**ARTICLE 5**

**DISTRICT REGULATIONS**

**R-S RESIDENTIAL SUBURBAN DISTRICT**

1. Intent: It is the intent of the “R-S” Residential Suburban District to control subdivision and density of development of land for residential and other non-commercial uses for suburban design purposes; and where such uses are not or cannot be connected to a public sewer and/or a public water supply.
2. Permitted Uses: Single-family residences and related public and

semi-public uses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix “A” (page 15) of these regulations.

1. Special Uses: For a specific listing of special uses, see Appendix

 "A".(page 15)

1. Intensity of Use Regulations: Except as hereinafter provided, all

dwellings hereafter erected, enlarged, or reconstructed shall be located upon lots containing the following areas:

A. Every lot served with public sanitary sewers and public water system shall have an area of not less than 12,000 square feet and a lot width of not less than 100 feet. (Corner lots shall not be less than 120 feet in width)

B. Every lot not served with a public sanitary sewer shall have an area not less than required by the City of Carbondale Subdivision Regulations, and shall be subject to on site-wastewater testing.

1. Height Regulations: No structure shall exceed 35 feet in height, except that public and semi-public structures, public service and institutional structures, hospitals, schools, and religious institutional structures are permitted two feet of additional height for each one foot of additional structure setback.
2. Yard Regulations:

A. Front Yard: The front yard shall be a minimum of 50 feet in depth.

B. Side Yard: There shall be a side yard on each side of every single-family dwelling and accessory use which shall be not less than 25 feet in width, and all other permitted and special uses shall provide a 50 foot side yard.

C. Rear Yard. There shall be a rear yard of not less than 50 feet.

1. Use Limitations: None, except as limited by regulations governing private, on-site wastewater treatment.

**"R-1" RESIDENTIAL -LOW DENSITY DISTRICT**

1. Intent: The intent of this district is to provide for low-density residential development including those uses, which reinforce residential neighborhoods.

2. Permitted Uses: Generally, single-family dwellings, parks, educational and religious uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these regulations.

3. Special Uses: For a specific listing of special uses, see Appendix "A".

4. Intensity of Use Regulations: Except as modified by the provisions of Article 6.

1. Width: Minimum plot width at the front building line shall be 75 feet for an interior plot and 90 feet for a corner plot.
2. Minimum plot area shall be 9,500 square feet for single-family dwellings and home occupations, and 10,000 square feet for all others uses.

5. Height Regulations: Maximum structure height: 35 feet.

6. Yard Regulations:

 Plot Size:

1. Width: Minimum plot width at the front building line shall be 75 feet for an interior plot and 90 feet for a corner-plot.
2. Area: Minimum plot area shall be 9,500 square feet for single

 family dwellings and home occupations,

C. and 10,000 square feet for all other uses.

 Yard Requirements:

1. Front Yard: The front yard shall never be less than thirty (30)feet
2. Side Yard: Side yard shall never be less than eight (8)

feet; however, the sum of both side yard shall always equal at least twenty (20) feet. On a corner plot, the minimum side yard abutting the street shall be the same as required for the front yard.

 C. Rear Yard: minimum rear yard shall be seven (7) feet;

 however, the sum of the rear yards between buildings on

 adjoining plots and the plot to be built upon shall never

 be less than fifteen (15) feet.

7. Height Regulations:

1. Maximum building height shall be two and one-half (2½) stories or thirty-five (35)feet, whichever is less, but in no case shall the height of a structure exceed three times its least side yard.
2. For special height regulations, see Article 6.1

8. Plot Coverage:

 The combined area occupied by all principal and accessory

 buildings shall not exceed thirty-five (35) percent of the

 plot area.

1. Use Limitations: None.

**“R-2" RESIDENTIAL -MEDIUM DENSITY DISTRICT**

1. Intent: The intent of this district is to provide for moderate density residential development, including two-family and higher density single-family dwellings, in a manner, which will encourage a strong residential neighborhood.
2. Permitted Uses: Generally, single-family dwellings, two-family

dwellings, parks, educational and religious uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these

 regulations.

1. Special Uses: For a specific listing of special uses, see Appendix

 "A".

1. Intensity of Use Regulations: Except as modified by the provisions of Article 6:

Plot Size:

 A. Width: Minimum plot width at the front building line shall be 60

 feet for an interior plot and 80 feet for a corner plot.

 B. Area: Minimum plot area shall be 7,500 square feet for single

 family dwellings and home occupations, and 15,000 square feet for

 all other uses.

Yard Requirements:

1. Front Yard: Minimum front yard shall be thirty (30)feet.

 B. Side Yards: Minimum side yard shall be seven (7) feet how­ever, the

 sum of both side yards shall always equal at least fifteen (15)

 feet. On a corner plot, the minimum side yard abutting

 the street shall be the same as required for the front yard.

 C. Rear yard: minimum rear yard shall be seven (7) feet; however, the

 sum of the rear yards between buildings on adjoining plots and the

plot to be built upon buildings shall never be less than fifteen (15)feet.

 D. For special yard requirements, see Article 23.11

Height Regulations:

1. Maximum building height shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less, but in no case shall the height of a structure exceed four (4) times its least side yard.

For special height requirements see Article 23.8

 ADDITIONAL HEIGHT REGULATIONS:

 A. Regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in these Zoning Regulations.

 B. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a residential district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet. However, such buildings must set back from each plot line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

 C. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stage towers, or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio towers, or necessary mechanical appurtenances, if permitted within a district by these Zoning Regulations, may be erected to a height beyond the limitations of these Zoning Regulations after review and approval by the Board of Appeals. Said review shall include a recommenda­tion by the Planning Commission.

Plot Coverage:

 The combined area occupied by all principal and accessory

 buildings shall not exceed thirty-five (35) percent of the

 plot area.

1. Use Limitations: None.

**“R-3" MULTIPLE FAMILY DWELLING DISTRICT – HIGH DENSITY DISTRICT**

1. Intent and Purpose of District: The "R-3" 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, community facilities and certain uses, yet retain the basic residential quality.

2. District Regulations: In District "R-3", no structure or land shall be used, and no structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in the Special Use Regulations. (Article 23)

3. Permitted Uses: Single-,two-,and multi-family dwellings, nursing homes and boarding houses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix "A" of these regulations.

4. Intensity of Use Regulations: Except as hereinafter provided, all dwellings hereafter erected, enlarged, relocated, or reconstructed shall be located upon lots containing the following areas:

Plot Size:

 Width: Minimum plot width at the front building line shall be 60 feet for an interior plot and 80 feet form a corner*.*

Area: Minimum plot area shall be 7,500 square feet for single family dwellings and home occupations; 2,500 square feet for two family dwelling (per dwelling unit 2,500 square feet for three or four family dwellings (per dwell­ing unit); and 12,000 square feet for all other uses.

Yard Requirements:

 Front. Yard: Minimum front yard shall be twenty five (25) feet

 Side Yard: Minimum side yard shall be seven (7) feet how­ever, the

 sum of both side yards shall always equal at least fifteen

 (15) feet. On a corner plot, the minimum side yard

 abutting the street shall be the same as required for the

 front yard.

 Rear yard: minimum rear yard shall be seven (7) feet; however,

 the sum of the rear yards between buildings on

 adjoining plots and the plot to be built upon shall

 never be less than fifteen (15) feet.

For special yard requirements, see Article 23.6

Height Regulations:

 Maximum building height shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less, but in no case shall the height of a structure exceed four (4) times its least side yard.

 For special height requirements, see Article 23.8

Plot Coverage:

 The combined area occupied by all principal and accessory buildings shall not exceed thirty-five (35) percent of the plot area.

The Board of Zoning Appeals may increase the intensity of use for multiple-family dwellings by one residential unit, if all of the following conditions can be met:

1. There is sufficient land area on the site to meet all other requirements, including parking and setbacks;

2. The additional unit permits a more economical design (e.g., an eight-plex rather than a seven-plex); and

3. The variance may be used to achieve an even number of units only.

5. Multiple-family uses shall not cover more than 40 percent of the lot area.

A. Height Requirements: No structure shall exceed 45 feet in height, except that for each one foot of additional front yard provided, two additional feet of height will be permitted.

B. Plot Size:

1. Width: Minimum plot width at the front building line shall be 60 feet for an interior plot and 80 feet from a corner.

2. Area: Minimum plot area shall be 7,500 square feet for single-family dwellings and home occupations; 2,500 square feet for two-family dwellings (per dwelling unit 2,500 square feet for three or four family dwellings (per dwell­ing unit); and 12,000 square feet for all other uses.

 C. Yard Requirements:

1. Front Yard: Minimum front yard shall be twenty-five (25) feet.

2. Side Yard: Minimum side yard shall be seven (7) feet, how­ever, the sum of both side yards shall always equal at least fifteen (15) feet. On a corner plot, the minimum side yard abutting the street shall be the same as required for the front yard.

3. Rear yard: minimum rear yard shall be seven (7) feet, however, the sum of the rear yards between buildings on adjoining plots and the plot to be built upon shall never be less than fifteen (15) feet.

D For special yard requirements, see Article 23.11. special addition

 E. Height Regulations:

1.Maximum building height shall be two and one-half (2½) stories or thirty-five (35) feet, whichever is less, but in no case shall the height of a structure exceed four (4) times its least side yard.

2.For special height requirements, see Article 23.8. special addition

F. Plot Coverage:

The combined area occupied by all principal and accessory buildings shall not exceed thirty-five (35) percent of the plot area.

G. Loading and Unloading Regulations: See Article 7 on

 Parking and Loading Regulations.

 H. Parking Regulations: See Article 7 on Parking and

 Loading Regulations.

 I. Sign Regulations: See Article 8 on Sign Regulations.

6. Site Plan. Review: Development in the R-3 District shall be subject to site plan review requirements and procedures.

7. Use Limitations. A storm shelter shall be required, big enough to accommodate all of the residents, based on no fewer than two (2) persons per one (1) bedroom unit, three (3) persons per two-(2) bedroom unit and four (4) persons for units with three (3) or more bedrooms. Storm shelter shall provide a minimum of seven (7) square feet per resident based upon the above calculations. A storm shelter may include recreation facilities, laundry facilities, storm shelter, and other similar uses.

**"M-P" MANUFACTURED HOME PARK RESIDENTIAL DISTRICT**

1. Intent: It is the intent of this district to provide low density manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Manufactured home parks are considered to be a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.

2. Permitted Uses: The listing of permitted uses is set out in Appendix "A".

3. Special Uses: For a specific listing of special uses, see Appendix "A" of these regulations.

4. Intensity of Use Regulations: SEE ARTICLE 24 and Subdivision Section 12

**B-1 BUSINESS-LOCAL BUSINESS DISTRICT**

1. Intent: This district allows the retailing of commodities classes as “Convenience Goods” and “Personal Services” where the volume of pedestrian traffic, in proportion to vehicular traffic is much high that in the other retail districts with no off-street parking facilities required of the private development.

2. Permitted Uses: The listing of permitted uses is set out in Appendix "A" of these regulations.

3. Special Uses: The listing of special uses is set out in Appendix "A" of these regulations.

4. Intensity of Use Regulations:

5. Plot Size:

 1. Width: The minimum plot width at the front building line shall be 50 feet for an interior plot and 75 feet for a corner p1ot.

 2. Area: Minimum plot area for residential purposes shall be 3,000

 square feet. There shall be no required plot area for non

 residential uses.

 6. Yard Requirements:

1. Front Yard: Minimum front yard shall be twenty-five (25) feet.

 2. Side Yard: Minimum side yard for residential uses shall be seven (7)feet,however, the sum of both side yards shall equal at least fifteen (15) feet. Non-residential uses shall not be required to provide side yards except when abutting any residential district a seven (7) foot side yard shall be provided. For all uses on a corner plot, the side yard abutting the street shall be the same as required for the front yard.

 3. Rear Yard: Minimum rear yard for residential uses shall be twenty-five (25) feet. Non-residential uses need not provide rear yards except where the plot so used abuts a residential district, in which case fifteen (15) feet shall be provided.

 4. For special yard requirements: see Article 23.11, special addition regulations.

1. Height Regulations:

 Maximum building height shall be two and one-half (2½)

 stories or thirty-five (35) feet whichever is less,

 but in no case shall the height of a structure exceed four (4)

 times its least side yard if a side yard is required.

 7. Plot Coverage:

 The combined area occupied by all principal and accessory buildings shall not exceed seventy-five (75) percent of the plot area.

 8. Screening:

 A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential or mobile home district; however, in the event the adjacent residential district and the com­mercial development are separated by a public street, a 10-foot landscape buffer which shall consist of trees and shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property.

9. Use Limitations:

A. No outdoor storage, except for the display of merchandise available for immediate sale to the public shall be permitted,

B. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

C. Living quarters in a B-1 District are not allowed in the frontage of the ground floor.

10. Site Plan Review:

 Development in the B-1 District shall be subject to site plan

 review requirements and procedures.

**"B-2" GENERAL BUSINESS DISTRICT**

1. Intent: This district allows almost all basic retail, service, and office uses that may normally be found in major business districts. The intensity of development is less stringent than “B-1”, but still provides for parking, plot area coverage, and building height controls. The intent of this district is to provide a zone for those commercial uses which are intensive in nature and which require large lots and direct access to major streets.

2. Permitted Uses: Generally, automobile and implement sales, lumber yards, contractor’s yards, offices, neighborhood retailing and similar uses are permitted. For a specific listing of permitted uses, see Appendix "A" of these regulations.

3. Special Uses: For a specific listing of special uses, see Appendix "A" of these regulations.

4. Plot Size:

 1. Width: Minimum residential plot width at the front building line shall be 50 feet for an interior plot and 75 feet for a corner plot. There shall be no required width for non-residential use.

 2. Area: Minimum plot area shall be 2,000 square feet for three or

four family dwellings (per dwelling unit). On a plot upon which five (5) or more dwelling units are to be not less, than the following: 1,500 square feet for 3 or more bedrooms; 1,200 square feet for 2 bedrooms; 900 square feet for 1 bedroom; and 600 square feet for 1 room effic­iency without bedroom. Group housing facilities shall be 400 square feet per individual permanently housed. Provided further, however, that for every five (5) required parking spaces included, and contained entirely within the main or primary structure without increasing the plot cov­erage, the total number of dwelling units permitted on the plot as computed from above may be increased by one. For non-residential uses, there shall be no required plot areas.

5. Yard Requirements:

 1. Front Yard: Minimum yard for residential uses shall be thirty (30)

 feet. For non-residential uses, there shall be no required front

 yard.

 2. Side Yard: Minimum side yard for residential uses shall be seven *(7)*

feet, however, the combined side yards shall equal at least fifteen (15)feet. Non-residential uses shall not be required to provide side yards, except, when abutting any residential district, a five (5) foot side yard shall be provided. For all uses on a corner plot, the side yard abutting the street shall be the same as required for the front yard.

 3. Rear Yard: Minimum rear yard for residential uses shall be twenty (20) feet plus an additional three (3) feet for each story above three (3) stories. Non-residential uses need not provide rear yard except where the plot so used abuts a residential district, in which case fifteen (15) feet shall be provided.

 4. For special yard requirements, see Article 23.11 special addition

 regulations.

 6. Height Regulations:

1. Maximum building heights shall be three and one-half (3½) stories

 not to exceed forty nine (49) feet. Provided fur­ther, that in no

 case shall the height of a structure exceed four (4) times the least

 side yard if a side yard is required. Provided further, that if any

 structure is a part of a “Planned Group Development”, height may be

 increased to six (6) stories not to exceed eighty-four (84) feet.

1. For special height requirements, see Article 23.8 special addition

 regulation.

 7. Floor Area Ratio and Plot Coverage:

 The floor area ratio and plot coverage shall never exceed

 the following for residential uses:

 No. of Floors Floor Area Ratio Plot Coverage

 1 0.35 35%
 2 0.55 33%
 A (1½ story to be consid- 1.35 27%
 ered as full floor)
 B (As a result of basement) 1.55 27%
 C (As a result of sub- 1.75 27%
 basement)
 4 (When in a Planned Group 1.95 27%
 Development)
 5 (When in a Planned Group 2.15 25%
 Development)

8. **When Residential and Non-Residential Uses are mixed:**

 a. Where more than sixty (60) percent of the gross floor area of any building is used for residential purposes, that building shall meet all of the above requirements for res­idential uses.

9. Plot Coverage:

 The combined area occupied by all principal and accessory buildings shall not exceed seventy-five (75) percent of the plot area.

10. Screening:

 A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential or mobile home district, however, in the event the adjacent residential district and the com­mercial development are separated by a public street, a 10-foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property.

11. Use Limitations:

A. No outdoor storage, except for the display of merchandise available for immediate sale to the public shall be permitted.

1. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.

12. Site Plan Review. Development in the B-2 District shall be subject to

 site plan review requirements and procedures.

B-3 Heaving Business:

1. Intent: This district allows general retail, wholesale,

 warehousing, service and limited manufacturing.

2. Permitted Uses: The listing of permitted uses is set out in Appendix “A”

3. Special Uses: For a specific listing of special uses, see Appendix

 “A” of these regulations.

4. Plot Size:

 a. Width: No minimum requirement.
b. Area: No minimum requirement.

5. Yard Requirements:

 a. Front Yard: No minimum requirement.

 b. Side Yard: No minimum requirement

 c. Rear Yard: No minimum requirement.

6. Height Regulations:

 No requirement.

7. Floor Area- Ratio:

 In no case shall the floor area ratio exceed eight (8) feet in this district. Provided, further that the floor area of any building used strictly for parking need not be

 ­included in the computations for floor area ratio.

O & I Office and Institutional:

SERVICE DISTRICTS:

This district is intended to be used for public, quasi-public, institutional, and professional service uses. Density and intensity of use may be termed moderate and is intended to be compatible with abutting residential districts. In keeping with the nature of this district, controlled multiple residential use is permitted, as well as certain enumerated home occu­pations and conditional uses.

Plot Size:

1. Width: The minimum plot width at the front building line shall be 50 feet for an interior plot and 75 feet for a corner plot.

2. Area: Whenever a structure is used for dwelling purposes, said structure having less than five (5) dwelling units, the minimum plot area requirements shall be 5,000 square feet for single-family dwellings; 2,500 square feet for two family dwellings (per dwelling unit); and 1,500 square feet for three or four family dwellings (per dwelling unit).

On a plot upon which five (5) or more dwelling units are to be erected or converted, each dwelling unit shall have plot area of not less than 1,250 square feet for 3 or more bed­rooms; 1,000 square feet for 2 bedrooms; 800 square feet for 1 bedroom; and 450 square feet for 1 room efficiency without bedroom. Group housing facilities shall be 400 square feet per individual provided for and 12,000 square feet for all other uses.

3. Provided further, however, that for every five (5) required parking spaces included and contained entirely within the principal structure without increasing the plot coverage, the total number of dwelling units permitted on the plot as computed from above may be increased by one.

Yard Requirements:

1. Front Yard: Minimum front yard shall be twenty-five (25) feet.

2. Side Yard: Minimum side yard shall be five (5) feet. However, the sum of both side yards shall always equal at least fifteen (15) feet. On a corner plot, the minimum side yard abutting the street shall be the same as re­quired for the front yard.

3. Rear Yard: Minimum rear yard shall be twenty (20) feet plus an additional three (3) feet for each story above three (3) stories.

4. For special yard requirements, see Article 23.11

Height Regulations:

* 1. Maximum building height shall be six and one-half (6½) stories above grade not to exceed ninety-one (91) feet. However, wherever a plot abuts an R-1 or R-2 district, the height limitation shall be reduced to four and one-half (4½) stories, not to exceed sixty-three (63) feet. Pro­vided further that in no case shall the height of a struc­ture exceed four (4) times the least side yard.

For special height requirements, see Article 23.8

Floor Area Ratio and Plot Coverage:

1. The floor area ratio and plot coverage shall never exceed the following:

No. of Floors Floor Area Ratio Plot Coverage

1 0.35 35%

 2 0.55 33%

 3 0.75 31%

 4 1.15 20%

 5 1.35 28%

 6 1.55 27%

 7 (½ floor to be consid­ered as full floor) 1.75 26%

 A (As a result of basement) 1.95 26%

 B (As a result of basement) 2.15 26%

**"I-1" INDUSTRIAL DISTRICT**

Intent: The intent of the district is to permit industrial uses that are not obnoxious due to appearance, noise, emissions, or odor; that do not require intensive land coverage; and that can be compatibly developed with adjacent districts through site plan review.

2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, with limited retail and service uses permitted, as well. For a specific listing of permitted uses, see Appendix "A" of these regulations.

3. Special Uses: The listing of special uses is set out in Appendix "A" of these regulations.

4. Intensity of Use Regulations:

Plot Size:

1. Width: The minimum plot width at the front building line shall be 50 feet for an interior plot and 75 feet for a corner plot.

 2. Area; Minimum plot area shall be 6,000 square feet.

 5. Yard Requirements:

1. Front Yard: The front yard shall never be less than twenty-five (25) feet.

2. Side Yard: Minimum side yard shall never be less than five feet; however, the sum of both side yards shall equal at least fifteen (15) feet.

 3. Rear Yard: No requirement. Whenever a plot within the

 district abuts any residential district, no building or structure shall be located within thirty (30) feet of the abutting residential district.

 4. For special yard requirements, see Article 23.8 special addition regulation

 6. Height Regulations:

 1. Maximum building height shall be two and one-half (2½) stories or thirty five (35) feet. Provided further that in no case shall the height of a structure exceed four (4) times the least side yard.

 2. For special height regulations, see Article 23.8 special addition regulation.

 7. Plot Coverage:

 The combined area occupied by all principal and accessory building shall

 not exceed forty (40) percent of the plot area.

 8. Additional Requirements:

 There shall be no outdoor storage of equipment, materials or merchandise

 of any type.

 9. Screening:

 A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential or mobile home district; however, in the event the adjacent residential district and the com­mercial development are separated by a public street, a 10-foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property.

10. Use Limitations:

A. All operations and activities shall be conducted within a structure or structures. Storage may be maintained outside said structure or structures provided the view of said storage area is properly screened from adjacent residential areas. Storage within I-1 Industrial-District shall be exempt from screening of exterior storage from streets.

B. A solid or semi-solid fence or wall at least six feet high and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "I-1" District.

C. No structure shall be used for residential purposes

 except that a watchman may reside on the premises.

 11. Site Plan Review.

Development in the "I-1" District shall be subject to site plan review requirements and procedures.

**I-2 MEDIUM INDUSTRIAL DISTRICT:**

1. Intent: The intent of this district is to permit industrial uses which are not basically obnoxious, offensive, or hazardous.

2. Permitted Uses: This district may generate vehicular and some rail traffic. Off-street parking and loading is required. While height and bulk are less important than in most districts, there remains some control.

3. Special Uses: The listing of special uses is set out in Appendix “A”: of these regulations.

Plot Size:

A. Width: The minimum plot width at the front building line shall be

50 feet for an interior plot and 75 feet for a corner plot B. Area: Minimum plot area shall be 6,000 square feet

Yard Requirements:

A. Front Yard: The front yard shall never be less than twenty-five

 (25)feet.

B. Side Yard: Minimum side yard shall never be less *than 7 feet;*

 however, the sum of both side yards shall equal at least

 fifteen (15) feet.

Rear Yard:

No requirement. Whenever a plot within the 1-2 district abuts any residential district, no building or structure shall be located within thirty (30)feet of the abutting residential district.

a. For special yard requirements, see Article 23.11 special addition regulations

Height Regulations:

a. Maximum building height is not limited, except that it shall not

 exceed forty-five (45) feet when the structure is lo­cated within

 100 feet of a residential district.

 b. For special height regulations, see Article 23.8 special

 addition regulations.

Plot Coverage:

The combined area occupied by all principal and accessory buildings shall not exceed forty (40) percent of the plot area.

a. Additional Requirements: N/A.

b. Screening:

1. A solid or semi-solid fence or wall at least 6 feet, but not

 more than 8 feet high, shall be provided adjacent to any

 adjoining residential or mobile home district, however, in

 the event the adjacent residential district and the

 com­mercial development are separated by a public street, a 10

 foot landscape buffer which shall consist of trees, shrubs,

 and evergreens shall be provided along the property.

I-3 HEAVY INDUSTRIAL DISTRICT:

1. Intent: The intent of this district is intended mainly for the basic or primary industries, which by their nature are generally incompatible with most other uses.

2. Permitted Use: Certain hazardous and extremely obnoxious industrial uses require express permission to locate even within this district. Intensity of plot coverage or use has minimum controls, however, off-street parking and loading is required.

3. Special Uses: The listing of special uses is set out in Appendix “A” of these regulations.

Plot Size:

a. Width: The minimum plot width at the front building line shall be 50 feet for an interior plot and 75 feet-for a corner plot.

 b Area: Minimum plot area shall be 6,000 square feet.

Yard Requirements:

a. Front Yard: The front yard shall never be less than thirty (30)feet.

b. Side Yard: Minimum side yard shall never be less than seven (7) feet, however, the sum of both side yards shall equal at least fifteen (15) feet.

c. Rear Yard: No requirement. Whenever a plot within the district abuts any residential district, no building or structure shall be located within thirty (30) feet of the abutting residential district.

 d. For special yard requirements, see Article 23.11

 Special Addition Regulation.

Height Regulations:

a. Maximum building height is not limited except that it shall not exceed forty-five (45) feet when the structure is lo­cated within 100 feet of a residential district.

 b. For special height regulations, see Article 23.8.

Plot Coverage: The combined area occupied by all principal and accessory

 buildings shall not exceed forty (40) percent of the plot

 area.

 Additional Requirements: N/A.

 Screening:

a. A solid or semi-solid fence or wall at least 6 feet, but not more than 8 feet high, shall be provided adjacent to any adjoining residential or mobile home district; however, in the event the adjacent residential district and the com­mercial development are separated by a public street, a 10 foot landscape buffer which shall consist of trees, shrubs, and evergreens shall be provided along the property line and maintained by the owner or owners of this property.

**P-D" PLANNED DEVELOPMENT DISTRICT**

1. Purpose: The purpose of this district is to provide for elements of flexibility in design, placement, arrangement, bulk and other considerations involved in planned districts; to provide a framework within which the structures and uses in the planned district may be interrelated with adjacent development and areas; and to maintain the desired overall intensity of land use, desired population densities, and desired areas of open space. The use of planned zoning procedures is intended to encourage large-scale developments, efficient development of small tracts, innovative and imaginative site planning, and conservation of resources.

2. Use of the "P-D" District: With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the "P-D" zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning. The Planned Development District must always be used in conjunction with one of the other zoning districts, known as the "underlying district." The requirements of the "P-D" District shall be in addition to the requirements of the underlying district, except that the "P-D" District may modify some of the regulations of the underlying district in specific situations. A "P-D" District may be used in conjunction with any of the other zoning districts or with any combination of districts. An application for rezoning to the "P-D" District shall include a Preliminary Development Plan and may include a concurrent request to change the underlying zoning classification. If the rezoning is approved, the new district shall include the designation of the underlying district followed by "P-D". For example, a Planned Development District of an "R-2" District shall be known as "R-2/P-D." Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No structure or occupancy permit shall be issued until a Final Development Plan has been approved. The use of the "PD" district shall be separate from the Subdivision Regulations of the City, and the Development Plans required by the "P-D" District shall not be construed as plats. It is recommended that the subdivision process follow the Rezoning/Preliminary Plan approval, but precede the approval of the Final Development Plan. Re-subdivision may be a prerequisite to approval of the Final Development Plan.

3. Use Regulations: Any use permitted in the underlying zone may be permitted. The uses permitted may be voluntarily restricted by the applicant, or restricted as a condition of approval by the Planning Commission.

4. Height Regulations: The height regulations provided for the underlying zoning district shall be required, provided that the allowed height may be increased by one floor or 15 feet upon a showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property.

5. Yard Regulations: The yard regulations provided for the underlying zoning district shall be required, provided that the yard regulations may be reduced upon a showing of sufficient open space accessible to occupants, a separation between structures for fire-fighting purposes, and that there is consistency with the visual character of the community.

6. Use Regulations:

A. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or inconvenience in the area.

B. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.

C. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.

D. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.

E. Approval of the Final Development Plan may be conditioned by the Planning Commission or Governing Body to minimize any negative impact on the community.

7. Application for Rezoning: A petition to change to a "P-D" Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The process for approval shall be the same as for any rezoning as provided by these regulations.

8. Approval Procedure: The approval by the Governing Body of the Preliminary Development Plan and the concurrent rezoning to the "P-D" District shall be preceded by the publication and mailing of notice, a public hearing, and a recommendation by the Planning Commission. If the Governing Body disagrees with the recommendation, the application shall be returned to the Planning Commission for reconsideration. Approval of the Preliminary Development Plan shall be valid for two years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Plan shall extend the period of validity an additional two years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.

9. Preliminary Development Plan: The Preliminary Development Plan shall be prepared at a scale dimension of not more than 1"=100’, and shall include:

A. Boundaries of the project with dimensions to scale;

B. Contour intervals of two feet;

C. Proposed size, height, location and arrangement of structures, parking areas with proposed arrangement of stalls and number of cars, entrance and exit driveways and their relationship to existing and/or proposed streets;

D. Preliminary drainage plan in sufficient detail to show direction of flow, storm water detention facilities, if needed, and major drainage structures;

E. General landscape plan to include location and height of all walls, fences, signs and screen plantings;

F. Note provision for dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of a Final Development Plan;

G. Phases of final development;

H. Name and address of owner, applicant and engineering firm which prepared the plan;

I. Seal of engineering firm licensed in the State of Kansas developing the plan, scale, north point and date of plan;

J. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure materials to be used or other similar factors; and

K. Ten (10) copies shall be submitted.

10. Final Development Plan: The Final Development Plan shall be prepared in the same manner and include the same type of information as the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement) with the following additions:

A. Contour lines shall show finished grading only;

B. The landscaping plan shall show the size and type of each tree, shrub and ground cover; and

C. Drawings showing the size, appearance and method of illumination for each sign. The Final Development Plan shall substantially conform to the approved Preliminary Plan, shall be in final form for the issuance of a building permit, shall have been previously reviewed by the appropriate City staff, and shall include a Construction Schedule. A final approval by the Governing Body shall authorize construction to begin according to the Construction Schedule providing all appropriate permits have been received. Construction of at least the first stage of development shall begin within three years from the date the ordinance of the zoning change was published in the newspaper. If construction does not begin within this period and the owner makes no effort for an extension of time, the Final Development Plan shall be voided.

11. Building Permits: On final approval by the Governing Body, the owner shall provide five copies of the approved Final Development Plan to the City. The Zoning Officer or his/her designee shall issue building permits only in accordance with the approved Final Development Plan.

12. Amendments: If any substantial variation or rearrangement of structures, parking area and drives, entrances, heights or open spaces is requested by the applicant, the applicant shall proceed by following the same procedure previously followed and outlined in the Preliminary Development Plan.

13. Open Space: The Planning Commission may require the provision of open space to buffer dissimilar uses; to protect environmentally sensitive areas; or to counterbalance any reduction in lot area, yard size or bulk limitations.

A. Open Space Requirements: If the Planning Commission requires open space, the City and the applicant shall enter into an agreement providing for the establishment of an agency to maintain the open space. Such agreement shall include provision for default, cure by the City, and enforcement.

B. Disposition of Open Space: The agency established in the preceding section shall not be dissolved or permitted to otherwise dispose of any open space by sale or otherwise without first offering to dedicate the same to the City. The development plan process shall be required prior to any rezoning or issuance of a building permit for other than a single-family dwelling.

14. Time Limit: A site plan approval for a "P-D" district shall expire automatically unless a building permit is taken within 12 months after the approved date for commencement to effectuate such site plan.

**"T-H" TOWNHOUSE SUBDIVISION DEVELOPMENT**

1. Purpose: The intent of the following provisions is to permit and regulate an alternative form of home ownership and development not provided elsewhere in these regulations.

2. Applicability: Townhouse units developed in accordance with this section may be conveyed along with the land underneath the particular unit and its associated lot provided that all of the land upon which the townhouse itself and its accessory appurtenances are constructed is conveyed in unity with the townhouse, and provided further that all land other than the individual townhouse sites is conveyed in common to all of the individual owners, to a duly constituted property owners’ association or to the public pursuant to a subdivision action by the City Council.

3. The following municipal regulations apply to each townhouse subdivision development superseding any zoning district regulations to the contrary.

A. Townhouse subdivision developments shall be permitted in the "R-3" District, provided that the property has been platted to accommodate the development.

B. Overall Development Size: Shall be the same as required in the zoning district assigned to the property. However, each such townhouse subdivision development plan shall contain at least ten townhouse units. Phased development shall be constructed with no fewer than three townhouse units in each phase.

C. Density: The overall density of a townhouse subdivision shall not exceed the density allowed by the applicable zoning district.

D. Separations and Spacing: No townhouse unit shall be located closer

than 20 feet to a street, nor closer than ten feet to any parking lot or driving aisle, nor closer than 15 feet to any overall project boundary. No separation is required between individual townhouse sites or units within the same development, except:

1. Other Applicable Codes: Any separation required to comply with building regulation and fire protection requirements.

2. Structure Length: No single grouping of townhouse units shall exceed 200 feet in length and the average length within the overall development shall not exceed 160 feet however, no townhouse structure shall contain more than eight units.

3. Structure Separation: Each structure shall be separated from all other groupings of townhouse units according to the following table:

side to side = 20’

side to back = 30’

back to back = 40’

front to side = 30’

 front to back = 40’

front to front = 40’

Wherever structures are arranged in a linear form with a combined length in excess of 400 feet, they shall have a minimum separation twice the distance specified above. In addition, there shall be unobstructed access at least ten feet in width on two sides of each individual townhouse unit.

4. Unit Access: Each townhouse unit shall contain windows and exterior access on at least two sides in addition to the separations from individual townhouse site property lines required by the building regulation for such openings.

5. Minimum Width Townhouse Unit: The minimum permissible width for a townhouse unit, center of common wall to center of common or exterior wall, shall be 19 feet.

6. Height: No townhouse unit shall exceed 35 feet in height, but no more than two stories shall be allowed.

7. Location of Parking: Each townhouse unit shall have reasonable access to the parking spaces required by this regulation. Parking lots may be used to serve multiple units, provided, however, that parking lots shall be configured so that each unit owner has reasonable access to the number of parking spaces required by this regulation.

8. Utilities: Individual feeders, meters, lines and shut-offs shall be provided for each townhouse unit, comparable to those for single-family detached development utilizing City standards for construction and dedication. No townhouse unit may be served from or through an adjoining or auxiliary structure. Water meters shall be located in a protected, grassed area, readily accessible from the street or drive aisle serving the unit. As an alternative to individual water meters, a master meter may be approved provided that the developer demonstrates that there is a legally and fiscally responsible entity from whom billings for service can be collected.

9. Drainage: Each townhouse unit shall drain to a common or public drainage area or easement, and no townhouse site may drain onto or through an adjoining townhouse site except through a drainage easement.

10. Accessory Structures:

A. No accessory structures shall be permitted on townhouse sites with the exception of garages, pools, spas, hot tubs, decks, cabanas, screen enclosures, walls, fences, awnings, trellises, and mechanical equipment and its enclosure.

B. Whenever the City and developer intend to allow the installation of accessory uses and structures such as swimming pools, hot tubs, spas, trellises, decks and the like within the private rear yard areas of townhouse units, a masonry wing wall a minimum of five feet in height and having a minimum length of ten feet, shall be installed along the common side property lines between the units, extending from the back of the units. No wall or fence will be permitted across the rear line of the private exterior yard areas. Landscaping across the rear line of the private exterior yard areas shall consist of at least a hedge, two feet in height at the time of planting, to be grown and maintained to a height of at least four feet.

11. Replacement: In the event that any townhouse unit is destroyed or removed for any cause, said unit, if replaced, shall be replaced with a townhouse of a size, shape and appearance substantially similar to the original or to adjoining townhouses.

12. Association Required: A property owners’ association shall be established and have at least the following duties, powers, responsibilities, and provisions:

A. Every property owner is required to be a member of the association;

B. The association shall be responsible for maintenance of all common property and facilities, all exterior structure surfaces of townhouse units, and all landscaping located outside of enclosed private yard or patio areas;

C. The Association and its agents shall be granted the right to enter common and private areas and facilities for the purpose of necessary repairs or maintenance;

D. The association shall be empowered to make and collect assessments for the maintenance, repair and replacement of common areas and facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas of townhouse sites.

E. The association shall be responsible for necessary maintenance, repair, and replacement of all common facilities specifically including, but not limited to, water and sewer lines, exterior structure surfaces and yard areas, and shall ensure that all townhouses and common facilities are maintained to the standards enumerated elsewhere in this regulation. The association documents shall put the property owners and potential purchasers on notice that the City of Carbondale has the right to enforce said maintenance and to assess the individual association members their pro-rated share of the cost of such enforcement.

13. Sidewalks:

A. Sidewalks shall be required to connect units to driveways, parking lots or streets.

B. Required sidewalks shall be constructed of concrete, brick pavers or other approved surfaces, but no asphalt, stepping stones, loose rock or mulch.

14. Private Drives: Any private access drives serving townhouse developments shall be so designed and constructed as to meet the City’s standards for private drives.

15. Garages: A garage, a fully enclosed structure designed for storage of at least one automobile or similar motor vehicle, shall be required for each townhouse unit; except that the City may consider approving a common carport facility to serve all units provided parking areas are screened on all sides visible from public rights-of-way.

16. Legal Descriptions for Individual Sites:

Prior to the issuance of a Certificate of Occupancy for any townhouse unit, a legal description for the proposed individual site, keyed to the approved site reference plan, shall be approved by the City Engineer and recorded in the office of the Register of Deeds of Osage County, Kansas.

17. Conflict with Other Provisions:

In the event that any provision of this section conflicts with

any other provisions of this regulation, the provisions of this section shall control to the extent of such conflict.