations appearing elsewhere in this ordinance.

1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one (1) foot of additional building height will be permitted for each one (1) foot of additional building setback provided.
2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio and television towers or necessary mechanical appurtenances, which do not conflict with airport approach zones, maybe erected a height not to exceed one hundred fifty (150) feet.
3. Accessory buildings may be built in a rear yard but such accessory building shall not be nearer than the main building to any side lot line, except that when a garage is entered from an alley it shall not be located closer than twenty (20) feet from the alley line.
4. No accessory building shall be constructed upon a lot until the construction of the main building has been commenced, and no accessory building shall be used for dwelling purposes.
5. The setback line shall be determined by measuring the horizontal distance from the property line to the nearest, architectural projection of the building.
6. Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Planning and Zoning Commission for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.
7. For the side yard regulations, a two-family dwelling, or a multiple-family dwelling shall be considered as one building occupying one lot.
8. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.
9. Where a lot: or tract, is used for a nonresidential purpose, more than one principal use may be located upon the lot or tract but only when the building or buildings conform to all yard and open space requirements for the district in which the lot or tract is located.
10. No side yards are required where dwelling units are erected above commercial and industrial structures.
11. Whenever the number employees are restricted in connection with any use in the neighborhood shopping or commercial districts, such a maximum number applies only to

employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or similar activities.

12. Radio and television towers shall be permitted in any commercial or industrial district providing the height, of said radio or television tower does not conflict with any airport approach or landing zone or with any other ordinances

ARTICLE XXVIII - BUILDING SETBACK LINES:

Building setback lines are hereby established for all arterial and collector streets, as shown on the approved major street plan. The setback lines as established in this section shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience, and economy in the process of development and shall conform with the following requirements:

1. Arterial Streets: No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet,) plus fifty (50) feet.
2. Collector Streets: No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the of the required front yard (in feet) plus forty (40) feet.

ARTICLE XXIX – LOTS OF RECORD:

A lot or group of lots which were platted and recorded in the office of the Register of Deeds prior to the effective date of this ordinance may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure on a lot or group of lots that do not conform with the minimum yard and height requirements unless specifically authorized by the Planning and Zoning Commission.

ARTICLE XXX - CANOPY AND MARQUEE:

A canopy or marquee may be permitted to "overhang a public way" in District "C-1", providing:

1. The canopy or marquee is constructed and maintained in accordance with the City Building Code and other codes, ordinances, and resolutions.
2. No portion of the canopy or marquee shall be less than eight (8) feet above the level of the sidewalk or other public way.
3. The canopy or marquee shall not extend beyond a point two (2) feet inside the curb line of a public street.

ARTICLE XXXI - NONCONFORMING USES

SECTION 1. NONCONFORMING USES WHICH MAY BE CONTINUED:

1. The following lawful nonconforming uses of land may be continued:
 - a. A use of land which existed prior to the effective date of Zoning Ordinance No.
 - b. A use of land existing at the time of the annexation.
 - c. A use of land existing at the time amendment is made to the zoning ordinance which changes such land to the more restricted district.
2. The lawful use of a building located upon any land, except as provided in SECTION 2 below, may be continued although such use does not conform with the provisions of this zoning ordinance and such use may be continued throughout the building if no structural alterations are made therein; except, those required by law or ordinance. If no structural alterations are made in such building, nonconforming use of the building may be changed to another nonconforming use of the same or more restricted use classification. The foregoing provisions shall also apply any uses of buildings which may be made nonconforming by any subsequent amendment or change of this zoning ordinance.

SECTION 2. NONCONFORMING USES WHICH MAY NOT BE CONTINUED:

- I. Whenever a nonconforming use of the building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.

2. A nonconforming building which has been damaged to the extent of more than sixty (60) percent, of its structural value by fire, explosion, an act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the zoning district. In the event a question may arise on the structural value of such a building, the same shall be determined by three (3) appraisers; one (1) shall be selected by the Governing Body, one (1) shall be selected by the owner of the building, and the third appraiser shall be selected by the two selected appraisers. If the first two (2) appraisers selected cannot agree on the selection of the third such appraiser, the Judge of the appropriate court shall be requested to appoint, the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

ARTICLE XXXII - ENFORCEMENT, VIOLATION, AND PENALTY

SECTION 1. ENFORCEMENT: The Planning and Zoning Commission shall administer and enforce this zoning ordinance. Appeals from the decision of the Planning and Zoning Commission may be made to the City Council.

SECTION 2. CERTIFICATE OF OCCUPANCY:

1. Subsequent to the effective date of this zoning ordinance, no change in the use or occupancy of land nor change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of occupancy has been issued by the Planning and Zoning Commission. The certificate of occupancy shall state that the land and/or building complies with the provisions of this zoning ordinance.
2. No permit for an excavation or the erection or alteration of any building shall be issued before an application has been made and approved for a certificate of occupancy and compliance and no building or premises shall be occupied until such certificate is issued.
3. A record of all certificates of occupancy shall be kept on file in the office of the Planning and Zoning Commission and copies shall be furnished for two (2) dollars on request by any person having an interest in the land or building affected.
4. Buildings used for single-family purposes shall be exempt from this requirement.

SECTION 3. VIOLATION AND PENALTY:

1. The owner or agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (500) dollars. Every day that such violation continues shall constitute a separate offense.
2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this zoning ordinance, the appropriate authorities of said area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

ARTICLE XXXIII – PLANNING AND ZONING COMMISSION

SECTION 1. PLANNING AND ZONING COMMISSION ESTABLISHED: A Planning and Zoning COMMISSION (COMMISSION) is hereby established. Such COMMISSION shall consist of not less than five (5) members, all of whom shall be residents of the city, appointed by the Mayor and with the consent of the city governing body. None of the members shall hold any other public office of the city except, that one member shall be a member of the planning commission. The members first appointed shall serve respectively for terms of one, two and three years divided as nearly equally as possible between the members. Thereafter members shall be appointed for terms of three (3) years each.

Vacancies shall be filled by appointment for the unexpired terms. All members of said COMMISSION shall serve without compensation.

SECTION 2. ELECTION OF OFFICERS: The COMMISSION shall annually elect one (1) of its members as chairman and shall appoint a secretary who may be an officer or an employee of the City.

SECTION 3. RULES OF PROCEDURE; COMMISSION shall adopt by-laws and rules for the procedure for the conduct of business.

SECTION 4. MEETING: Meetings of the COMMISSION shall be held at the call of the chairman and at such other times as the Beard may determine.

SECTION 5. RECORDS: The COMMISSION shall keep minutes of its proceedings, showing evidence presented, findings of fact by the COMMISSION, decisions of the COMMISSION and voting upon each question. Records of all official actions of the COMMISSION shall be filed in its office and shall be a public record.

SECTION 6. FILING FEE: For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing a request, shall pay to the City of Garrison a fee as follows:

Building Permit Fee Schedule

Project Cost:	\$0 - \$5,000	\$5,001 - \$15,000	\$15,001 - \$30,000	\$30,001 - \$50,000	\$50,001 - \$75,000	\$75,001 - \$100,000	\$100,001 - \$300,000	\$300,001 and above
Fee:	\$20	\$25	\$35	\$60	\$85	\$120	\$325	\$500

Planning and Zoning Fee Schedule

Request:	Conditional Use Permit	Set Back Variance	Zoning Change
Fee:	\$100	\$250	\$250-500

Effective Date of Fees _____

Promptly upon filing the request and required filing fee, the City Auditor shall publish the request and notify the chairman to schedule a meeting of the Planning and Zoning Commission

SECTION 7. PUBLIC HEARING AND NOTICE: The Planning and Zoning Commission shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of the said notice shall be mailed to each party to the appeal and to the Planning and Zoning Commission.

SECTION 8. POWERS AND JURISDICTIONS:

The Planning and Zoning shall administer the details of appeals or other matters referred to it regarding the application of the zoning ordinance. The Planning and Zoning shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement, of the zoning ordinance.
2. To interpret the provisions of this ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and as shown upon the zoning district map fixing the several districts and accompanying and made a part of this ordinance, where the

street layout actually on the ground varies from the street layout as shown on the zoning district map.

3. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this ordinance (resolution). The Planning and Zoning Commission must find that the granting of such variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable or unusual hardship or difficulty.

4. To hear and grant exceptions to district zoning regulation subject SECTION 11 below.

SECTION 9. PROCEDURE:

1. Appeals to the Planning and Zoning Commission may be taken by any person aggrieved, or by any officer of the City or County or any governmental agency or body affected by any decision of the official administering the provisions of this zoning ordinance.

2. Appeals should be taken within a reasonable time, as provided by the rules of the Planning and Zoning Commission by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.

3. Appeals and requests to the Planning and Zoning Commission for variances and exceptions to this zoning ordinance shall be prepared and submitted on forms approved and furnished by the Planning and Zoning.

4. After filing the required appeal or request and payment of the required fee, the Planning and Zoning Commission shall advertise and hold a public hearing as provided in SECTION 7 above.

5. Every variation granted or denied by the Board shall be accompanied by the written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the City Auditor, to be available for public inspections.

SECTION 10. EXCEPTIONS TO THIS ZONING ORDINANCE:

1. Exceptions to this zoning ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.

2. Prior to review of the request of an exception by the Planning and Zoning Commission, the applicant shall:

a. File an application on forms provided.

b. File with the application a statement, certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.

c. File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

3. A plot plan shall be filed with the application showing:

a. The legal dimension of the tract to be used.

b. Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.

c. Grade elevations.

d. Building set-back from all property lines.

e. Front, side and rear elevations of all improvements to be erected.

f. Perspective drawings of the proposed improvements, in such detail, as will clearly show the finished appearance of the improvements proposed.

- g. Location and type of planting, screening or walls.
 - h. Such other items as the COMMISSION shall deem reasonably necessary to properly process the application.
4. In considering any application for an exception hereunder, the COMMISSION shall give consideration to the comprehensive plan, and the health, safety, morals, comfort, and general welfare of the inhabitants of the including but not limited to the following factors:
- a. The stability and integrity of the various zoning districts.
 - b. Conservation of property value.
 - c. Protection against fire and casualties.
 - d. Observation of general police regulations.
 - e. Prevention of traffic congestion.
 - f. Promotion of traffic safety and the orderly parking of motor vehicles.
 - g. Promotion of the safety of individuals and property.
 - h. Provision for adequate light and air.
 - i. Prevention of overcrowding and excessive intensity of land uses.
 - j. Provision for public utilities and schools.
 - k. Invasion by inappropriate uses.
 - l. Value, type, and character of existing or authorized improvements and land uses.
 - m. Encouragement of improvements and land uses in keeping with overall planning.
 - n. Provision for orderly and proper urban renewal, development and growth.
5. Exceptions may be authorized by the Planning and Zoning Commission in "I-2" Heavy Industrial Districts only and shall be limited to the following:
- a. Automobile wrecking yards, junkyards, and scrap processing yards are subject to the following:
 - 1. Located on a tract of land at least three hundred (300) feet from a residential district zone.
 - 2. The operation shall be conducted wholly within a noncombustible building or within an area surrounded by a fence, wall or hedge. The fence, wall or hedge shall be of uniform height, (at least six (6) feet high) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
 - 3. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - 4. Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.
 - b. Petroleum Refining.
 - c. Stockyards and slaughterhouses.
 - d. Ready-mix concrete and asphalt mix plants.
 - e. Manufacturing or storage of bulk oil, gas, and explosives.
 - f. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

SECTION 11. PERFORMANCE:

- 1. In making any decision varying or modifying any provisions of this zoning ordinance or in granting an exception to the district regulations, the Planning and Zoning Commission shall impose such restrictions, terms, time limitations, landscaping, improvements of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.
 - a. The Planning and Zoning Commission is imposing a three-year time limit for the construction of a residence when a conditional use permit is granted for the construction of a garage and/or any other structure prior to the residence.

- b. After the three-year time limit, the permit will be automatically renewed at \$500 per year. If the fee is not paid it will be assessed to the property.
2. In lieu of actual construction of an approved off-street parking lot, the Planning and Zoning Commission may accept, in the name of the City, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the City and conditioned upon actual completion of such improvement, within a specified time, and the Governing Body may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Auditor.

ARTICLE XXXIV - AMENDMENTS

SECTION 1. AMENDMENTS: The Governing Body may time to time amend, supplement, or change the district boundaries or regulations contained in this zoning ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning and Zoning Commission or upon application of the owner of the property affected. All such proposed changes shall first, be submitted to the Planning and Zoning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning and Zoning Commission shall hold a Public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

SECTION 2. APPLICATIONS:

1. Any party desiring any change in zoning district boundaries or regulations contained in this zoning ordinance, as to any lot tract, or area of land, shall file with the City Auditor an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning and Zoning Commission. At the time of filing said application with the City Auditor, the applicant shall provide the City Auditor with the names and addresses of all owners of any land located within two hundred (200) feet of the outer limits or said area to which the applicant desires change of zoning.

SECTION 3. FILING FEE: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application shall pay to the City Auditor a fee in the amount of two hundred (\$200) dollars. Promptly upon the filing of any such application, the City Auditor shall refer the application to the City Planning and Zoning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and that said application has been referred to the Planning and Zoning Commission.

SECTION 4. PUBLIC HEARING AND NOTICE: Before the Planning and Zoning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning and Zoning Commission or by others, the Planning and Zoning Commission shall hold a public hearing on such proposal. The secretary of the Planning and Zoning Commission shall cause notice of a public hearing to be published once in the official newspaper and at least fifteen (15) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district and, if such proposed amendment will affect a specific property, the legal description and general street address shall be given. Following the public hearing, the Planning and Zoning Commission secretary shall forward the proposed amendment, to the City Council together with the Planning and Zoning Commission's recommendation and report fully setting forth the reason for such recommendation.

SECTION 5. CITY COUNCIL'S ACTION: Upon receipt of the Planning and Zoning Commission's recommendation and report, the City Council shall consider the proposed amendment and schedule a public hearing on same within ninety days following the time said recommendation and report were first, received by the City Auditor. No regulation, restriction or boundary shall become effective until after a public hearing thereon at which parties in interest and citizens shall have an opportunity to be heard. Notice of the said hearing shall be published once a week for two successive weeks prior to the time set for said hearing in the official newspaper of the City. Such notice shall contain the following items:

1. Time and place of the hearing.
2. A description of any property involved in any zoning change, by street address if streets have been platted or designed in the area affected.
3. A description of the nature, scope, and purpose of the proposed regulation, restriction or boundary.
4. A statement of the times at which it will be available the public for inspection and copying at the office of the City Auditor.

Upon establishment of any regulation, restriction or boundary hereunder the governing body of a city shall file a certified copy thereof with the City Auditor and shall cause notice of the same to be published in the official newspaper of the City. Said notice shall describe the nature, scope, and purpose of the regulations, restrictions or boundary and shall state the times at which it will be available to the public for inspection and copying at the office of the City Auditor.

SECTION 6. PROTEST: If a protest against such amendment is filed in the office of the City Auditor within fourteen (14) days after the date of the conclusion of the public hearing pursuant said publication notice, said protest being duly signed and acknowledged by the owners of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of twenty (20) percent of the area, excepting public streets and ways, located within or without the corporate limits of the City and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three fourths (3/4) vote of the members of the Governing Body.

ARTICLE XXXV - VALIDITY

SECTION 1. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE XXXVI - APPROVAL AND EFFECTIVE DATE

SECTION 1. Zoning Ordinance No. _____ and all amendments thereto are hereby repeated.

SECTION 2. This is to certify that this zoning ordinance and the Zoning District map referred to in this zoning ordinance were duly approved by the Planning and Zoning Commission on this _____ day of _____, _____

Secretary

Chairman

SECTION 3. This ordinance shall become effective upon its publication by reference once in the official area newspaper.

PASSED this _____ day of _____, _____

ATTEST:

City Auditor

Mayor