CITY OF CARBONDALE PLANNING COMMISSION ZONING REGULATIONS (PROPOSED REGULATIONS (4.21.09)

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CARBONDALE PLANNING COMMISION
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ROLE OF EACH PARTICIPANT

Introduction

The purpose of zoning regulations is to promote orderly growth and redevelopment in the City of Carbondale. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this Procedure Manual is to set forth guidelines for the proper administration of the Zoning Regulations. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the Procedures Manual, the Zoning Regulations will be applied more equitably and consistently.

The power to enact zoning regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Commission, the Board of Zoning Appeals, and the Governing Body.

Carbondale Planning Commission

By Kansas statutes, in order to implement land use regulations, the Planning Commission must adopt a city plan for the physical development of the municipality. Before adopting or amending the plan, the Planning Commission must hold a public hearing. After adoption, a copy is certified to the City Council, and City Clerk's office, and a copy recorded in the office of the County Register of Deeds. The City Council must approve the plan.

Board of Zoning Appeals
(See Article 14)

The Board of Zoning Appeals is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to two types of tasks:

1. The appeal of an administrative decision or interpretation; and

2. The granting of variances for cases of hardship.

In the first case, the responsibility of the Board of Zoning Appeals is to rule on the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. Variances are granted for unusual physical constraints, and the role of the Board of Zoning Appeals is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning ordinance and fair to the applicant. The Board of Zoning Appeals is not involved in administering the subdivision regulations.

The City Council

The Governing Body has responsibility for enacting and amending the zoning regulations after consideration of the recommendations of the Planning Commission. This responsibility includes amending the zoning regulations or the zoning district map.

THE BASIS OF DECISION-MAKING

As with other "police powers", the exercise of zoning regulations is subject to certain legal limitations. One of the most important of these limitations requires that zoning regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning issues cannot be fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance.

Zoning Issues: Before making any recommendation or decision on a zoning request, the Planning Commission must first hold a public hearing. The purpose of the hearing is to allow both sides to express their views on the issue and to discuss all relevant factors. Although the hearing is a valuable mechanism for gauging the community's attitudes toward development and for establishing the facts of each case, it is important that decisions not be based solely on the opinions of the largest or most vocal group of participants. Instead, zoning decisions must be based on the best interests of the entire community, and not just the interests of a particular property owner or neighboring property owners. In addition, the Planning Commission should try to distinguish between facts and opinions at a public hearing. Unsubstantiated assertions ("This project would reduce the value of my property by 75 percent") or generalizations ("People who live in apartments always drive fast cars and race up and down the streets") should be analyzed for their validity. Even "expert witnesses" should be pressed to give as factual a basis as possible for their judgments.

Second, zoning decisions should include consideration of long-range community goals as well as short-range needs. The recommendations of the Comprehensive Plan should be the primary source for this information. Because of its importance in the zoning process, the Comprehensive Plan is reviewed by the Carbondale Planning Commission on a regular basis and amended as necessary to ensure that it remains current.

Third, it is important to zone based on land use issues, not the issues affecting the individual applicant. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances without consideration of land use conditions and characteristics. Such rezoning is rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land is appropriate for the proposed zoning district.

Appropriate factors for consideration of a rezoning application include:

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
5. The length of time the property has remained vacant as zoned;
6. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
7. The recommendation of staff; and
8. Compliance with the Comprehensive Plan.

It should also be pointed out that the entire class of uses, which the zoning district permits, should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed use.

The granting of a special use permit requires a case-by-case approach. The zoning ordinance sets forth conditions, which must be met before a special

use may be granted. The district regulations also may establish additional conditions. The recommendation to grant a special use permit should be made to the City Council only after the Planning Commission has found all the standards as set forth in the zoning regulations have been met.

The granting of a short-term special use is provided in the regulations for temporary uses such as trade shows, street fairs, and other specified public events. Applications for short-term permits under this section may be submitted to the City Council by the Zoning Administrator without referral to the Planning Commission under certain circumstances.

Appeals and Variances
(See Article 14 & 18)

The Board of Zoning Appeals has the important task of interpreting the Zoning Ordinance in situations where the language of the ordinance is alleged to be ambiguous, the specifics of the case are unusual enough to warrant special consideration, or an appeal is made. Thus, the decisions made by the Board of Zoning Appeals must be carefully thought out and clearly stated in order to safeguard the integrity and purpose of the Zoning Ordinance.

In deciding an appeal, the Board of Zoning Appeals must interpret sections of the Zoning Ordinance, as well as preserve the intent and consistency of the regulations. The specifics of the applicant's situation are largely irrelevant, since the ruling of the Board of Zoning Appeals will affect not only the case at hand, but will also set precedent, and so will affect each subsequent use of that section of the Zoning Ordinance.

The granting of a variance requires a very careful examination of the applicant's situation. Although the Board of Zoning Appeals should be careful to avoid setting any unintentional precedents, the variance process requires a case-by-case approach. Before a variance can be granted, facts must be presented supporting the standards set forth in the Carbondale zoning ordinance. These conditions require the existence of practical difficulties or unnecessary hardship, and that any variance granted be consistent with the intent of the regulations, the general welfare of the community, and the rights of adjacent property owners.

In each of the duties described above, it is important to point out that it is not the role of the Board of Zoning Appeals or Planning Commission to change or weaken the intent of the zoning ordinance. If the ordinance needs changing, an amendment should be passed by the Governing Body after the Planning Commission's review and recommendation.

CODE OF CONDUCT

In administering the zoning regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning Commission, the Board of Zoning Appeals, the Governing Body, and public support for zoning regulations in general, will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct be established and followed as closely as possible.

Conflicts of Interest

In making zoning decisions, members of the Planning Commission, Board of Zoning Appeals, and the Governing Body should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a

development request which includes the potential for direct or indirect gain, financial or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;

2. The member owns or is employed by any company, which is an applicant, sub-divider, and developer or option holder;

3. The applicant, sub-divider, developer or option holder is an established and regular client of the member or the member's place of employment;

4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an owner or officer of any company which is an applicant, sub-divider, developer or option holder; or

5. The member has a potential for indirect financial gain or loss because of related property or business holdings. Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

Ideally, citizens appointed to the Planning Commission and Board of Zoning Appeals should not include those who are likely to have repeated conflicts of interests. When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare, and the record should show, that a conflict of interest exists with respect to a particular issue, and that the member will not participate in any discussion or action;

2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and

3. The member should not represent or speak on behalf of the applicant, but may speak on this or her own behalf as a private citizen during the hearing.

Acknowledgement of Outside Information

During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments, and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Commission and Board of Zoning Appeals members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge, which is relevant to the issue. If a member has any personal knowledge, which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

Informed Participation

All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;

2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or

3. When a member has missed all or part of the discussion between members prior to the vote. As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely. The By-Laws of the Planning Commission, set forth in The By Laws on page 19 of the manual, establish requirements and rules for attendance.

ZONING TEXT AMENDMENT PROCEDURE
(see Article 15)

A proposal for an amendment of the text of the Zoning Ordinance is initiated by either the Planning Commission or the City Council of the City of Carbondale. A citizen may also begin the amendment process by submitting the proposed change to the Office of the City Clerk, with a request for consideration by either the commission or City Council on the next regular meeting agenda.

If the change is initiated by a private citizen and taken before the Planning Commission, the individual shall be allowed to present the proposed amendment at a regular meeting. The Planning Commission, based on the information presented, shall determine whether the proposal should be considered as an amendment. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.

If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. The City Clerk shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing, and for following the administrative procedures for a text amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.

The public hearing may be adjourned from time to time, and upon its conclusion the Planning Commission shall prepare and adopt its recommendation to the Governing Body. The recommendation shall be submitted along with an accurate record of the public hearing.

The Governing Body shall consider the Planning Commission's recommendation and may either approve the recommendation; override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or return the proposed amendment to the Planning Commission for reconsideration, as prescribed in the adopted zoning regulations. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for failure to approve or disapprove and may resubmit its original recommendation or a revised recommendation. Upon

receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning text amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect.

ZONING DISTRICT CHANGE
(See Article 15)

A proposal for a change in district classification (rezoning) may be initiated by either the City Council, the Planning Commission, or by application of the owner of property affected.

The applicant shall first obtain the proper application form from the City Clerk.

The rezoning application form shall be completely filled out and returned to the Zoning Administrator with the appropriate filing fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.

The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The City Clerk shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing. The Planning Commission shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested. A written notice shall also be mailed to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure.

The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing. Protest petitions must be signed by all owners, including a spouse in jointly owned property, and submitted within the fourteen-day period in order to be valid.

The Governing Body shall consider the Planning Commission’s recommendation and may either approve the recommendation; override the Planning Commission’s recommendation by a 2/3 majority vote of the membership of the Governing Body; or return the proposed amendment to the Planning Commission for reconsideration. If received for reconsideration, the Planning Commission shall consider the Governing Body’s reasons for disapproval and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning district
amendment.

If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

Attachments: Rezoning Application

APPEAL OF ADMINISTRATIVE DECISION
(Board of Appeal Article 14)

Appeal Procedure

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Appeals. In its deliberations, the Board of Zoning Appeals must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board can clarify ambiguities or resolve conflict between opposing sections. Since the Board's decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

The applicant shall first meet with the Zoning Administrator to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained.

The applicant shall file a completed application for appeal with the Office of the City Clerk and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

When an application has been fully completed, the fee paid and all required information submitted, the City Clerk should then schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to members of the Board of Zoning Appeals. Twenty (20) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.

At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The Board must hear the appeal within a reasonable period of time from the completed application and fee submittal and a written decision must be rendered without unreasonable delay.

The Board of Zoning Appeals may affirm, reverse, or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission. The secretary shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

Attachment: Zoning Appeal of Administrative Decision

SPECIAL USES
(See Article 23)

SPECIAL USE PROCEDURE

Certain uses or exceptions are permitted in some zoning districts, only when a special use permit has been obtained from the City Council. Such uses require special study with respect to specific location and design considerations to assure that they will have minimal negative impact on surrounding properties.

The applicant shall first meet with the Zoning Administrator to receive a full explanation of the zoning and special use requirements, and an application form.

The applicant shall submit a completed application form to the Office of the Zoning Administrator and pay the appropriate fee for the structures on the property in question, adjacent property, parking spaces, driveways, and other information as required by the adopted zoning regulations. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

The Zoning Administrator shall then schedule consideration of the application at the next regular meeting of the Planning Commission. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing, and follow the adopted procedures for considering a special use permit as prescribed in the zoning regulations.

The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

The Governing Body shall consider the Planning Commission's recommendation and shall act upon the Planning Commission recommendation as prescribed in the adopted zoning regulations. If the Governing Body approves the application, it shall adopt an ordinance to that effect.

Attachment:

Special Use Permit Application
Special Use Permit

LOT SPLIT

Lot Split Procedure

When specified conditions occur, one existing parcel of land may be divided into two lots using a simplified procedure instead of a formal plat. This procedure, known as a lot split, is faster and less costly to follow, but can only be used if all the criteria specified in the subdivision regulations are followed.

The applicant shall meet with Zoning Administrator to receive an explanation of the lot split procedure, including its requirements and limitations.

The lot split application shall be completely filled out and returned to the Zoning Administrator with the appropriate fee as set forth by the governing body. As a part of the application, four (4) copies of a scale drawing shall be submitted showing the boundaries of the existing parcel; the location of all structures; the precise nature of the proposed split; the legal description of the lots to be formed; and the name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing. An application shall not be processed until it has been fully completed, the appropriate fee paid, and all requested information submitted. The Planning Commission shall review the proposed lot split at a regular scheduled meeting based on the criteria specified in the adopted subdivision regulations.

The Planning Commission shall, within thirty (30) days of application, in writing, ratify or not ratify, or continue for cause those applications, which, in its opinion, do not comply with the Subdivision Regulations.

No building permit shall be issued for any site, which contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the subdivision regulations.

Attach the following:
Lot Split Application

SITE PLAN REVIEW
(See Article 13)

Procedures

The Zoning Administrator performs Site Plan Reviews for any development within Multi-Family Residential (R-3), Local Business District (B-1), General Business District (B-2), and Industrial (I-1). Applicants are required to submit a set of Architectural Drawings stamped by an engineer, architect, or landscape architect. Zoning Board will review the applicable zoning regulations and approve Site Plans once all requirements have been met.

Applicants may appeal a Site Plan Review determination to the Planning Commission for approval in the event that an applicant alleges that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of Site Plan Review. The request for review by the Planning Commission shall be accompanied by a complete description of the error(s) alleged. The Planning Commission shall perform their review at their next regularly scheduled meeting of the Planning Commission and shall adjourn and reconvene, as is determined necessary. The applicant may appeal the decision of the Planning Commission to the City Council if necessary.

Final Development Plans for Planned Developments, Townhouse Developments, and Manufactured Home Park Developments are required to be submitted and approved by the Planning Commission and the City Council. Each development has specific requirements that are listed in the District Regulations.

Attachments:

Site Plan Review Application
Site Plan Review Checklist
Planned Development Checklist
Townhouse Development Checklist
Manufactured Home Park Development Checklist

ISSUES OF IMPORTANCE

Certain issues in the urban development process are considered and perceived more critically in one community than they are in another. In Carbondale the following are noteworthy and should be included in the rationale of project formulation and perception, either by the potential developer or by the interested citizenry.

1. Carbondale has a pleasant and built-up residential community adjacent to the downtown. Conversion of property to commercial use at the fringe of the commercial and office districts, therefore, must be done in a compatible way that retains the strength of the residential area.

2. Stronger emphasis is placed on landscaping of the premises, the screening of unsightly elements such as trash bins, mechanical equipment, service areas, and parking lots. The new site plan review process includes a landscape plan submittal.

FEE SCHEDULE

FENCE & DECK PERMITS	$25.00
Sign Permit	
Standard Sign	$25.00
Face Change Only	$25.00
Accessory Building Permit (if under $10,000)	$25.00
Single Family & Duplex Residential Permit w/Site Plan	$50.00
Commercial & Multi-Family Permit w/ Stamped Site Plan	
Under $50,000	$75.00
Over $75,000.	$100.00
Variance	$35.00
Preliminary Plat	$350.00
Final Plat	$50.00
Lot Split	$35.00
Special Use Permit	$50.00
Amendment to zoning boundries	$200.00

PENALTY Additional 15.00

APPEAL FEE $50.00

Approved by the Carbondale City Council
on Mayor _____

License fee:

Plumber	$25.00
Building contractor	$25.00
Electrician	$25.00
Excavator	$25.00

CITY OF CARBONDALE KANSAS ZONING REGULAITONS - APPENDIX A

LISTING OF USES BY ZONING DISTRICT

P= Permitted Use, S= Special Use, N=Not permitted

R-S Residential Suburban District
R-1 Residential -Low Density District
R-2 Residential-Medium Density District
R-3 Multiple-Family Dwelling District
M-P Manufactured Home Park Residential District
B-1 Business-Local Business
B-2 –General Business District
B-3-Heavy Business
I-1 Industrial District
I-2 Medium Industrial District
I-3 Heavy Industrial District
O-I Office and Institutional District

Use Description	RS	R-1	R-2	R-3	MP	B-1	B-2	B-3	O&I	I-1	I-2	I-3
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P	P
Accessory uses	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural use When not in conflict with local reg.	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural implement fabrication, repair & sales										P	P	P
Ambulance service						S	P	P	S	S	P	P
Alcoholic beverages, packaged retail sale						P	P	P			P	P
Alcoholic beverages, wholesale & warehouse										P	P	P
Ammonia, bleaching powder or chlorine manufacture												S
Amusement or commercial recreation facilities												
roller rinks, bowling alleys, billards or												
pool rooms and shooting galleries						P	P	P			P	P
Amusement parks, miniature golf or driving range		S	S				P	P			P	P
Animal clinic						P	P	P		P	P	P
Antiques, retail sales						P	P	P				
Appliance repair or electrical shop						P	P	P			P	P
Automobile (new & used) or accessory part sales						P	P	P				P
Automobile repair garages							P	P			P	P
Automobile service stations						P	P	P			P	P
Auto repair services and parking							P			P		
Bakery shops and confectioneries operation both						P	P	P			P	P
Wholesale and retail business, provided such												
operations are limited to 1500 square												
feet of manufacturing area												
Banks trust companies and savings, or												
building and Loan associations						P	P	P	P			P
Bait Shops						P	P	P			P	P
Barber, beauty and other personal services						P	P	P	S		P	P
Bicycle sale and repair						P	P	P			P	P
boat sales and repair						P	P	P			P	P
Boat storage							P	P		P	P	P
Boarding home				P			P	P				
Book stationery and gift stores						P	P	P				
Building contractor's equipment and storage yards											P	P
Building materials and products, wholesale												
storage yards								P			P	P
Building materials and products, sales						P	P	P			P	P
Car wash							P	P			P	P
Car wash (automatic)						P	P	P			P	P

P= Permitted Use, S= Special Use, N=Not permitted

R-S Residential Suburban District
R-1 Residential -Low Density District
R-2 Residential-Medium Density District
R-3 Multiple-Family Dwelling District
M-P Manufactured Home Park Residential District
B-1 Business-Local Business
B-2 General Business District
B-3-Heavy Business
I-1 Industrial District
I-2 Medium Industrial District
I-3 Heavy Industrial District
O-I Office and Institutional District

Use Description	RS	R-1	R-2	R-3	MP	B-1	B-2	B-3	O&I	I-1	I-2	I-3
Catering establishments							P	P			P	
Churches and other places of worship. Including parish houses and Sunday School building	P	P	P	P	P	P	P	P	P	P	P	P
Circuses or carnivals; fairs, side show, racing of motor vehicles or animals (temporary)	S	S	S	S	S	S	S	S	S	S	S	S
Clinic, medical						P	P	P	P			
Clothing, retail sales						P	P	P				
Club or lodge, private						P	P	P	P			
Coin operated vending machines, rental &repair								P		P	P	P
Community service organization	S	S	S	S	S	S	S	S	S	S	S	S
Communication							S	S		P	P	
Commercial business colleges, trade schools music conservatories, dancing schools, and similar organizations, all without students in residence							P	P	P			
Contractors equipment and storage yard(such as air conditioning, electrical, heating, mechanical, or similar appelation)											P	P
Country club	S	S	S	S	S	S	S	S	S	S	S	S
Day Care Home	P	P	P	P	P	P	P					
Day Care Center	S	S	S	S	S	S	S	S	S			
Delicatessen						P	P	P	S			
Department stores												
Drug stores						P	P	P				
Dry cleaning, pick-up stations						P	P	P			P	P
Dry cleaning, pressing & dyeing plants											P	P
Dwellings, multi-family(5 or more dwelling units				P			P	P	P			
Dwellings, multi-family (3or4 dwelling units)		PD	PD	P	P	P	PD	PD				
Dwelling, single-family	P	P	P	P	P	PD	PD	PD	A			
Dwellings, two-family		P	P			PD	PD	PD	A			
Electric light or power generating station											P	P
Electric, Gas & Sanitary Services							S			P	P	
Elevator, grain (commercial)											P	P
Equipment rental							P	P			P	P
Exterminating or fumigating shops							P	P			P	P
Fabric or decorator shops						P	P	P				
Feed and seed retail							P	P			P	P
Felt manufacture												P
Fertilizer manufacture												S
Fertilizer whole sales								P				S
Filling stations						P	P	P			P	P
Finance and loan companies							P	P				

P= Permitted Use, S= Special Use, N=Not permitted

R-S Residential Suburban District
R-1 Residential -Low Density District
R-2 Residential-Medium Density District
R-3 Multiple-Family Dwelling District
M-P Manufactured Home Park Residential District
B-1 Business-Local Business
B-2 General Business District
B-3-Heavy Business
I-1 Industrial District
I-2 Medium Industrial District
I-3 Heavy Industrial District
O-I Office and Institutional District

Use Description	RS	R-1	R-2	R-3	MP	B-1	B-2	B-3	O&I	I-1	I-2	I-3
Florist						P	P	P			P	P
Food processing in wholesale quantities								P		P	P	P
Food stores (retail only)						P	P	P			P	P
Furniture and appliance, retail sales						P	P	P				P
Garage, car wash							P	P			P	P
Go-kart track											P	P
Government buildings; used exclusively by the Federal												
State, County or City government for public purposes								P			P	P
Government buildings; building used exclusively by												
governing body except for garages, repair or storage												
year, warehouses, and correctional or penal institution						P	P	P	P	P	P	P
Green houses						P	P	P			P	P
Group care center				P					P			
Gymnasiums, health clubs or reducing salon						P	P	P			P	
Hardware, retail sale						P	P	P			P	
Heating and air condition shop							P	P			P	P
Hobby and crafts or toy shops						P	P	P				
Home occupations (see article 6)		P	P	P	P							
Hospitals and sanitariums							P	P				
Hospitals and sanitariums, provided no building												
so used shall be within 100' of any plot line							P	P				
Hotels							P	P				
Laboratories for analytical research and testing							P	P		P	P	P
Laboratory, medical						P	P	P	P	P		
Laundromat						P	P	P				
Legal Services							P	P				
Libraries, public	P	P	P	P	P	P	P	P	P	P	P	P
Medical & Dental Lab						P	P			S		
Mobile home parks					P							
Mobile homes sales areas							P	P		P	P	
Mobile home subdivision		P	P	P								
Monuments sales							P	P		P	P	
Motorcycle sales and repair						P	P	P			P	
Museums and art galleries(other than public)						P	P	P				
Music stores							P	P				
Nightclubs or taverns						P	P	P			P	
Nursery and garden stores								P				
Nursing or convalescent homes,									P			
Nursing or convalescent homes, provided building												
or buildings be located not less than 30' from plot line				P					P			
Offices and agencies						P	P	P		P	P	
Offices and agencies in which no activity is												
carried on catering to retail trade and no												

P= Permitted Use, S= Special Use, N=Not permitted

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Use Description	RS	R-1	R-2	R-3	MP	B-1	B-2	B-3	O&I	I-1	I-2	I-3
stock of goods is maintained for sale						P	P	P	P	P	P	P
Office equipment and supplies, sales & services							P	P			P	
Opticians						P	P	P	P			
Orthopedic appliance sales						P	P	P	A			
Paint retail sales							P	P			P	P
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P
Pawn shops							P	P			P	P
Pet shops, bird stores, taxidermists							P	P				P
Pharmacy						P	P	P	A			
Photographic supply and equipment sales							P	P				P
Photographic studios						P	P	P				P
Pipelines, except natural gas							S			P		
Plumbing shops							P	P			P	P
Printing, publishing, and reproduction est										P	P	P
printing, publishing and reproduction 15 employees less							P	P		P	P	P
Radio and television studios						P	P	P	P		P	
Radio or television transmission towers	S	S	S	S		P	P	P	S	P	P	P
Residential Manufacture house		P	P	P								
Restaurant or cafeteria/drive in						P	P	P	A		P	P
Schools	P	P	P	P	P	P	P	P	P	P	P	P
Scrap paper or rag storage, sorting or												
baling when conducted within a building											S	S
Second hand goods store								P			P	P
Sheet metal shops, custom fabrication								P		P	P	P
Shoe store						P	P	P				
Shoe repair						P	P	P				
Sign painting, exclusive of manufacture							P	P			P	P
Signs & advertising display (article 8)												
Sporting goods sales						P	P	P				P
Stonecutting, monument manufacture							P			P	P	P
Storage yard											P	P
Tailors, dressmakers, milliners						P	P	P				
Taverns						P	P	P			P	
Theaters, housed in a permanent building							P	P				
Tire and battery stores							P	P			P	P
Trailer rental							P	P			P	P
Transportation Services							S	S		P	P	
Upholstery shop						P	P	P			P	
Variety Stores						P	P	P				
Ware houses								P		P	P	P
Welding shops								P		P	P	
Wholesale								P		P	P	P

ARTICLE 1
BY-LAWS
CARBONDALE CITY PLANNING COMMISSION

There is hereby created a Carbondale City Planning Commission, which shall be composed of seven (7) members who shall serve without pay. The members of the Planning Commission shall be appointed by the Mayor with the consent of the Governing Body when an opening exists at the first regular meeting of the Governing Body and take office at the next regular meeting of the Commission. All members shall be appointed for a term of three (3) years each. All current members shall continue to serve their present terms of office. The Mayor, shall serve as ex officio member. The Commission shall elect its Chairman from among the appointive members.

In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the un-expired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter

I Officers

1. The Planning Commission shall organize and elect a Chairman from among the appointed members, Vice-Chairman and Secretary, annually at the regular meeting in the month of May. All officers shall be eligible for re-election.

2. The Chairman shall preside at all meetings and public hearings of the Planning Commission; he shall decide all points of order or procedure; and shall certify plans and transmit reports and recommendations of the Planning Commission.

3. The Vice Chairman shall assume the duties of the Chairman in his absence.

4. The Secretary shall keep the minutes of the Planning Commission; shall send out mail notice of regular meetings of the Planning Commission four (4) days in advance of the meetings; shall give three (3) days written notice of special meetings and carry on routine correspondence, and maintain the files of the Commission.

II — Meetings

1. The regular meetings of the Carbondale City Planning Commission shall be held on the second Tuesday of each month at 7:00 P.M. at City Hall.
2. Special meetings may be called by the Chairman or any member of the City Planning Commission in the absence of the Chairman, provided that at least three (3) days written notice is given each member.
3. A quorum shall consist of five members of the Planning Commission.
4. All plans, reports, expenditures and recommendations of the Planning Commission must be approved by a majority of the members of the Commission.
5. All accounts receivable and payable shall be handled by the City Treasurer in accordance with Planning Commission instructions.
6. No change shall be made to the By-Laws of the Planning Commission without an affirmative vote of a majority of the members of the Planning Commission.
7. The order of business at all regular meetings shall be as follows. (a)Roll Call (b)reading of the minutes of previous meetings and necessary

corrections(c)Unfinished Business;(d)New Business.
8. All meetings and records of the Planning Commission are open to the public. (All records are on file in the City Hall.)

III-Committees

Powers and duties of the

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.

2. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. The Chairman shall fill vacancies on committees as they are created.

3. No member of the Planning Commission shall be required to serve on more than two committees.

IV-Records

1. The Secretary shall maintain a file of all studies, plans, reports, and recommendations of the Planning Commission in the discharge of its duties and responsibilities.

2. All records of the Planning Commission shall be a public record.

V-Powers and Duties

1. To make or cause to be made a Comprehensive Plan for the physical development of the municipality. Such plan, with accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development and redevelopment of the City, including the general location, character, and extent of streets, alleys, sewers, ways, viaducts, bridges, parkways, parks, playgrounds, waterways, boulevards, squares, aviation fields and other public ways, grounds and open spaces and the general location and extent of public utilities and terminals. Also the removal, location, widening, narrowing, vacation, abandonment, change of use or utilities or terminals and such other powers as may be delegated by the City Governing Body or as prescribed by the State Statutes.
2. Prepare or cause to be prepared a zoning plan for the control of height, area, bulk, location, use and intention of use of buildings and premises.
3. Regulate and supervise the platting and opening of subdivisions.
4. Make amendments from time to time when conditions justify.
5. Meet once a month and keep a record of its resolutions, findings, determinations and recommendations.
6. Prepare annually a budget of expenditures for the coming year and include within the budget appropriations monies to hire a staff or contract with City Planners and other consultants for such services as may be required.
7. Hear and make recommendations on changes in zoning.
8. Review and sign subdivision plats.

ARTICLE 1A
TITLE AND JURISDICTION

1. These regulations, including the zoning district maps made a part hereof, shall be known and may be cited and referred to as the "Carbondale Planning Commission", and shall hereinafter be referred to as "these regulations."
2. The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of Carbondale, Kansas. Any land annexed after the passing of these regulation shall be R-2 and the jurisdictional area shall be shown on the Official Zoning District Map.

ARTICLE 2
PURPOSE AND INTENT

These regulations adopted pursuant to the provisions of K.S.A. 12-741, et. Seq.,(listed below) are intended to serve the following purposes:

A. To promote the health, safety, morals, comfort and general welfare of the City;

B. To preserve and protect property values throughout the City;

C. To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage, the size of yards, courts, and other open spaces; and the density of population;

D. To divide the City into zones and districts; and

E. To regulate and restrict the location and use of structures and land within each district or zone.

K.S.A. 12-741

CITIES AND MUNICIPALITIES

PLANNING AND ZONING

12-741. Planning and zoning in cities and counties; authorization. (a) This act is enabling legislation for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety and welfare, and is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act.

(b) The provisions of this section shall become effective on and after JANUARY 2, 1992

History: L. 1991, ch. 56, § 1; July 1.

ARTICLE 3
RULES AND DEFINITIONS

1. Rules of Construction and Interpretation:

A. Rules:

1. In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise:
   a. Words used in the present tense shall include the future.
   b. Words in the singular number include the plural number, And words in the plural include the singular number.
   c. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", maintained for", and "occupied for".
   d. The word "shall" is mandatory.
   e. The word "may" is permissive.
   f. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
   g. The word "Board" means the Board of Zoning Appeals.
   h. Unless otherwise specified, all distances shall be measured horizontally.
   i. The word "City" means City of Carbondale, Kansas.
   j. The abbreviation N/A means not applicable.
2. Any word or phrase, which is defined in these regulations, shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

B. Interpretation:

1. Minimum Requirements: In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
2. Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
3. Private Agreement: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or imposed higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.

2. Separability: It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:

A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect a other provisions of these regulations.
B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.

3.Definitions: For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Accessory Structure: A subordinate structure, which serves a function customarily incidental to that of the main structure. Customary accessory structures include garages, carports, and small storage sheds, but do not include camping trailers or trailers.

Abandonment: The discontinuance of a use or the vacating of a building for a period of three (3) months (90 consecutive calendar days) or longer, except however, such discontinuance or vacation shall not be interpreted to be abandonment when resulting from actions other than those of the owner of said use or business.

Accessory Use: A subordinate use, which serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, swimming pools, air conditioners, barbecue ovens, and fireplaces. Does not include camping trailers.

Agricultural Use: The use of a tract of land of not less than 40 acres for the growing of crops, pasturage or nursery, including the structures necessary for carrying out farming operations and the dwellings of those owning or operating the premises, a member of the family thereof, or persons employed thereon, and the family thereof, but such use shall not include feedlots as defined by State statute.

Airport or Aircraft Landing Field: Any landing area, runway

Alley: A dedicated public right-of-way, other than a street, 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.

Alteration: Alteration, as applied to a structure, is a change or rearrangement in the structural parts of an existing structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

Animal Hospital: An establishment where animals are admitted principally for examination or treatment by a doctor of veterinary medicine, and shall not include "kennel".

Area of Building: The total of building area taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

Automobile Service Station: Any business establishment having facilities for the general servicing of automobiles such as battery, tire, or accessories and parts replacement, sale or dispensing of gasoline or motor fuels and oil, mechanical repair and maintenance, but not to include such major repair work as wreck rebuilding, body and fender repair, auto paint shops, and tire recapping.

Automobile and Mobile Home Sales Area: Any business establishment, used for the display or sale of new or used automobiles or mobile homes, and where no repair work is done except minor incidental repair of automobiles or mobile homes to be displayed and sold on the premises.

Basement: That portion of a structure having more than one-half of its height below grade.

Bed and Breakfast: A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

Board of Zoning Appeals: That Board which has been created by the Governing Body having jurisdiction, and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

Boarding Home: Any establishment used for the reception, board, care, or treatment of three (3) or less babies or children, pensioners, or aged persons, who by reason of illness, physical infirmity, or social cause are unable to sufficiently or properly care for themselves.

Building Area: That area of a plot within which a structure can be built without conflicting with any requirements established by these Zoning Regulations.

Building: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but shall not include mobile homes.
Building, Height of: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a measured roof, or the main height level between eaves and ridges for a gable, hip, or gambrel roof.
Building, Principal: A building in which the principal use of the plot on which said building is situated is conducted.
Camping Trailer: Any vehicular portable dwelling unit designed especially for short-term occupancy such as: travel trailers, tent trailers, truck or auto mounted camping units, converted buses and trucks, and all other similar units whether self-propelled, pulled, or hauled, and designed primarily for highway travel without the necessity of a special permit.
Cellar: A room or set of rooms below or mainly below the surface of the ground, usually under a building but may be separate. For the purposes of these Zoning Regulations, "cellar" shall include all bomb, fallout, or storm shelters.
Child Care: Any establishment used for the purposes of a day nursery, nursery school, day school, kindergarten (not connected with a school as defined herein) or similar use which constitutes the normal care of physically and mentally sound children during daytime hours only. A maximum of 10 children under 16 years of age, with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-113 et.seq
Clinic: An establishment where patients who are not lodged overnight, are admitted for examination or treatment.
Club or Lodge, Private: A non-profit association or organization formed for either fraternal, social, educational, philanthropic, or other purpose including unions as well as professional organization and not to include "Fraternity or Sorority House, Collegiate".
Common Open Space: An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
Community Service Organization: Any organization, group, or association formed for the single purpose of providing a philanthropic service for the community, but not to include any use, which provides social or physical entertainment, except as a part of the philanthropic service.
Conditional Use: Any use, allowed by right when designated within a particular district, but having additional conditions to be met in order for a "Conditional Use Permit" to be issued.
Condominium: A single dwelling unit under individual ownership within a multiple dwelling unit structure. A multiple-family structure with two condominiums shall be considered a two-family dwelling and a structure with more than two condominiums shall be considered a multiple-family dwelling.
Density of Screen or Fence: The percent of vision obstruction caused by physical properties of a planted screen or fence when viewed from a point perpendicular to the surface.
District: A section or sections of the zoning area for which these regulations governing the use of land, the height of structures, the size of yards and the intensity of use are uniform.
District Map: A map showing the delineation of zoning districts of that portion of Osage County under jurisdiction of the Osage County Regional Planning Commission for the purpose of these Zoning Regulations and which map is attested and on file in the offices of the City Clerk, County Clerk, and the County Planning Commission.
Dog: Any canine species over four (4) months of age.

Dwelling: A structure or portion thereof, not including manufactured homes, which is designed and used exclusively for residential purposes.
Dwelling, Single-Family: A residential structure having accommodations for and occupied exclusively by one family.
Dwelling, Two-Family: A residential structure having accommodations for and occupied exclusively by two families, independently.
Dwelling for the Elderly and/or Handicapped: A two-family or multiple-family residential structure having accommodations for and occupied exclusively by elderly or handicapped residents and necessary maintenance personnel. Elderly residents are those people who are at least sixty-two (62) years of age. Handicapped persons are those people having an impairment which is expected to be of long, continuous and indefinite duration, is a substantial limitation to their ability to live independently, and is of a nature that such ability could be improved by more suitable housing.
Dwelling, Multiple: A residential structure having accommodations for and occupied exclusively by more than two families, independently.
Dwelling Unit: An enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.
Earth-Sheltered Dwelling: A dwelling designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located.
Easement: A permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.
Exception: An exception shall always mean the allowance of an otherwise prohibited use within a given district, such use and the conditions by which it may be permitted being clearly and specifically stated within these Zoning Regulations, and the allowance being by express permission of the appropriate Board of Zoning Appeals.
Establishment: Shall mean all the physical facilities, land, and buildings or portions thereof, which, when considered, as a whole comprises a specific use.
Fabrication: That part of manufacturing which relates to stamping, cutting or otherwise shaping the processed materials into useful objects and may include extraction, refining, or other initial processing of basic raw materials such as metal ores, lumber, or rubber.
Fence: A protective, confining or decorative barrier separate from any structure and not including any living plant material.
Filling Station: Any establishment having pumps and storage tanks and appurtenant facilities for the retail sale or dispensing of gasoline or other motor fuels, oil, and accessories for the use of motor vehicles.
Floor Area: For Computing Off-Street Parking Requirements: Shall mean the gross floor area of the structure measured from the exterior faces of the exterior walls or from the centerline of walls separating two structures and shall include the following areas:
A. The basement floor area.
B. The area of each floor of the structure.
C. The attic space having headroom of seven (7) feet or more.
Floor Area Ratio: The total gross floor area of the buildings on a plot, divided by the area of the plot.
Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.
Garage, Automobile Repair: Any business establishment having the facilities for the general repair of automobiles such as maintenance, mechanical repair, wreck rebuilding, body and fender repair, tire recapping, auto glass replacement.
Garage, Car Wash: Any business establishment having facilities designed for cleaning motor—driven vehicles.

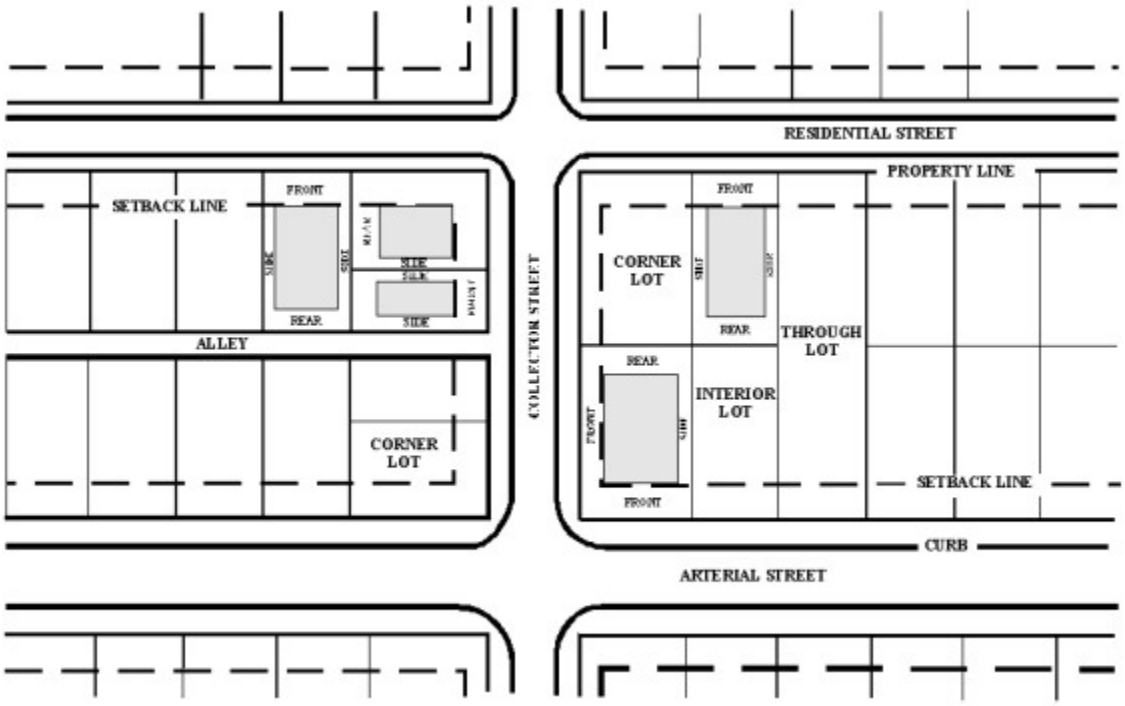
Garage, Storage, or Parking: An establishment having facilities designed or used exclusively for housing motor-driven vehicles, not necessarily used by occupants of the plot on which said building or portion thereof is situated.
Gasoline Service Station: A service station shall consist of a structure or group of structures and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without structures shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.
Governing Body: The City Council of Carbondale, Kansas.
Grade: A. For buildings having walls adjoining one (1) street only, the grade is the elevation of the sidewalk at the center of the wall adjoining the street.

B. For buildings having walls adjoining more than one (1) street, the grade is the average of the elevation of the sidewalk, at the centers of all walls adjoining the streets.

C. For buildings having no wall adjoining the street, the grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street right-of-way line is to be considered as adjoining the street. Where no sidewalk exists, the City Engineer or County Engineer shall establish the grade as appropriate.
Group Home: Any dwelling occupied by not more than ten persons, including eight or fewer persons with a disability, as defined in these regulations, who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, and which is licensed by the Department of Social and Rehabilitation Services or the Department of Health and Environment.
Group Housing Facility: Any establishment built or designed solely for the purpose of housing four or more unrelated persons using common facilities.
Guest House: Living quarters within a detached accessory building located on the same plot as the principal building, for use by temporary guests and not rented or otherwise used as a separate dwelling.
Handcrafts: Any occupation in which articles are fashioned totally or chiefly by hand with manual and often artistic skill involved, materials normally being, but not limited to, leather, malleable metals, plastics, glass, fabrics, or wood.
Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential structure.
Hospital: Any establishment used for the provision of health services, primarily for in—patients, and medical or surgical care of the sick or injured.
Institution, Non-Profit: Any land or building occupied by a non-profit organization or establishment for public and semi-public use.
Kennel: Any establishment used for keeping four (4) or more domesticated animals, commonly considered to be household pets, more than four (4) months old, but shall not include "Animal Hospital"
Kennel-Boarding: Any place, area, or structure where dogs (including those under one (1) year of age) are boarded, housed, cared for, fed, or trained by other than the owner.
Laboratory, Medical, Optical, or Dental: An establishment, which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services. Fabrication is limited to custom fabrication of dentures, optical lenses, braces, or other orthopedic appliances
Laundromat: Any business establishment equipped with individual coin operated washing, drying, or dry-cleaning machines.
Lawful: Uses and structures that meet and adhere to all requirements set forth in these regulations. It may include pre-existing, non-conforming uses or structures.
Lot: An area of land delineated on a "Subdivision Plat" as a separate and distinct parcel of land intended for the purpose of transfer of ownership, or

of individual buildings or uses.
Lot, Corner: A lot abutting upon two or more streets at their intersection.
Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.
Lot, Double Frontage: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
Lot of Record: A lot which is a part of a subdivision, the plat 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 prior to the adoption of the various zoning regulations for the City as set out in Article 4 General Provisions.
Lot, Zoning: A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof; and shall be contiguous parcels.

Lot Types and Setbacks



Manufacture: Any method of processing, developing, fabricating, assembling, either raw materials, semi-finished materials or parts of any product destined to be sold either for further processing, fabrication or consumption.
Manufactured House. A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280 et seq.) promulgated by the U.S. Housing and Urban Development. A mobile home is not a manufactured house.

Manufactured Home: A structure, which is subject to the federal manufactured home construction and safety standards established pursuant to U.S.C. 42 5403, and constructed on or after June 15, 1976. U.S.C.

Manufactured Home Residential-Design (also know as Residential Design Manufactured House)
A manufactured home, which satisfies the following additional criteria:

A. The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length.
B. The pitch of the roof of the manufactured home shall have a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City.
C.All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering.
D. The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
E. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, un-pierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home.
F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and all running gear, tongues, axles, and wheels must be removed at the time of the installation of the house on the lot.
G. A Residential Design-Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

Manufactured Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term "manufactured home park" does not include sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale, or camping trailers. See Supplementary District Regulations.

Medical Clinic: Any structure 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, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.

Mezzanine: An intermediate or fractional story between the floor and ceiling of a main story, and extended over only part of the main floor.

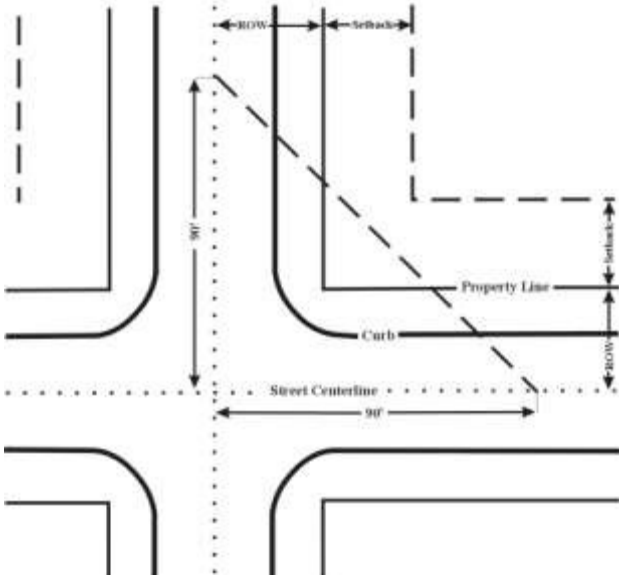
Modular Home: A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.
Mobile Home: means a structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is build on a permanent chasses and designed to be used as a dwelling, with or without a permanent foundation, when connected to

the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park: Any area, piece, parcel, tract, or plot of ground equipped as required for support of mobile or component homes and used or intended to be used by one or more occupied mobile or component homes, but under no circumstances shall the mobile home spaces be sold or offered for sale individually. The term 'mobile home park' does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale or camping trailers.
Mobile Home Space: A plot of ground within a mobile home park, which can accommodate one mobile or component home, and which provides the necessary utility services for water, sewerage and electricity.
Mobile Home Subdivision: Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by mobile homes or component homes.
Night Clubs: Any business establishment normally providing dancing, entertainment, food, and alcoholic beverages, and including taverns, beer halls, membership night clubs, or similar appellations
Nonconforming Structure: A building or portion thereof 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.
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.
Nursing Homes or Convalescent Homes: An institution or agency licensed by the State for the reception, board, care, or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
Nursing Home: Any establishment or agency licensed by the State Board of Health for the reception, board, care, or treatment of three (3) or more unrelated, aged individuals, operated for gain.
Occupancy Use Permit: A certificate issued by the appropriate Zoning Administrator which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of any applicable ordinances or resolutions for the use and occupancy of the building.
Parking Garage: See "Garage-Storage or Parking".
Parking Space: An area sufficient in size to store one (1) automobile having a permanent access connecting the parking space with a street or alley permitting ingress and egress.
Planning Commission: The Carbondale City Planning Commission.
Plat: See "Subdivision Plat".
Platting: Whenever the term "platting" or "platted" is used within these Zoning Regulations, it shall refer to the process established by "The Subdivision Regulations" for the proper and legal method for effectuating a "Sub-division Plat" as defined herein.
Plot: Any part of a lot, two or more adjacent lots, or any parcel of land or tract, occupied or intended for occupancy by a principal building or use together with its accessory buildings and uses.
Plot Area: The total horizontal area within the plot lines.
Plot Corner: A plot abutting upon two (2) or more streets at their intersection, said intersection having an angle of not more than one hundred and thirty-five (135) degrees.
Plot Continuous Corner: A corner plot the side street line of which is substantially a continuation of the front plot line to the rear plot line.
Plot Coverage: The total "area of building" expressed as a percentage of the total "plot area
Plot Depth: The mean horizontal distance between the front and rear plot lines.

Plot Double Frontage: A plot having a frontage on two (2) non-intersecting streets, as distinguished from a corner plot.
Plot Interior: A plot other than a corner plot.
Plot, Width Of: The mean horizontal distance between the side plot lines.
Plot Lines: The lines bounding a plot as defined herein.
Private Club: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a structure or premises, or portion thereof, the use of such structure or premises being restricted to members and their guests. The affairs and management of such private club are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. It shall be permissible to serve (foods) and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to the promotion of some other common objective by the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and Municipal laws.
Public Utility: Any business which furnishes the general public (a) telephone service, (b) telegraph service, (c) electricity, (d) natural gas, (e) water and sewer, or (f) cable television.
Public Way: Any sidewalk, street, alley, highway, or other thoroughfare dedicated for public use.
Recreational Vehicle: See Travel Trailer.
Residential: The use of a building or any portion thereof for dwelling purposes
Restaurant: An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, other than in automobiles, including those establishments where customers may serve themselves.
Restaurant--Drive-Through: An establishment, whose primary purpose is the sale, dispensing or service of food, refreshments or beverages, including service and/or consumption of food in automobiles.
Right-of-Way: A strip of land occupied or intended to be occupied by a street, alley, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or for another special use.
Rooming House: Any building, other than a motel or hotel, where generally semi-transient single individuals are provided pre-arranged lodging for compensation. A boarding house, lodging house, furnished room house, or dormitory (when not accessory to an institutional use) shall be deemed a rooming house.
School: An education facility including parochial, public or private under the direction and control of the State Board of Education and the State Superintendent of Public Instruction.
Setback: The required minimum horizontal distance between the structure line and the related front, side, or rear property line.
Sign: Any device which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, product, place, activity, person, institution, organization, or business, but shall not include any display of official notice or official flag. See Article 8 for all sign definitions
Site Triangle: An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets. The City Engineer shall establish sight distance triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO).

Site Triangle

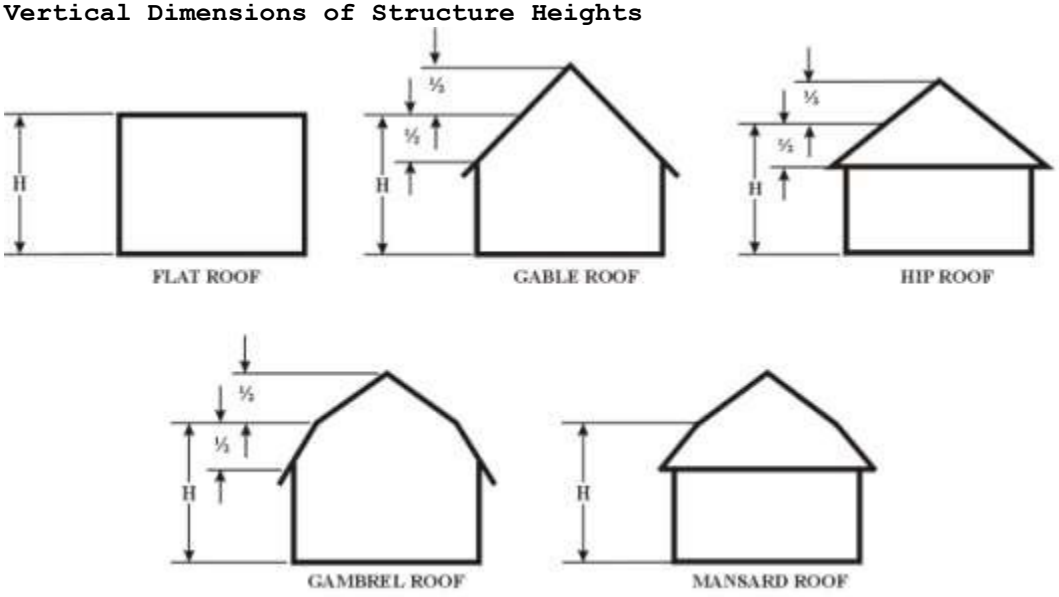


Special Use Permit: A special use permit is a permit issued by the Zoning Administrator with the authorization of the City Council. A special use permit provides permission under special conditions to make certain special uses of land in certain zoning districts as stipulated in each of the district zoning regulations.
Story: That portion of a building, other than a basement (except a basement used for active business or dwelling purpose) included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.
Story, Half: A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
Street: A right-of-way, dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.
Street Line: A dividing line between a lot, tract, or parcel of land and the contiguous street.
Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences or public items such as utility poles, street light fixtures, and street signs.

Structural Alternations:

1. Any change in the supporting members of a building, such as bearing walls or partitions, columns, floors, beams, or girders or any substantial change in the roof or in the exterior walls.
Structure Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the structure to the highest point of ceiling of the top story in the case 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.

Vertical Dimensions of Structure Heights



2. Any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:

A. Attachment of a new front facade 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. Repair or replacement of non-structural members.

Subdivision: The division of a parcel of land into two or more plots for the purpose of transfer of ownership or building development, if provided, the division of land for agricultural purposes into plots or parcels each of which is of ten (10) acres or more and not involving a new street shall not be deemed a subdivision.
Subdivision Plat: A plan or map prepared in accordance with the provisions of the "Subdivision Regulations" and recorded in the office of the Register of Deeds of Osage County.
Swimming Pool: A container of sufficient size and depth of water to allow an individual to swim, float, or wade in the container. See page 72
Tavern: An establishment in which the primary function is the public sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as key clubs, which are open, and in which alcoholic and cereal malt beverages are served only to members and their guests.
Townhouse: A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.
Tract: An area or parcel of land other than a "lot" described and recorded in the office of the Register of Deeds of Osage County as a single parcel of land under individual ownership
Travel Trailer or Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Examples are travel trailers, camping trailers, truck campers, and motor homes. Manufactured homes and modular homes shall not be considered trailers or recreational vehicles.

Use: The specific purpose, for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any illegal non-conforming use.
Variance: A variance is a granting of permission within the general intent and purpose of the District Zoning Regulations by the Board of Appeals to allow the development of a plot for uses allowed within a given zoning district but beyond one (1) or more specific controls and limitations of the "District Zoning Regulations" only enough to prevent the "District Zoning Regulations" from being confisatory or causing undue hardship.
Violation: See Article 17.
Yard: A space on the same lot with a main structure, open, unoccupied and unobstructed by structures from the ground upward.
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 structure setback line.
Yard, Rear: A yard extending across the full width of the lot, the depth of which is the least distance between the rear lot line and the rear setback line.
Yard, Side: A yard extending from the front yard, or front lot line where no front yard is required, to the rear yard.
Zone or District: A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.
Zoning Administrator: The person or persons authorized and empowered by the City Manager to administer the requirements of these zoning regulations.
Zoning Area: The area to be zoned as set out on the official Zoning Map filed of record.
Zoning Regulations: The term "zoning regulations" or "this or these regulations" shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning ordinances of the City of Carbondale.

ARTICLE 4
GENERAL PROVISIONS

1. Jurisdictional Area: The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of Carbondale, Any land annexed after these regulations have been established shall be zoned R-2. The jurisdictional area shall be shown on the Official Zoning District Map.

2. Establishment of Districts: The jurisdictional area is hereby divided into twelve zoning districts, which are designated as follows:

"R-S" Residential Suburban District
"R-1" Residential-Low Density District
"R-2" Residential-Medium Density District
"R-3" Multiple-Family Dwelling District
"M-P" Manufactured Home Park Residential District
"B-1" Business–Local Business District
"B-2" Business-General District
"B-3" Business-Heavy Business District
"I-1" Industrial District
"I-2" Medium Industrial
"I-3" Heavy Industrial
"P-D" Planned Development District
"T-H" Townhouse Subdivision Development District
"O-I" Office & Institutional District

3. Zoning District Map: The boundaries of the districts are shown on the Official Zoning District Map, which is filed in the office of the City Clerk. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. Such map shall be marked, "Official Copy of City of Carbondale, Kansas Zoning Map."

4. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Maps, incorporated herein, the following rules apply:

A. The district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.

B. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.

C. Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the zoning map.

5. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations:

A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or

maintained by a public utility but not including substations located on or above the surface of the ground.

B. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.

C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.

D. Retaining walls on public property.

E. Public signs.

6. Application of Regulations: The following general requirements shall apply to all zoning districts: No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.

7. Annexed Land: All land which may hereinafter be annexed to the City of Carbondale shall be classified R-2, Residential-Medium Density District, and shall be re-classified only after a public hearing by the Planning Commission and recommendation to the Governing Body as provided in these regulations for zoning district amendments. The public hearing by the Planning Commission to adopt a recommendation may be held prior to annexation of the subject parcel of land to the City.

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.

3. Special Uses: For a specific listing of special uses, see Appendix "A".(page 15)

4. 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.

5. 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.

6. 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.

7. 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.

A. Width: Minimum plot width at the front building line shall be 75 feet for an interior plot and 90 feet for a corner plot.

B. 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:

A. Width: Minimum plot width at the front building line shall be 75 feet for an interior plot and 90 feet for a corner-plot.

B. 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:

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

B. 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:

A. 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.

B. 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.

9. 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.

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:

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:

A. 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:

A. 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.

5. 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.

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 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.
   2. 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 considered as full floor)	1.35	27%
B (As a result of basement)	1.55	27%
C (As a result of sub-basement)	1.75	27%
4 (When in a Planned Group Development)	1.95	27%
5 (When in a Planned Group Development)	2.15	25%

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.

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.

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.

1. Height Regulations: Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations. In all districts, one additional foot of height above the specified height limitation shall be permitted for each foot of additional yard provided over the minimum requirement on all sides of the lot.

2. Accessory Structures: Unless otherwise provided, no accessory structure shall be erected in any required or established front yard, or a required side yard and no detached accessory structure shall be erected closer than 7 seven feet to the principal structure on the lot. Accessory structures may be located in the rear yard, but shall not be closer than 7 seven feet to the rear lot line and shall not be closer to the side lot line than the required side yard setback of the district. No accessory structure shall cover more than 25 percent of the required rear yard. The following permitted accessory structures and uses shall be allowed in any zoning district in connection with any permitted principal use:

Specifically shall not include camping trailers.

A. A structure for storage incidental to a permitted use; provided, however, that no storage structure that is accessory to a residential building shall exceed 200 square feet in gross floor area, the use shall be in keeping with the principal structure, and no part of such structure shall be located in the front yard setback.

B. A child's playhouse, provided it shall not be more than 120 square feet in gross floor area, and it shall not be located in the front yard setback.

C. A detached garage or other accessory structure, no greater in gross floor area than ten percent of the lot area, provided that no part of such structure exceeds 800 square feet in gross floor area; and shall not exceed 12 feet in height at the sidewall.

D. A private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards. See Article 6.11 And 6.9.h

E. Statuary, arbors, trellises, flagpoles, fences; walls and hedges shall be allowed within the required setback areas.

F. Signs, when permitted by these Regulations and by the individual district regulations. See Article 8

G. Off-street parking and loading spaces, as permitted by these regulations. See Article 7

H. Restaurants, drug stores, gift shops, clubs, lounges and newsstands, when located in a permitted hotel, motel or office structure.

I. Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial structure.

J. Satellite dish antennas exceeding 36" diameter shall not be allowed within established front yards.

K. Home occupations subject to limitations set forth in Section 11 of this Article.

3. Use Limitations of Accessory Structures: Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.

A. No accessory structure shall be used for dwelling purposes.

B. Portable storage metal container/c-van in "R-1", "R-2", and "R-3" Districts are allowed only for the duration of the building permit.

4. Number of Structures and Uses on a Zoning Lot: Where a lot or tract is used for other than a single-family dwelling, more than one principal use and structure may be located upon the lot or tract, but only when the structure or structures conform to all requirements for the district in which the lot or tract is located.

5. Site Triangle: On a corner lot in any district, except "B-1", development shall conform to the requirements of the sight triangle as defined by this regulation.

6. Access to Business and Industrial Districts: No land, which is located in a residential district, shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.

Temporary Uses Permitted:

A. Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.

B. Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.

C. Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.

D. Seasonal Sales: Seasonal sale of farm produce grown on the premises, in an "R-S" District and R-2 Residential Medium Density. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

E. Carnivals and Circuses: A carnival or circus, but only in an "R-S", "B-1", "B-2", or "I-1" District, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets, shall conform to the requirements of the sight triangle as defined by these regulations.

F. Housing: During construction of the principal residential structure, a basement, garage, camper or manufactured home may be utilized for temporary housing of full-time, regular workers for a period not to exceed six months. The Zoning Administrator may extend the period six additional months upon showing of good cause by the owner. Upon conclusion of the permitted time period or completion of the principal structure, whichever occurs first, the owner shall remove the temporary housing or make the necessary changes for the property to be in conformance with the regulations of the district in which the property is located.

G. Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted in any district providing that such use shall not exceed three consecutive days in duration nor shall it occur more than three (3) times a year at any particular location.

8. Determination of Structure Setback Line:

The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structures, except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:
ALTERNATE A:

A. Projections for new construction shall conform to the provisions of the adopted International Building Code in effect at the time of

application, with regard to construction details, property setbacks and public property encroachment.

B. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor; wall, roof or foundation line. Projections include, but are not limited to:

1. Roof eaves
2. Cornices
3. Porches
4. Stairs
5. Bay and Egress Windows
6. Dormers
7. Combustible or Non Combustible Ornamentation
8. Sofits
9. Balconies

C. Architectural or structural projections from structures shall be measured from the outside of the structure floor, wall, roof or foundation line, which is directly adjacent or parallel to the projection.

ALTERNATE B -Projections into Required Yards:

A. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two and one-half feet.

2. Fire escapes may project a distance not exceeding four and one-half feet.

3. An uncovered stair and necessary landings may project a distance not to exceed three feet, provided that such stair and landing shall not extend above the entrance floor of the structure except for a railing not exceeding four feet in height.

4. Bay windows, balconies, and chimneys may project a distance not exceeding two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the structure wall on which they are located.

B. Patios may be located in side and rear yards; provided further, that they are **not** closer than (3) three feet to any adjacent property line.

C. Fences, walls and hedges may be located in required yards as follows:

1. If not exceeding at any point eight feet in height above the elevation of the surface of the ground at such point, they may be located in any required yard or court, provided that on a corner lot abutting in the rear the side lot line of another lot in a residential district, no such fence, wall or hedge within 25 feet of the common lot line shall be closer to the side street lot line than one-half the least depth of the front yard required on such other lot fronting the side street.

2. On any corner lot, no fence, wall, hedge, or other structure or planting more than three feet in height above curb level shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points whose distance from the point of intersection is equal to the sum of the required front and exterior side yards.

9. Fences:

Fences are regulated in all areas of the City. In some subdivisions, fences are regulated by deed restrictions that run with the land and which are not related to City regulations.

A permit is required before a fence is installed or rebuilt and the location, height, materials and alignment of the fence are set out in the zoning ordinance. Generally, fences up to six feet in height are permitted for rear yard privacy; only small, low profile ornamental fences and walls are permitted in the front yard.

The following regulations shall apply to the construction of fences:

This Article establishes the fence and screening requirements for all districts in the city limits of Carbondale.

R-1 Single Family
R-2 Single Family
R-3 Multiple Family

a. " FENCE PERMIT" shall be obtained from City hall, and shall be required for all installation, removal, or replacement of any fence or screening within the city limits.

b. No fence shall be installed or removed without the approval of the Zoning Commission and a building/demolition permit on site while the work is being accomplished. All work must be completed within thirty (30) days or a new permit must be obtained prior to completion. A fee of twenty-dollars ($25.00) shall be charged for any and each permit issued for either residential or commercial properties. **You may request a waiver of the $25.00 for removing a fence.**

c. Fences & structures not requiring a permanent foundation shall be permitted within the building set back lines as established. If necessary, the property owner shall show proof of property survey and pin location.

d. In residential districts, the height shall not exceed six (6) feet, except when abutting a non-residential district, it shall not exceed eight (8) feet in height.

e. No fence shall be constructed in such a manner or design as to be hazardous or dangerous to persons or animals within the city limits, to include but not limited to the following: electrified fencing, barbed wire, razor wire, or any other type of fencing deemed potentially hazardous by the authority having jurisdiction.

f. All fences shall be erected inside the property line and no fence shall at anytime, nor under any circumstances, be attached to the fence of a neighboring property without written consent of the property owner.

g. Privacy fences shall be confined to the rear yard area of the residence only. This type of fencing shall follow along the rear property line and along each side property line and back to the back corner of the house.

h. A six (6) foot security fence shall be maintained around all residential swimming pools located within the city limits. The fence shall be equipped with a walk through gate of equal height, which can be locked from the outside. See Article 6.11.b and 6.9.g

i. Decorative fencing i.e.: Split Rail, Picket Fence, may be installed around the entire property, inside the property line.

j. Plastic Woven Safety Material: commonly referred to as (Construction/Snow fence) shall not be used within the city limits of Carbondale for anything other than its intended purpose and only on a temporary basis. When used for construction purposes, it shall be removed upon completion of the project. When used as a snow barrier, it shall not be installed prior to October 31st and shall be removed not later than April 1st of the following year. A PERMIT shall be required before installing this material. This section does not apply to: Any employee or entity of the City of Carbondale engaged in the necessary discharge of their duties for the city.

k. For special requirements, See Article 23-SPECIAL ADDITIONAL REGULATIONS.

R-S Suburban----------Special requirements- See Article 23
O&I Office & Institutional-- Special requirements- See Article 23
B-1Local Business----------Special requirements- See Article 23
See Screening - Section- 6.9.L
B-2 General Business---------Special requirements- See Article 23 See Screening – Article 6.9.L
B-3 Heavy Business----------No requirements See Article 23

I-I Light Industrial---------Special requirements- See Article 23
See Screening - Article 6 9.L
1-2 Medium Industrial--------Special requirements- See Article 23
See Screening – Article 6.9.l
1-3 Heavy Industrial---------Special requirements- See Article 23
See Screening – Article 6.9.L
M-P Mobile Home Park---------See MP Screening – Article 6.9.m

L. Screening for all of Section (k) except Mobile Home Parks. A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet in height, 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 ten (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 the property.

m. Screening Section (k) Mobile Home Park only. A solid or semi-solid fence or wall, minimum six (6) feet, maximum. Eight (8)feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the street, which is, zoned for residential purposes other than for mobile homes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than twenty five (25) feet in width and said landscape buffer shall be planted

with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

n. In non-residential districts, the height of a fence shall not exceed eight (8)feet.

o. No fence shall be constructed in any right-of-way except by the written authority of the governing body.

q. No fence shall be constructed which will constitute a traffic hazard. When the Planning Commission has certified that the proposed fence will not constitute a traffic hazard, then a fence permit may be issued.

r. There shall be no height limitation upon fences constructed on public or parochial school grounds or in public parks and public playgrounds

s. No privacy fencing or screening shall be allowed along the side or front of any property abutting a major thoroughfare i.e.; Main Street, South Topeka Ave.

t. The following Sections a, c, e, f, j, k, listed in Residential District also apply to districts listed in Section L.

Walls, Hedges, Shrubbery, & Trees

a. Walls, hedges, shrubbery, or trees may be erected, placed, maintained or grown along a plot line or adjacent thereto as follows:

1. In residential districts, the height shall not exceed six (6) feet, except when abutting a non-residential district, such wall, hedge, or shrubbery may not exceed eight (8) feet in height.

2. In non-residential districts, the height shall not exceed eight (8) feet.

3. No wall, hedge, shrubbery or tree shall be constructed/planted in any right-of-way except by authority of the governing body.

4. No walls, hedges, shrubbery or trees shall be constructed which will constitute a traffic hazard, and no permit shall be granted for the construction of such, until the appropriate city department has certified that the proposed wall, hedge or shrubbery will not constitute a traffic hazard.

5. There shall be no height limitation on public or parochial school grounds or in public parks and public playgrounds except as provided by 11-e above.

HOME OCCUPATION
(See Article 25)

10. Home Occupations: Home occupations shall be permitted in all districts permitting dwellings.

A. Restrictions and Limitations:

1. The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.

2. All materials or equipment used in the home occupation shall be stored within an enclosed structure.

3. No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.

4. No sign shall be permitted except as allowed by Article 8 of these regulations or unless required by State Statute. If required by state statute, it shall not exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard. No sign shall be permitted except as allowed by Article 8 of these regulations or unless required by State Statute. If required by state statute the sign shall not exceed two (2) feet in any one direction, shall not be illuminated and shall not be placed closer to the front property line than one-half the distance of the front yard.

5. Owner of the home occupation business shall be an occupant of the home.

6. No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.

7. Vehicular traffic generated by the home occupation shall not be abnormal for local residential traffic volumes.

8. Parking generated by patrons of a home occupation shall not be permitted in the required front yard, except that the existing driveways may be used.

B. Particular Home Occupations Permitted: Customary home occupations include, but are not limited to, the following list of occupations, provided, however, that each listed occupation is subject to the requirements of (1) through (8) above:

1. Art, dancing, and music schools, provided that instruction is limited to five pupils at one time.

2. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.

3. Offices for realtors, insurance agents, brokers, sales representatives and manufacturing representatives when no exchange of tangible goods is made on the premises.

4. Barber and beauty services, by special use permit, with certain conditions.

5. Watch, clock, and jewelry repair services.

6. Radio, television, phonograph, recorder, and small appliance repair services.

7. Registered family day care homes, licensed day care homes, group day care homes, child care centers, and preschools as defined by the Kansas Department of Health and Environment (KDHE), are permitted by special use permit. In addition, proper licensing by KDHE and/or the Osage County Health Department or other such agencies as may be required by law shall be required. (See Article 10.4.A)

8. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.

9. Tailoring, alterations, and seamstresses.

10. Tool sharpening and filing.

11. Bed and breakfast, by special use permit, with certain conditions.

C. Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:

1. Antiques-retail.
2. Funeral services.
3. Groceries-retail.
4. Second-hand merchandise-retail.
5. Equipment rental.
6. Automobile and other motor vehicle repair services.
7. Physicians.
8. Dentists.
9. Chiropractors.
10. Air conditional repair or installation.

11. Swimming Pools:

A. Shall be located at least ten feet from the nearest property line and shall be placed in back yard.

B. All pools at least 160 cubic square feet shall be screened by a solid or semi-solid wall or fence at least six feet high, and no closer than four feet from any edge of the pool, and having a density of not less than 80 percent per square foot, where the property on which the pool is located abuts a residential district. (See Article 6.9.h)

ARTICLE 7
OFF-STREET PARKING AND LOADING REGULATIONS

1. Applicability: Off-street parking and loading space, as required in this article, shall be provided for all new structures, and for alterations and additions to existing structures. Off-street parking and loading space shall be required for any existing structure or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures, alterations, or additions to existing structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article, except that no off-street parking or loading space shall be required for any use located in the "B-1" Local Business District. All new parking and expansions of existing parking, including that in the "B-2" General District, shall meet the General Provisions and Layout and Design Requirements herein.

2. General Provisions:

1. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.

2. Front Yard Setbacks: Unless excepted by site-plan review, off-street parking spaces shall be provided in other than the front yard in all districts, except that in the event an attached garage is converted to a livable room of the dwelling, the parking space may occupy the existing concrete or asphalt drives when located within the required front yard.

3. Accessory Use: Off-street parking shall be considered, as an accessory use of the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use-or be located in accordance with the provisions of this article relating to off-street parking exceptions. In no instance shall off-street parking required by this article be located more than 300 feet (as measured along lines of public access) from the use which it serves.

4. Repair Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.

5. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 1/2 or less may be disregarded, and a fraction in excess of 1/2 shall be counted as one parking space.

6. Mixed Uses: When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

3. Layout and Design Requirements: Off-street parking and loading improvements in other than "R-S" and R-1" Districts shall be subject to site plan review. Parking improvements shall include all parking stalls, aisles, driveways and other areas used for vehicular parking, loading or circulation.

The construction and renovation of certain structures and facilities must conform to the provisions of the Americans with Disabilities Act (ADA) Title III of 1990. Structure plans for construction, alteration or remodeling permits must identify how compliance to the ADA parking and other site requirements are to be met. Permits for new construction must comply with the entire Title III of the Act as it relates to the structure and site. The Planning and Zoning Department will provide information upon request to assist the public in interpreting the requirements of the ADA, which generally provide for at least one accessible route within the boundary of the site from a parking space or street to an accessible structure entrance. Accessible spaces and access aisles are required as well, among other detailed provisions.

Except as otherwise superceded by ADA requirements, parking layout and design shall subject to the following standards.

A. Area: Unless otherwise approved by the Planning and Zoning Department, all required off-street parking spaces other than those required for handicapped access shall be at least nine (9) feet in width and at least twenty (20) feet in length. Off-street parking required for handicapped access shall be a minimum of thirteen (13) feet in width and at least twenty (20) feet in length. Dimensions are exclusive of access drives or aisles, ramps and columns.

B. Access: Access from streets to parking lots shall be by means of paved driveways not more than thirty (30) feet wide, unless otherwise required by Kansas Department of Transportation. Access to each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Parking spaces shall not have direct access from any public street or highway.

C. Design: Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this article. (See section 5 of this Article)

D. Surfacing: All open off-street parking surfacing shall be gravel, hard surfaced with asphaltic concrete, or concrete on a compacted sub grade as approved by the Zoning Administrator.

Off street parking accessed from gravel a street may be surfaced with washed gravel on compacted sub grade as approved by the Zoning Administrator.

An existing parking area which does not conform with these surfacing regulations shall not be required to be paved unless its area is increased by more than 50 percent, or 50 percent or more of the surface is required to be replaced or repaired.

E. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
F. Curbing: The perimeter of all off-street parking and loading areas and their access drives shall be curbed, with the exception of driveways for single-family and duplex residences. Curbs shall also protect landscape islands and other interior parking features. Curbs shall meet the City of Carbondale's minimum construction standards. Off-street parking areas shall be defined as parking stalls, drives, and other access ways to said parking stalls, all loading areas and access thereto, and all exterior storage area. Storage and work areas

within secured perimeters in the Industrial Zoning District shall be exempt from surfacing requirements, however, in no case shall less than a fifty (50) foot paved access way from a public street be provided.

4. Maintenance: Off street parking improvements as required by these regulations shall be maintained in safe and operable conditions as required to meet the intent of both these regulations and ADA requirements. Any parking improvement that is deemed to pose a threat to the public health, safety or welfare or is in violation of any other City of Carbondale code or ordinance shall be subject to penalties specified in Article 17 of these regulations.

5. Required Spaces: Off-street parking spaces shall be provided as follows:

A. Dwelling and Lodging Uses:

1. Boarding or lodging houses: One parking space per each three sleeping rooms.

2. Dormitories, fraternities, and sororities: Two parking spaces for each three occupants based on the maximum design capacity of the structure.

3. Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.

4. Manufactured home parks: Two parking spaces per each manufactured home.

5. Nursing homes, rest homes, etc.: One parking space for every five beds, plus one parking space for each two employees based on the largest working shift in any 24-hour period.

6. Single-family: Two spaces per dwelling unit.

7. Two-family and multiple-family: Two spaces per dwelling unit. Two-family and multiple-family dwelling units designed specifically for the elderly, one space per two dwelling units.

B. Business, Commercial, and Industrial Uses:

1. Automobile, truck, recreational vehicle and manufactured home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.

2. Financial, business, and professional offices: One parking space for each 300 square feet of gross floor area.

3. Bowling alleys: Four parking spaces for each lane.

4. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period, plus one parking space for each vehicle maintained on the premises.

5. Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.

6. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor,

plus one additional parking space for each employee and each vehicle maintained on the premises.

7. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.

8. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One per three employees based upon the largest working shift in any 24-hour time period.

9. Medical and dental clinics or offices: One parking space for each 200 square feet of gross floor area.

10. Restaurants, private clubs and taverns: One parking space for 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.

11. Retail stores and shops: One space per 200 square feet of floor area.

12. Service stations: One parking space for each employee plus two spaces for each service bay.

13. Theaters, auditoriums, and places of assembly with fixed seats: One space for each 3.5 seats.

14. Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each four people, based upon the computed occupant load of the structure or the assembly area.

15. Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.

16. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses:

1. Churches: One parking space for each six seats based upon the maximum designed seating capacity, including choir lofts.

2. Elementary, junior high and equivalent parochial and private schools: Two spaces for each classroom.

3. High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.

4. Hospitals: One parking space for every four beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.

5. Laundromats: One space for each two washing machines.

6. Nursery schools and day care centers, public or private: One parking space for each employee.

7. Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.

8. Swimming pools and clubs: One parking space for each 50 square feet of water area.

9. Trade and commercial schools: One parking space for each three students and employees.

6. Special Uses:

A. District Permitted: In order to provide off-street parking areas, the Planning Commission may, after public notice and hearing, grant as a special use the establishment of parking areas in any zoning district under the provisions further set forth in this section.

B. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.

C. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

7. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicles. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways.

A. Spaces Required:

1. For all uses in the "B-2" General Business District, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments in Thousands of Sq. Ft.	Required Number and Size of Loading Berths
1-10	1-(10’ x 25’)
10-25	2-(10’ x 25’ each)
25-40	2-(10’ x 70’ each)
40-100	3-(10’ x 70’ each

2. For all uses in the "I-1" District, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments in Thousands of Sq. Ft.	Required Number and Size of Loading Berths
1-10	1-(10’ x 25’)
10-40	1-(10’ x 70’)
40-100	3-(10’ x 70’each)

3. For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

ARTICLE 8
SIGN REGULATIONS

1. Intent and Purpose: It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of functional and structural signs allowed in the City of Carbondale

2. Applicability: any sign shall, by definition, be a structure. No land, personal property or structure shall be used for sign purposes except as specified herein.

3. Nonconforming Signs: All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconditioned; however, the change of the advertising display shall not be restricted except as previously stated.

4. Removal of Nonconforming Signs: All nonconforming signs not otherwise prohibited by the provisions of these regulations shall be removed or shall be altered to conform to the provisions of this regulation when:

(1) the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend;

(2) the name of the business changes and the sign is changed or modified either in shape, size, or legend;

(3) a principal structure is destroyed or removed due to natural or man-made circumstances, unless a building permit has been issued to replace the structure within 90 days;

(4) the sign is damaged by any means to an extent of more than 50 percent of its replacement cost at the time of damage; or

(5) the building or use to which the sign applies is vacated, abandoned or otherwise dormant for a period of more than twelve (12) months.

All nonconforming signs required to be removed by these regulations shall be removed within 90 days of notification by the Zoning Administrator.

5. Permit Required: No sign except temporary real estate or construction signs as defined in this article may be erected or altered until a sign permit has been issued by the Zoning Administrator.

A. Application for permits required under this Article shall be made on forms provided by the Zoning Administrator and accompanied by the following, if required by the Zoning Administrator or if required by the provisions hereof:

1. Plans and specifications of the proposed sign and the right to inspect all permanent signs and marquees prior to their installation and erection and prior to the issuance of a permit.

2. A certificate of Accident Public Liability Insurance issued to the person or firm installing or erecting a sign or marquee over public property and providing coverage of $50,000 per person, $100,000 per accident and $25,000 property damage.

B. Permit Fees: Every application, before being granted a permit hereunder, shall pay to the City Clerk a permit fee of $25.00 for each such sign or other advertising structure regulated by this article.

C. Inspection: As soon as a sign has been erected, the permitee shall notify the Zoning Administrator, who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. An inspection fee of $40.00 shall be charged for the initial inspection. If additional inspections are required due to error in construction, an additional $20.00 fee will charged. The Zoning Administrator may, from time to time, as he/she deems necessary, inspect all signs or other advertising structure regulated by this article for the purpose of ascertaining whether the same is secure or insecure or whether it is in need of removal or repair.

D. Permit Revocable at Any Time: All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the Zoning Administrator, and all such permits shall contain this provision.

6. Review and Action: The Zoning Administrator shall review the Sign Permit application in detail for the purpose of determining whether the proposed sign complies with all the applicable sign regulations of this Article, if applicable.

For a Sign Permit application to be considered at the next regularly scheduled meeting of the Carbondale Planning Commission, it must be received at City Hall a minimum of Ten (10) days prior to the meeting date. Applications received less than Ten (10) days prior to the next meeting may not be considered until the following regularly scheduled meeting. The Zoning Administrator will approve or deny the application within Ten (10) days of the respective meeting. If the application is denied, the reason for such denial shall be stated in writing, attached to the application and sent to the applicant

7. Classification of Signs:

A. Functional Types:

1. Advertising Signs: (Billboards) A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.

2. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

3. Business Sign: A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

4. Identification Sign: A sign giving only the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

5. Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.

6. Memorial Sign: a sign, monument or statue serving to help people remember some person or event.

7. Temporary Sign: A display sign as listed below that is limited in time that such sign may remain in use, either by the limitations of these regulations or the conditions of a sign permit.

a. Real Estate Sign: A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof, on which the sign is located.

b. Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project, only

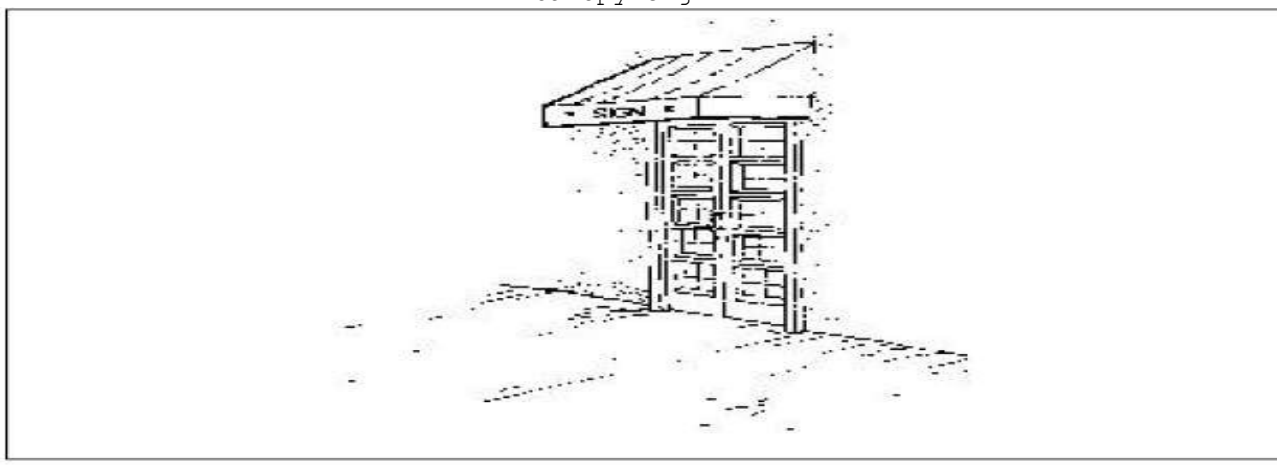
during the construction period and only on the premises on which the construction is taking place.

c. Political Campaign Sign: Any sign relating to a candidate, political party, ballot issue, or other issue to be voted upon in any public election.

B. Structural Types:

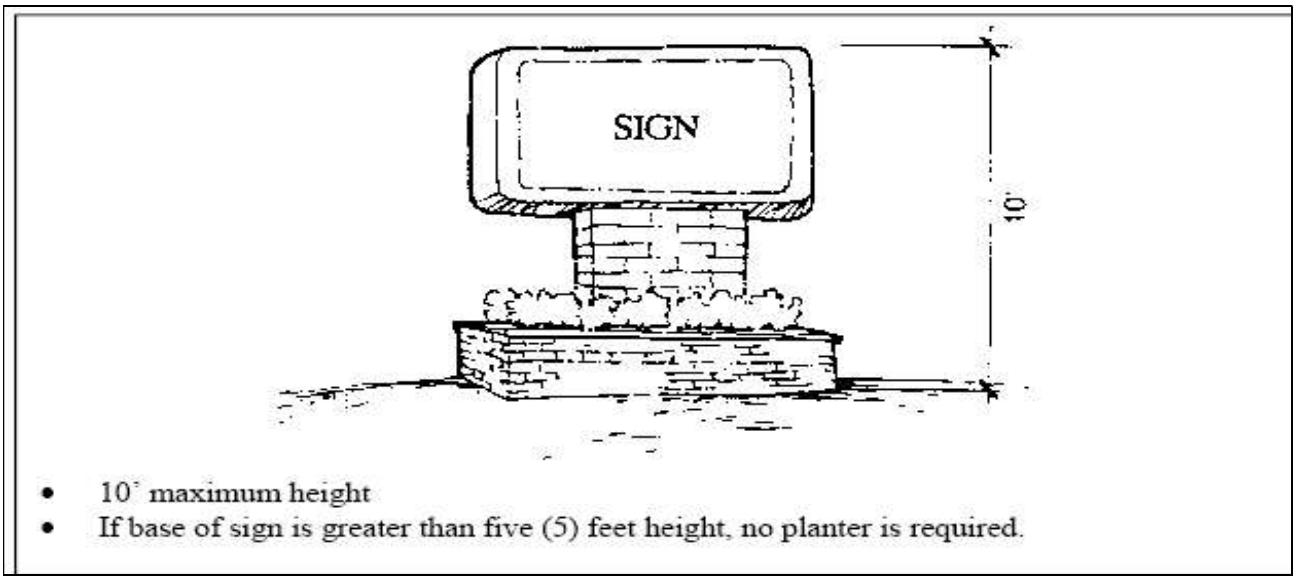
1. Awning, Canopy or Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

Canopy Sign



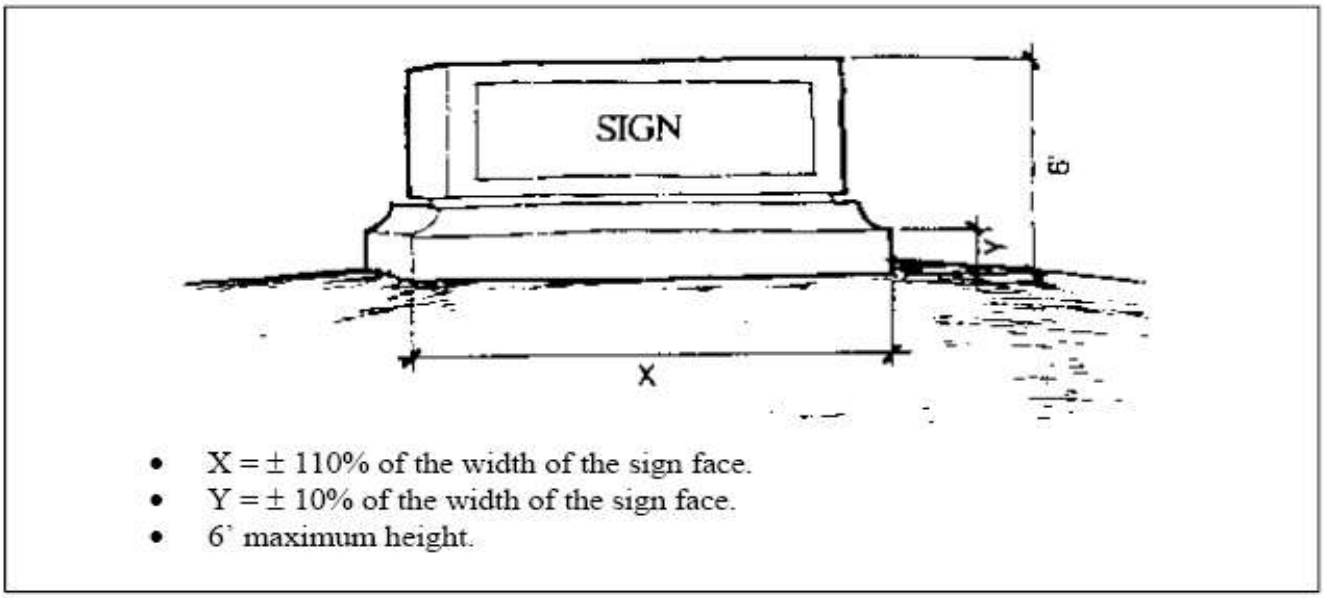
2. Ground Sign: Any sign placed upon or supported by, the ground, independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground, the height is no greater than 10 feet, and the base is no less than 50 percent of the width of the face of the sign, presenting a monolithic structure, landscaped with appropriate ground cover.

Ground Sign



3. Monument Sign: Any sign whose base is greater in width than the face of the sign, and whose height is no greater than 6 feet.

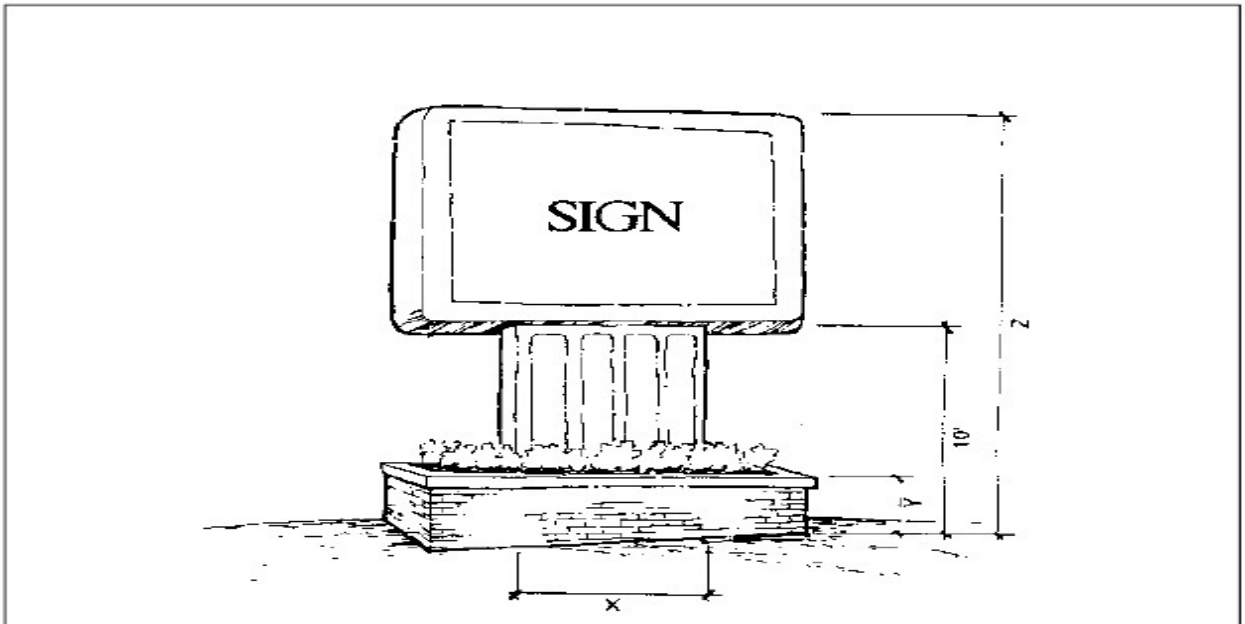
Monument Sign



- X = ± 110% of the width of the sign face.
- Y = ± 10% of the width of the sign face.
- 6' maximum height.

4. Elevated Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the bottom edge of the sign is ten feet or more above the ground level, and the base is no less than 50 percent of the width of the face of the sign, landscaped with appropriate ground cover.

Elevated Sign



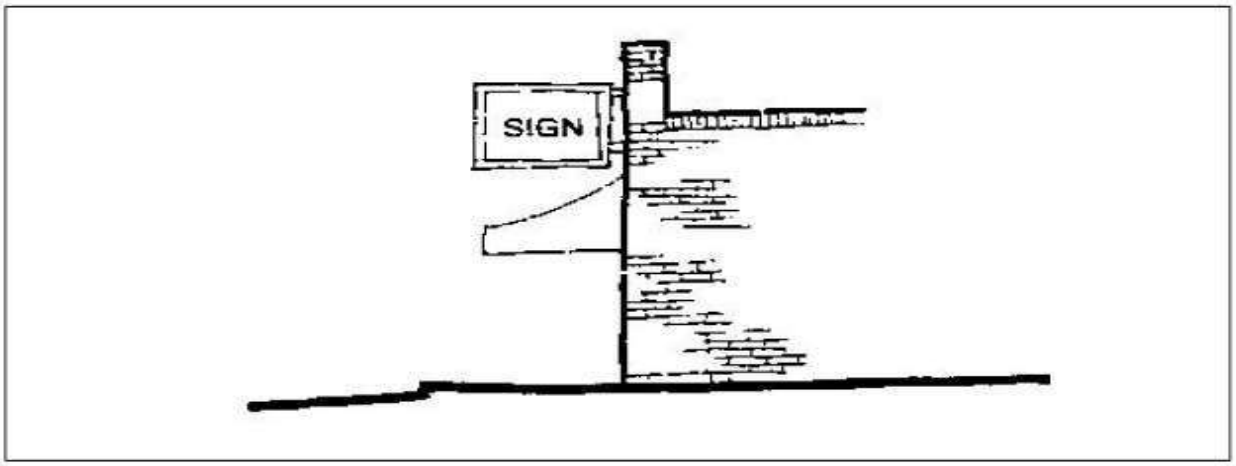
- X = ½ of the sign face.
- Y = ¼ of the base width.
- Z = maximum of 30 feet above the ground elevation.
- Bottom of sign base to be minimum of 10 feet above the ground elevation to provide adequate clearance, unless excepted by the Planning Commission.

5. Portable Display Sign: Any movable display structure, capable of relocation under its own power, or towed by a motor vehicle. The display message of the sign may be painted or on-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

Portable Display Sign

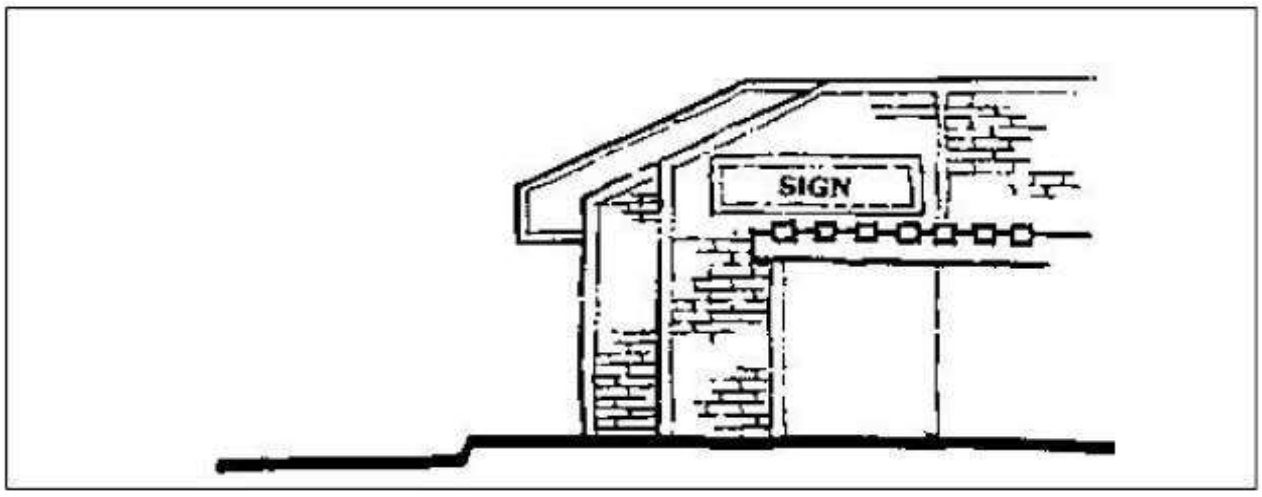
6. Projecting Sign: A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure.

Projecting Sign



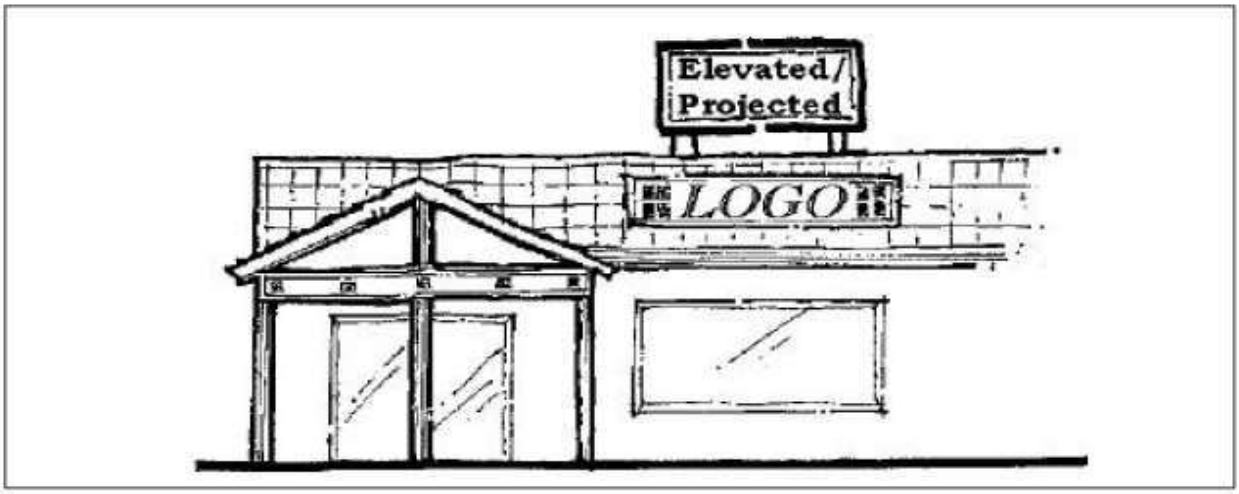
7. Wall Sign: A sign fastened to or painted on a wall of a structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such structure.

Wall Sign



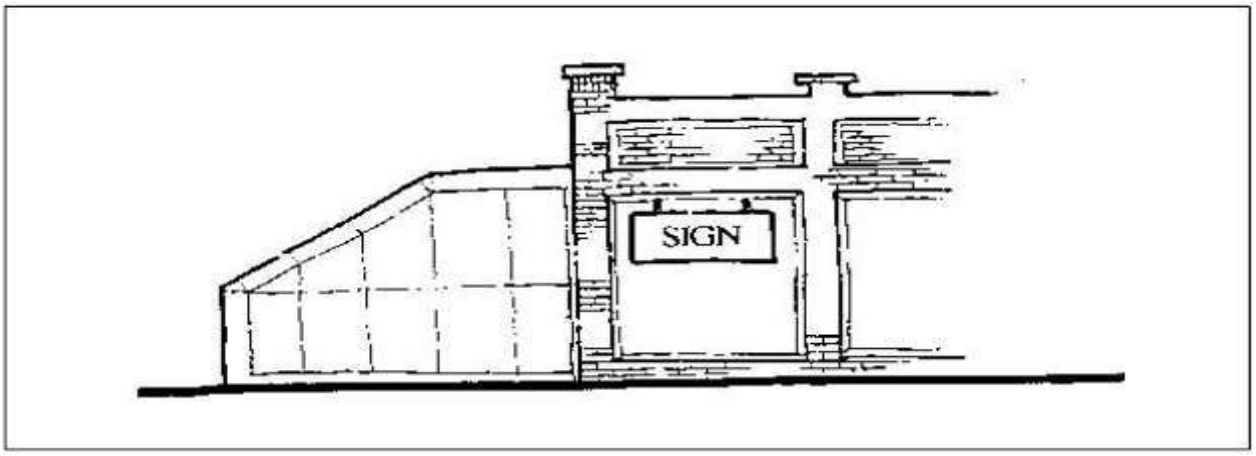
8. Flush-Mounted Logo Roof Sign: A sign totally supported on the roof of a structure that displays the logo of the tenant of such structure. Flush-mounted logo roof signs shall be mounted parallel to and flush with the roof's surface. In no case shall a flush-mounted logo roof sign project above the highest point of the roof (compare to "elevated/projecting roof sign").
9. Elevated/Projecting Roof Sign: A sign totally supported on the roof of a structure, not including flush-mounted logo roof signs. Elevated/projecting roof signs shall not project more than 12 inches beyond the face of the structure. In no case shall an elevated/projecting roof sign project more than 10 feet beyond the highest point of the portion of the roof on which the sign is located (compare to "flush-mounted logo roof sign").

Roof Signs



10. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Window Sign



8. General Standards:

A. Gross Area of Sign: Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area for one sign permitted by this regulation. For computing the gross area of any wall sign, which consist of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

B. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.

C. Illuminated Signs: A sign designed to give forth artificial light, or designed to reflect light derived from any source.

1. Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district, and any illuminated sign located on a lot adjacent to, in front of, or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 p.m. to 7 a.m.

3. Illuminated signs in direct vision of a traffic signal shall not be in red, amber or green illumination.

D. Flashing or Moving Signs: For the purpose of this regulation, any sign that is revolving, rotating, moving, animated, has moving lights, or creates the illusion of movement shall be considered a moving sign. Any illuminated sign on which the artificial light is not constant in intensity and color at all times is considered a flashing sign.

1. Flashing signs which are in any way similar to traffic signals or emergency vehicle lights shall not be permitted.

2. A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.

E. Access way or Window: No sign shall block any required access way or window.

F. Signs on Trees or Utility Poles: No sign shall be attached to any tree or utility pole, including light poles.

G. Traffic Safety:

1. No sign shall be maintained at any location where, by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.

2. Any sign located within three (3) feet of a driveway, alley, or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level, however, in no event shall any sign be placed so as to project over any public right-of-way, except in the "B-1, Local Business District, where signs may project over a sidewalk.

3. Signs placed in the site triangle shall not materially impede vision per requirements listed in the vision triangle definitions. (See Article 3)

H. Landscaping: Ground signs, monument signs and elevated signs shall be landscaped in order to make the signage a more integral element of the overall site design. The landscaping shall be within a defined planting area and shall extend no less than three feet from the base of the sign. In general, a combination of ornamental deciduous trees, evergreen trees, shrubbery, ground cover, perennials and bulbs covering 25% of the area surrounding the sign base is appropriate. This material is intended to accent the signage, minimize its impact on surrounding development and separate the sign from traffic and parking.

I. Scale and Context: Signs shall be in scale with the site or structure where located, and in context with the site, structure and service offered. (See illustrations on pages 86 & 87)

1. Scale includes both human scale and proportion. Signs shall be proportional to the element they are attached to and the façade as a whole.

2. Context includes form, style, color, balance and structure lines:

a. Form: Sign shape and its relationship to the structure or service offered.

b. Style: Historical, eclectic, modern or contemporary shapes, texts and colors.

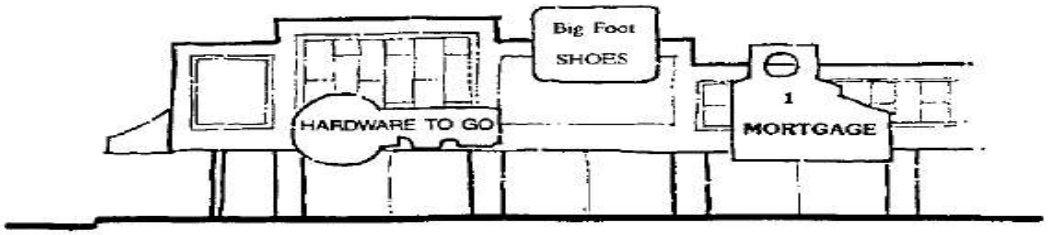
c. Color: Analogous or complementary in relation to site or structure.

d. Balance: Location of sign in structure element relating to balance through location, mass and color.

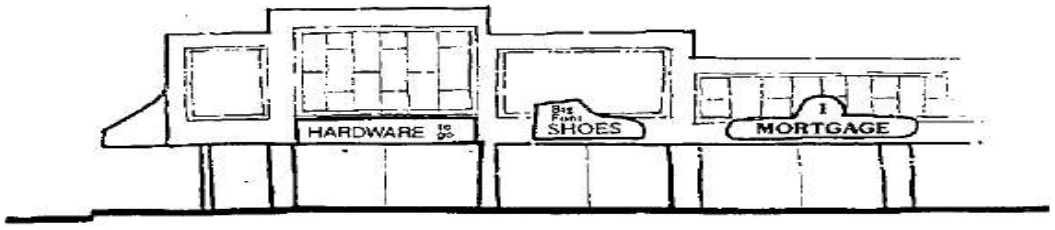
e. Structure Lines: Major lines of building elements and compatibility to outlines horizontal and vertical lines such as roof line, ground line, window lines, etc.

J. All signs must be constructed of permanent all-weather materials.

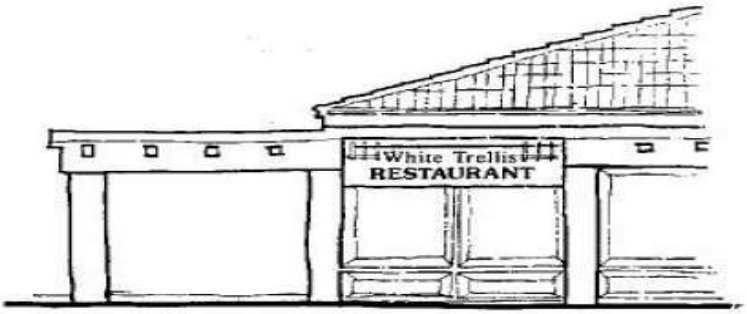
Sign Pattern



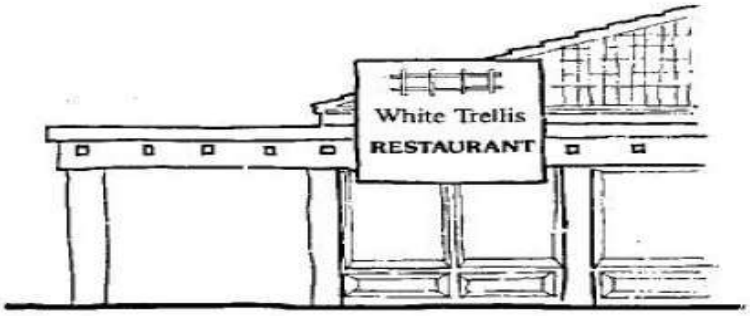
- Inconsistent sign patterns create confusion.



- Employ a consistent sign pattern.



Sign is in scale and character with building articulation.



Sign is out of scale and character with building articulation.

9. Exemptions:

A. Total Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 8A through 8J above:

1. Flags or emblems of a government, or of a political, civic, philanthropic, educational or religious organization displayed on private property.

2. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.

3. Memorial signs and tables displayed on public or private property.

4. Small signs, not exceeding two (2)square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs, except that such signs shall not display logos or other business advertisements.

5. Scoreboards in athletic stadiums.

6. Political Election Signs: shall not exceed a total of eight (8) square feet in any area. Political signs shall be displayed for no more than a 60-day period before an election and on election day. Political signs shall not be placed on or otherwise affixed to any public structure or sign, right-of-way, sidewalk, utility pole, street lamppost, tree or other vegetative matter, or any public park or other public property.
The City recognizes that the expression of political speech is an important and constitutionally protected right; that political election signs have certain characteristics that distinguish them from many of the other types of signs permitted and regulated by the City, including the fact that these signs generally do not meet the regular structural design of permanent signs, given their temporary nature; that political election signs therefore present a potential hazard to persons and property; and that the City must impose reasonable time limits on the display of political election signs for these reasons.

7. Temporary signs for the sale of household goods at a residence (for example, garage sales or auctions) for a period not to exceed ten (10) days.

8. Temporary signs for the sale at auction of real estate: for a period not to exceed twenty-one (21) days.

B. Exemptions from Sign Permit: The following signs are exempt from the sign permit section of this article, but shall comply with all of the other regulations imposed by this article:

1. Name plate signs not exceeding two square feet in gross area accessory to a single-family or two-family dwelling.

2. Bulletin board signs not exceeding 100 square feet in gross accessory to a church, school, or public or non-profit institution.

3. Business signs, when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.

4. Real estate signs not exceeding eight (8) square feet in area.

4. Construction signs not exceeding eight (8) square feet in area.

10. Prohibited Signs:

A. Signs on Public Property: Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation, except that logo signs on public athletic fields shall be allowed. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

B. Obscene or Indecent Advertisement: No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter.

C. Roof Signs Above Roofline: Roof signs mounted or projecting above the highest roofline.

D. Located on Right-of-Way: Any sign located on public right-of-way, except those signs required by governmental authority or political signs may be permitted.

11. Temporary Portable Display Signs: With or Without Wheels Attached: Portable display signs shall be allowed on premises in a commercial or industrial zoning district for not more than seven consecutive days, and no more than thirty (30) days in a 12-month period.

12. Temporary Signs: Temporary signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.

A. Real Estate Signs: Real Estate Signs shall be removed within one week of the date of sale, rental, lease or open house. Signs over eight(8)square feet in area shall be authorized by the Planning Commission, which shall base its decision on setback, traffic speed, sign design, and surroundings.

B. Construction Signs: Construction signs shall be eight(8)square feet or less. Such signs are subject to yard area requirements and may be erected at the start of construction and shall be removed upon project completion.

13. Maintenance:

A. Existing Sign Maintenance: All signs shall be designed, constructed, and maintained in compliance with applicable provisions of the Building Code and the Electrical Code of the City. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this regulation, all signs shall be constructed of permanent materials and shall be permanently attached to the ground or another structure by direct attachment to a rigid wall, frame, or structure.

B. Removal of Unsafe or Illegal Signs: If the enforcement agency shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this regulation, it shall give written notice to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within thirty (30) days after such notice, such sign or other advertising structure may be removed or altered to comply by the enforcement agency at the expense of the permittee or owner of the property upon which it is located. The enforcement agency shall refuse to approve a permit to any permittee or owner who refuses to pay costs so assessed. The enforcement agency may cause any sign or other advertising structure that is an immediate peril to persons or property to be removed summarily and without notice.

C. Sign Maintenance Enforcement:

1. All signs within the City shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The designated official shall be charged with the responsibility and authority

to inspect all signs within the City and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, letters and other sign components in the equivalent condition as on the sign permit or as approved.

2. Should the enforcement agency find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.

3. Should the owner fail to exhibit evidence of compliance within 30 days after the mailing of the letter of notification, the enforcement agency shall cause the owner to be cited for violation of this regulation.

D. Painted Sign Maintenance: The owner of any sign as defined and regulated by this regulation shall be required to have properly painted at least once every two (2) years all parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust.

14. Office Parks, Shopping Centers and Planned Districts: In the case of a proposed office park, shopping center, or other grouping of three or more tenants or establishments (new or remodeled), the developer shall prepare and submit to the Planning Commission a master signage plan for all permanent exterior signs. Such plan shall set standards that shall run with all leases or sales of portions of the development. A full and accurate description of all signs shall be included indicating location, placement, materials, graphic design styles, type of illumination, etc. A final development plan shall not be approved until the Planning Commission has approved the sign standards. For purposes of this section the terms "shopping center, office park, or their groupings," shall mean a project of one or more buildings that has been planned as an integrated unit or cluster of units on property under unified control or ownership. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.

A. In the case of a "shopping center, office park or other grouping" which is occupied by more than one tenant, one (1) monument sign or ground sign may be permitted in addition to the wall mounted signs, which sign shall depict only the name of the center or grouping of shops or offices.

B. Where all tenants and/or property owners within a building or "shopping center, office park or other grouping" agree in writing, one tenant may, in lieu of the wall sign permitted, have one (1) monument sign or ground sign depicting the business or product. The design and location of this sign shall be subject to approval of the Planning Commission.

15. District Regulations:

A. Permitted Signs: The following table identifies permitted signs by type and district. Permitted signs are designated (P) in the table. Signs that are not permitted are designated (N).

Sign Types	R-S1, R1, R-2, R-3 M-P	B-1	B-2 O-I	I-1 I-2 I-3
Function Types				
Advertising Sign	N	P	P	P
Bulletin Board Sign	P	P	P	P
Business Sign	P1	P	P	P
Identification Sign	P	P	P	P
Name Plate Sign	P	P	P	P
Memorial Sign	P	P	P	P
Temporary Sign	P2	P2	P2	P2
Structural Types				
Awning, Canopy or Marquee Sign	N	P	P	P
Ground Sign	P3	P	P	P
Monument Sign	P3	P	P	P
Elevated Sign	N	P	P	P
Portable Sign	N	N	P	P
Projecting Sign	N	P	P	P
Wall Sign	P	P	P	P
Flush-Mounted Logo Roof Sign	N	N	P	P
Elevated/Projecting Roof Sign	N	N	N	N
Window Sign	N	P	P	P

P1. Limited to business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of this regulation.
P2. Real estate signs for a period of not more than three years nor beyond the sale of 75% of the lots of a subdivision.
P3. Limited to identification of subdivision only. Not to be used for individual lot or home occupation identification.

B. Special Use Permits: Exceptions to the following district regulations, including the number of signs, maximum gross area, maximum height and required setbacks may be granted through the approval of a Special Use Permit.

C. "R-S Residential Suburban, "R-1" Residential – Low Density, "R-2" Residential – Medium Density, "R-3" Multiple-Family Dwelling, "M-P" Manufactured Home Park Residential Districts:

1. Number of Signs Permitted: One sign per zoning lot.

2. Maximum Gross Area:

a. Business signs – home occupations: 2 square feet.

b. Bulletin board and identification signs: 100 square feet.

c. Construction signs: 8 square feet.

d. Name plate signs: 2 square feet.

e. Real estate signs: 9 square feet, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on said development. Said sign shall be removed at the end of three years

or when 75 percent of the lots have been sold, whichever occurs sooner.

3. Maximum Height: 15 feet.

4. Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard, except that real estate signs shall be exempt from setback requirements.

5. Illumination: Bulletin board signs may be indirectly illuminated with incandescent or fluorescent lighting.

D. "B-1" Local Business District:

1. Number of Signs Permitted:

a. Awning, canopy or marquee signs, portable signs and wall signs: No limitations.

b. Ground, elevated, or projecting signs: One per zoning lot.

2. Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 300 square feet.

3. Maximum Height: Same as "B-2", except elevated signs may not exceed 30 feet.

4. Required Setback: None, except that ground signs shall maintain a setback of 10 feet.

5. Illumination: Illuminated signs shall be permitted.

E. "B-2" General Business District:

1. Number of Signs Permitted:

a. Awning, canopy or marquee signs, portable signs wall signs: No limitations.

b. Ground, elevated, or projecting signs: One per zoning lot.

2. Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage, provide no single sign shall exceed a gross surface area of 100 square feet.

3. Maximum Height: All signs: 10 feet, except wall and projecting signs may extend to the roof eave line.

4. Required Setback: None in the "B-2" District.

5. Illumination: Illuminated signs shall be permitted.

F. "B-3" Heavy Business District:

1. Number of Signs Permitted:

a. Awning, canopy or marquee signs, portable signs wall signs: No limitations.

b. Ground, elevated, or projecting signs: One per zoning lot.

2. Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage, provide no single sign shall exceed a gross surface area of 100 square feet.

3. Maximum Height: All signs: 10 feet, except wall and projecting signs may extend to the roof eave line.

4. Required Setback: None in the "B-2" District.

5. Illumination: Illuminated signs shall be permitted.

G "I-1 Industrial District:

1. Number of Signs Permitted: Two per zoning lot.

2. Maximum Gross Surface Area: 4 square feet per lineal foot of street, Frontage, provided no single sign exceeds a gross surface area of 300 square feet, except that advertising signs shall not exceed 700 square feet.

3. Maximum Height:
   a. Roof signs: Not to exceed the highest point of the structure on which the sign is located.
   b. All other signs: 10 feet, except elevated signs shall not exceed 30 feet, and advertising signs shall not exceed 16 feet.

4. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures and shall be located no closer than 1,000 feet from any other advertising sign.

5. Illumination: Illuminated signs shall be permitted.

H. "I-2" Industrial District:

1. Number of Signs Permitted: Two per zoning lot.

2. Maximum Gross Surface Area: 4 square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area of 300 square feet; except that advertising signs shall not exceed 700 square feet.

3. Maximum Height:
   a. Roof signs: Not to exceed the highest point of the structure on which the sign is located.
   b. All other signs: 10 feet, except elevated signs shall not exceed 30 feet, and advertising signs shall not exceed 16 feet.

4. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures and shall be located no closer than 1,000 feet from any other advertising sign.

5. Illumination: Illuminated signs shall be permitted.

I. "I-3" Industrial District:

1. Number of Signs Permitted: Two per zoning lot.

2. Maximum Gross Surface Area: 4 square feet per lineal foot of street frontage, provided no single sign exceeds a gross surface area of 300 square feet; except that advertising signs shall not exceed 700 square feet.

3. Maximum Height:
   a. Roof signs: Not to exceed the highest point of the structure on which the sign is located.

b. All other signs: 10 feet, except elevated signs shall not exceed 30 feet, and advertising signs shall not exceed 16 feet.

4. Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures and shall be located no closer than 1,000 feet from any other advertising sign.

5. Illumination: Illuminated signs shall be permitted.

J. "O-I-Office and Institutional District

1. Number of Signs Permitted:

a. Awning, canopy or marquee signs, portable signs, wall signs: No limitations.

b. Ground, elevated, or projecting signs: One per zoning lot.

2. Maximum Gross Surface Area: 4 square feet for each lineal foot of street frontage, provided no single sign shall exceed a gross surface area of 100 square feet.

3. Maximum Height: All signs: 10 feet, except wall and projecting signs may extend to the roof eave line.

4. Illumination: Illuminated signs shall be permitted.

ARTICLE 9
NONCONFORMITIES

1. General: Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses. A definition of each type is as follows:

A. Nonconforming Lot of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.

B. Nonconforming Structure: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.

C. Nonconforming Use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

D. Nonconforming Lots of Record: The Zoning Administrator shall issue a building permit for any nonconforming lot of record, provided that:

1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and;

2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and;

3. Said lot can meet all yard regulations for the district in which it is located, and;

4. Said lot can meet minimum standards for sewage treatment as required by the City of Carbondale.

2. Nonconforming Structures:

A. Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.

B. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled, provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity.

C. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is

actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

E. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

3. Nonconforming Uses:

A. Authority to Continue: Any lawfully existing nonconforming use or part or all of a structure or any lawfully existing nonconforming use of land, may be continued, so long as otherwise lawful.

B. Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.

2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

C. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

1. Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations, (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).

2. Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations, (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming), provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.

D. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

E. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its market value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

F. Moving: No structure that is devoted in whole or in part to a nonconforming use and no conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning districts in which it is located after being so moved.

G. Change in Use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special use be changed to another nonconforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with Article 9.2(c). Once a change is made to a more appropriate use, the use shall not be returned to the original use or a less appropriate use.

H. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of 3 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

I. Nonconforming Accessory Uses: No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall cease or terminate.

J. Nonconforming Residential Uses: Notwithstanding the provisions of Article 9.3(c) and 9.3(d), any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged, provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

4. Status of Special Uses:

A. Status of Existing Special Uses: Where a use exists on the effective date of these regulations, and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use application is approved as set out in Article 10 of these regulations.

B. Status of Future Special Uses: Any use for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

ARTICLE 10
SPECIAL USE PERMITS

1. General Considerations:

A. Delegation of Power: The Governing Body is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in the ordinance; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with these regulations; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. The Governing Body shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.

B. Conditions and Guarantees: Prior to the granting of any special use permit, the Planning Commission or Governing Body may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend, or the Governing Body may require, such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.

C. Special Use Permits in Residential Districts: In no event shall special use permits in residential districts be transferable from an owner-applicant to a subsequent owner of the subject real estate or structure.

2. Procedures:

A. Application: A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the section of the ordinance under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map, a list of the owners of record of all property within 200 feet of the subject property and site plan of the subject property.

B. Fees: Every application for a special use permit shall be subject to a filing fee of $50.00.

C. Site Plan: All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property, which shall include the following:

1. A site plan showing:

a. Approximate size and locations of all structures.

b. Access from streets.

c. Parking arrangements and numbers of spaces.

d. Interior drives and service areas.

e. Landscaped areas.

f. All proposed signs.

2. Location map showing development and zoning of adjacent property within 100 feet.

3. The full legal description of the boundaries of said development area.

4. A description of the general character of all structures.

D. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning Commission, provided, however, that notice must be published in a newspaper of general circulation at least 20 days prior to the date set for hearing. In addition to such publication notice, written notice of such proposal shall be mailed to all the owners of lands located within 200 ft. of subject property. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission shall submit a recommendation to their Governing Body within 30 days after the close of the public hearing.

E. Findings: In making a recommendation to the Governing Body, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.

F. Action by Governing Body: The Governing Body shall consider the Planning Commission's recommendation at the next regularly scheduled Governing Body meeting for which the agenda item can be docketed. The Governing Body may adopt or may revise or amend and adopt such recommendation by resolution. If the Governing Body fails to act upon a recommendation within 120 days from the receipt thereof, the application shall be deemed to have been denied.

3. Standards for Issuance of Special Use Permits: Generally: Before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:

A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.

B. Accessibility of the property to police, fire, refuse collection and other municipal services, adequacy of ingress and egress to and within the site, traffic flow and control, and the adequacy of off-street parking and loading areas.

C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.

D. The location, nature, and height of structures, walls, fences, and other improvements, their relation to adjacent property and uses and the need for buffering or screening.

E. The adequacy of required yard and open space requirements and sign provisions.

F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.

4. Additional Conditions for Particular Special Uses: In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The following additional conditions shall be requirements for the approval of the following special uses:

A. Child care centers shall obtain a special use permit for the care of more than six children in zoning districts permitting residents, provided that: (See Article 6.10.B)

1. One off-street parking space is provided for each non-resident or non-family member employee, in addition to the two spaces per single-family or duplex unit required. The residential driveway is acceptable for this purpose.

2. The requirements for accessory uses for the proposed child care home are met.

B. Wind-powered generating systems shall conform to the following standards:

1. No tower or propeller shall be located so as to be within a distance equal to its height of any structure, power line or antenna located on any other piece of property.

2. The height of the tower and propeller shall not exceed by more than 50 percent the height limitation of the district in which it is located, and the bottom tip of any propeller shall be at least ten feet above any accessible pedestrian area.

3. The system and its component parts shall be totally surrounded by a fence at least six feet and not more than eight feet in height unless otherwise physically inaccessible to the public.

4. The system shall not cause interference to the radio and television reception on adjacent property.

5. The system shall contain a breaking device for winds in excess of 40 miles per hour.

6. The system shall be approved for safety by a testing laboratory and shall be covered by a homeowners or business insurance policy.

7. The minimum lot width shall not be less than the required width in the underlying zone district.

C. Bed and Breakfast: The following requirements shall apply:

1. Two off-street parking spaces with one additional off-street parking space per lodging room shall be provided.

2. The structure shall be no smaller than 1,800 square feet in living area.

5. Time Limit:

A. Sunset: A special use permit shall expire, upon public hearing, unless a building permit is taken within 12 months to effectuate such specially permitted use, or if no building permit is required, evidence of use is filed with Zoning Administrator.

B. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than 3 months, the special use permit shall expire upon public hearing.

C. Home Occupation: A special use permit for a home occupation shall not be transferable to a new owner of the real estate.

ARTICLE 11
CONDITIONAL USE

1. GENERAL PROVISIONS:

Within the various districts established by these Zoning Regulations, there are specific permitted uses which require additional conditions to be met in order for land or buildings to be used for that purpose.

2. ADMINISTRATIVE PROCEDURES:

1. Application: The application for a zoning permit for a "conditional use" shall be filed with the Zoning Administrator. With such application, the applicant shall submit the following:

2. Name of owner or owners of land to be utilized.

3.Plan showing building locations, parking areas, location, type and location of outdoor lighting facilities, interior drives, landscaped buffer strips and access roads.

4. Plan shall show topography, existing utilities, abutting street paving widths, alleys or easements, square footage of land within the plot.

5. Description of architecture and exterior materials to be utilized.

6. Any additional information requested by the Zoning Administrator.

3. NOTICE:

Within five (5) days of filing of such application the applicant shall place a sign on subject plot in such a manner so that said sign is conspicuous to the public generally from the public street or right-of-way passing the property. Said sign to be of a type which will withstand the elements, not less than three (3) feet by four (4) feet in size, with the following wordage clearly lettered not less than two (2) inches in height. "This property is being considered for a conditional use permit by the Carbondale Planning Commission for _____ _____ use.
(Type or Use)
Formal objections to construction or operation must be filed with the above commission by _____(Date)

4. PROCESSING OF APPLICATION:

1. Upon receipt, the Zoning Administrator shall forward copies of the application and accompanying information to the Planning Commission for report and recommendation. The Planning Commission, within thirty (30) days of the receipt, shall submit to the Zoning Administrator a report and recommendation which shall include a finding:

a. That the use will or will not serve the convenience and general welfare of the public.

b. That the use will or will not serve the immediate neighborhood to some degree.

c. That the use will either protect the neighborhood and community interest or be in derogation of it (on the basis of noise, odor, health, safety, or order).

d. That such use will or will not alter the normal nature or character of the development of the neighborhood.

e. That the neighboring properties will or will not be substantially or permanently injured.

f. That the use will or will not be in basic harmony with the various elements and objectives of the master plan.

g. That the use will or will not meet the specific requirements and conditions set forth in the district regulations for that use in that zoning district.

h. Said use would or would not constitute a variance in the requirements of these Zoning Regulations.

i. That approval is or is not recommended because of unique circumstances presented by the application, i.e., community need or welfare, public demand, and economic factors.

j. That approval is or is not recommended because of unique circumstances present in the zoning district, i.e., character (social, economic) of the neighborhood and abutting properties, or physical characteristics, of the property in question.

2. The report and recommendation shall not be considered complete until reports are on file from the following appropriate city or county agency (where applicable):

Health
Fire
Public Utilities
Engineers
Parks
Schools

3. The preceding agencies shall be given seven (7) days following receipt of copies of the application. If said report has not been returned to the Planning Commission by that time, it shall be considered as an affirmative report on said application.

5. DETERMINATION:

1. The Zoning Administrator shall issue conditional use permits only after a report and determination is made by the Planning Commission.

a. Such report and determination shall be made within forty-five (45) days of the date of application in accordance with the provisions set forth in these Zoning Regulations.

b. The Planning Commission shall have the power to establish time limitations on any conditional use permit specified in this article. Said conditional use permit shall be renewable at the discretion of said Planning Commission.

Since a conditional use is allowed by rights subject to those express limitations and conditions as set forth in these Zoning Regulations, <u>any</u> lessening or subverting of those limitations and conditions would be a variance, in fact, and must be handled as such.

Nuisances: If the proposed use would, in the opinion of the Planning Commission, produce or create any nuisance due to noise, glare,

obnoxious odors, toxic gases, smoke, traffic generation, moral and social influence, or any other source, there may be imposed any reasonable additional limitations. The requirements may be made more restrictive when necessary to protect surrounding property.

ARTICLE 12
ZONING PERMITS

1. GENERAL PROVISIONS:
No building, or additions to buildings, except inside alterations where no enlargement of structure is concerned, shall be erected, reconstructed, altered, repaired or converted without first obtaining a zoning permit from the Zoning Administrator. This does not apply to farm structures. No permit shall be issued unless there is filed in the office of the Zoning Administrator, information including but not limited to a plot plan, drawn to scale, showing the exact location or locations of any proposed structures on the building site to be occupied, and other information necessary to determine if the proposed application meets the requirements of this and any other regulation applicable, with respect to land use. Said application shall include, in writing, the proposed use or uses of said buildings or premises.

2. ADMINISTRATIVE PROCEDURE:
For a Zoning Permit application to be considered at the next regularly scheduled meeting of the Carbondale Planning Commission, it must be received at City Hall a minimum of Ten (10) days prior to the meeting date. Applications received less than Ten (10) days prior to the next meeting may not be considered until the following regularly scheduled meeting. The Zoning Administrator will approve or deny the application within Ten (10) days of the respective meeting. If the application is denied, the reason for such denial shall be stated in writing, attached to the application and sent to the applicant

a. There shall be a fee accessed (per fee schedule on page 14) for each zoning permit issued in accordance with this resolution.
b. A zoning permit shall expire after one (1) year, provided, however, that extensions may be made where warranted.
c. A record of all zoning permit applications and zoning permits issued shall be kept in the office issuing such permits.
d. A zoning permit issued in accordance with the provisions of this and other pertinent regulations may be revoked by the issuing officer if such issuing officer finds, that prior to the completion of the structure for which the permit was issued, there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the zoning permit, or the same was issued under false representation, or that any other provisions of this regulation or other regulations are being violated.

3. VIOLATION AND NOTIFICATION:

Failure, refusal or neglect of any property owner, or his authorized representative to apply for and secure a valid zoning permit, including the payment of the prescribed fee, as provided, shall be reason for the issuance of a 'stop order' by the Zoning Administrator, provided said owner or authorized representative shall have been notified in writing at least forty-eight (48) hours prior to the issuance of said 'stop order' that he is in violation of regulations of the City. Said 'stop order' shall be posted on or near the property in question, in a conspicuous place, and no further construction shall proceed. Where such building or construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent zoning permit shall be charged according to the fee schedule on page 14 plus and additional penalty fee of $15.00

ARTICLE 13
SITE PLAN REVIEW
(see Site Plan review page 13)

1. Intent: The City of Carbondale recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Carbondale while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that must accommodate intense urban uses shall be subject to Site Plan Review by the Zoning Administrator. The Planning Commission shall serve as an appeals body from review by the Zoning Administrator. Site Plan Reviews shall help ensure that the meaning and intent of the Zoning Regulations, and all portions thereof, are fully compiled with. The Site Plan Review regulates the development of structures and sites in a manner, which considers the following concerns:

   A. The balancing of landowners rights to use their land with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);

   B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;

   C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater;

   D. The protection of historic and natural environmental features on the site under review, and in adjacent areas; and

   E. The stability of the built environment, particularly residential neighborhoods, by promoting urban development, which is compatible with clearly identified natural resources.

2. Applicability: The Zoning Administrator shall require that all applications for building permits for developments in the multiple-family, commercial and industrial zoning districts shall be subject to Site Plan Review in accordance with these regulations with the exception of development that does not increase the size of the original structure by more than 50 percent in the case of a renovation or alteration. Further, any development that requires a plat and is proposed to locate in any portion of any Redevelopment Overlay District shall submit an expanded Preliminary Plat, which indicates the information called for on a Site Plan. Developments shall be encouraged to implement the objectives of the Future Land Use Plan in preserving natural resources and grid-pattern streets to secure a coherent urban design and foster compatibility among land uses in the City of Carbondale. The Zoning Administrator shall perform site Plan Reviews.

   The applicant may appeal a site plan review determination to the Board of Zoning Appeals for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of Site Plan Review. The request for review by the Board of Zoning Appeals shall be accompanied by a complete description of the error(s) alleged. The Board of Zoning Appeals shall perform their review at a scheduled meeting of the Board of Zoning Appeals and shall adjourn and reconvene as is determined necessary. The applicant may appeal the decision of the Board of Zoning Appeals to the District Court.

3. Authority: Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Review is applicable, unless Site Plan Review approval has been granted by the Zoning Administrator.

4. Submission Requirements: The Site Plan or expanded Preliminary Plat shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. Items required for submission include:

   A. Name of the project, address, boundaries, date, north arrow and scale of the plan.

   B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.

   C. Name and address of all owners of record of abutting parcels.

   D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

   E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations.

   F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

   G. The Zoning Administrator may require location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

   H. The location, height, size, materials, and design of all proposed signage.

   I. The Zoning Administrator may require a landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including, size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.

   J. The location of all present and proposed utility systems including:

      1. sewerage system;

      2. water supply system;

      3. telephone, cable and electrical systems; and

      4. storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end walls, hydrants, manholes and drainage swells.

K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.

M. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

2. The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road Capacity levels, shall also be given.

O. For new construction or alterations to any existing structure, a table containing the following information must be included:

1. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;

2. Maximum number of employees;

3. Maximum seating capacity, where applicable;

4. Number of parking spaces existing and required for the intended use; and

5. A landscape plan for improving large areas of paved parking with appropriate landscaping may be required.

4. Standard of Review: The recommendations of the Zoning Administrator shall be based on the following standards:

A. The extent to which the proposal conforms to the previous sections of these regulations.

B. The extent to which the development would be compatible with the surrounding area.

C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.

D. The extent to which the proposal conforms to customary engineering standards used in the City.

E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

5. Development Standards, Redevelopment Overlay District: The Site Plan shall demonstrate the extent to which the structures, walkways, roads, driveways, open space (if any) and parking lots in the Redevelopment Overlay Districts have been located to achieve the following objectives:

A. Conserve natural resources and amenities available on the site;

B. Implement a neo-traditional urban design, such as grid-pattern streets, as described in the comprehensive plan;

C. Ensure that proposed structures are located on suitable soils;

D. Minimize any adverse environmental impact; and

D. Minimize any present or future cost to the municipality and private providers of utilities in order to adequately provide public utility services to the site.

6. Strip Commercial Design Guidelines:

A. The commercial strip centers serve as districts for commercial activity and focal points. These guidelines are intended to accomplish the following:

1. Provide for the proper sizing and location of new retail zoning requests and developments;

2. Improve on-and off-site vehicular and pedestrian circulation and safety;

3. Improve the visual character and identity of retail centers, strip centers, and major transportation corridors. These guidelines are intended to supplement the City of Carbondale's regulatory review process. Each of the nine design elements or sections includes a statement of purpose and a listing of key issues. The applicant will be expected to address these issues by: a) complying with the guidelines for each section; or b) proposing alternative solutions that specifically address the identified issues.

The guidelines should be officially coordinated with adopted zoning and subdivision regulation amendments; however, the process is intended to remain flexible. The applicant is encouraged to propose innovative alternatives that accomplish the stated purpose of the guidelines.

The guidelines will be used by staff in its initial discussions with the applicant as he prepares his submission. Upon receipt of a zoning case, concept plan, or site plan, the staff will evaluate the request based on its compliance with guidelines or upon how effectively it addresses the intent of each section through alternative solutions. The applicant shall clearly show how he addressed the key issue(s) with supportive information and data.

When an applicable zoning case, circulation plan, land use plan, preliminary site plan, or site plan is presented to the Planning Commission, recommended action will be included. Staff's recommendation will be based on its determination of the proposal's conformance to the guidelines and/or its effectiveness

in meeting the purposes and issues of the various design elements.

B. Site Appropriateness--Retail Strip Centers.

1. Purpose: In order for the retail centers to best serve as corner neighborhood shopping centers, certain parameters need to be addressed. These include:

a. appropriate site location;

b. efficient site shape and size; and

c. site accessibility.

2. Guidelines:

a. Retail centers should typically be located at the corner of two major thoroughfares.

b. Sites for neighborhood commercial centers should be generally 6 to 10 acres to accommodate 30,000-100,000 SF of retail space including serving a one (1) mile radius for 1 or 2 "anchor" stores. Community centers should be planned for a larger site.

c. Sites should generally be accessible from major thoroughfares at median breaks and located along at-grade intersections.

d. Sites should be accessed from local streets that are segregated from the street system of residentially zoned land.

e. Topography and drainage should be addressed with regard to corner shopping locations.

C. Building Arrangement

1. Purpose: Proper arrangement of buildings on a site provides for efficient and viable long-term use. Key issues include:

a. storefront visibility and accessibility;

b. relationship of buildings to each other;

c. orientation to thoroughfares;

d. compatibility with surrounding land uses; and

e. re-use of buildings and adaptability for new tenants.

2. Guidelines:

a. Storefronts should generally be visible from main circulation aisles unless a "mall" or courtyard approach is used.

b. Pad sites, generally defined as freestanding structures of less than 5000 SF of floor area, should be limited to one per 5 acres of land area.

c. Buildings should be arranged to reduce visibility of service areas from streets, customer parking areas and adjacent properties.

d. Bay depth of buildings should be sized to accommodate a variety of potential uses.

e. Two-story buildings should generally not be placed adjacent to single-or two-family residential districts, nor between the main building(s) of a center and streets.

f. Buildings should be grouped along one side lot line, with one end at the front yard building setback, and with the front setback landscaped, providing a 10’ setback for all paved off-street parking.

D. Access

1. Purpose: Safe and efficient access to the corner shopping center or commercial strip minimizes potential vehicular and pedestrian conflicts. The key issues include:

a. location of median breaks along major thoroughfares;

b. number and location of entry drives;

c. design of entry drives; and

d. traffic visibility.

2. Guidelines:

a. Driveways should typically be spaced with a minimum of 125 feet from the intersections of major thoroughfares unless a one-way traffic flow is used. All other driveway and median openings should adhere to a Driveway Access Standard.

b. The ingress side of the main entrance drive should be the largest radius allowed by ordinance for better access into the site, particularly at major centers.

c. Driveways should maintain an appropriate sight distance triangle at all perimeter entrances.

d. Main entrance drives should generally be located at median breaks providing left turn access to and from the site. Continuation left-turn lanes should be broken with medians at major intersections.

e. Main entrance drives should connect to a "straightaway" aisle that does not dead end or require an immediate turn to approach the main building.

f. Aisles intersecting with entrance drives should be spaced a minimum of 20 feet from the entrance line to provide for smooth turning movements.

E. Circulation and Parking

1. Purpose: Proper circulation and parking systems minimize confusion and facilitate safe and easy pedestrian and vehicular movement within the corner shopping center. The key issues include:

a. traffic aisle alignment;

b. traffic speed and safety;

c. parking location and layout;

d. service area parking and circulation;

e. customer pick-up areas;

f. drive-thru building circulation; and

g. pedestrian circulation and safety.

2. Guidelines:

a. Provide a 10’ setback from street-side property lines for all off-street parking drives and spaces.

b. Main drive aisles should generally be free of parking when adjacent to large anchor tenants of 30,000 SF of floor area or more.

c. The direction of traffic flow should be identified.

d. Long circulation aisles (generally in excess of 500’) should be offset (typically 45 degrees or more) to prevent excessive speed.

e. Lanes should be provided for drive-thru facilities, including stacking space, that are physically separated from other circulation and parking aisles.

f. Parking aisles should be oriented toward anchor stores to minimize the number of parking lanes crossed by pedestrians.

g. Typically provide right angle intersections (80 to 100 degrees) with no more than 2 traffic lanes crossing at any interior intersection.

h. Parking should be arranged to provide readily accessible spaces for each establishment.

i. The parking layout should maximize the amount of parking in front of the building and minimize the amount behind.

j. Separate service vehicle circulation from customer circulation routes.

k. Allow for all tenants to be accessed from within the development through cross-access agreements.

l. Customer pick-up areas should be provided at "anchor" stores.

m. Pad sites shall be required to obtain mutual access and parking agreements within the remaining retail center. This shall be required in order to enhance safe on-site circulation and provide access to left-turn lanes.

F. Building Elements

1. Purpose: In order to create a positive overall development character, all structures (including separate pad site structures) at shopping centers should have an attractive and uniform architectural treatment. The key issues include:

a. consistency of design between structures;

b. materials standards; and

c. rear facade treatment.

2. Guidelines:

a. Facade design plan of entire project should be submitted with site plan review.

b. Facades and rooflines facing streets or main parking areas should be consistent throughout the development in design, color and materials.

c. Rooflines, overhangs, and the front fascia should be extended to the rear of the building(s).

d. High quality, low maintenance building materials are recommended.

e. Signage located on the buildings should be consistent in size, location and material throughout the project.

f. Rear facades should be of finished quality and should be of color and materials that blend with the remainder of the building(s).

G. Service Facilities

1. Purpose: Service areas should be appropriately located and designed to efficiently and inconspicuously serve the corner shopping center development without disrupting on-site circulation or adjacent land uses while maintaining visibility for security purposes. The key issues include:

a. location of service areas;

b. visibility of service areas; and

c. treatment of pad site service areas

d. location of trash containers.

2. Guidelines:

a. Service facilities should generally be located in a central area to be used by several retail establishments.

b. Service and docking facilities should be separate from main circulation and parking functions.

c. Trash containers should be located in appropriately screened central service areas, and not visible from the public street.

d. All dumpsters should be screened on all sides exposed to street view. All dumpsters should be shown on the approved site plan and whenever possible shall be clustered.

e. Service areas should be easily accessible by service vehicles.

f. Pad site service areas should be screened from the remainder of the development and physically separated from the circulation aisles and parking areas serving the remainder of the site.

g. Pad site service areas should typically be screened by an extension of the building.

h. Service facilities should be screened from the remainder of the project, adjacent land uses and major thoroughfares. Extended wing walls from the building may be used to screen service areas. When used, these walls may be of solid construction if lighted on both sides, and a minimum of 30% of open construction if lighted on only one side. A combination of landscaping and screening walls may also be used.

H. Utilities/Mechanical/Outdoor Storage

1. Purpose: The location and treatment of utilities, mechanical functions and outdoor storage areas should be managed and coordinated to achieve physical and visual order within the shopping center development. The key issues include:

a. location of facilities; and

b. visual impact of utilities.

2. Guidelines:

a. Typically, utilities should be underground from right-of-way to building to reduce visual clutter.

b. Locate utility metering within a designated service area.

c. Locate mechanical equipment in the designated service area and screen from the project and adjacent land uses.

d. Limited outdoor storage will only be permitted in designated service areas that are screened from the remainder of the project, adjacent land uses and streets.

e. Utility conduit and boxes should be painted to match building color.

f. Roof mounted mechanical units shall be screened from view with a parapet wall, mansard roof, or other architectural extension, equal in height to the unit(s)except when that distance exceeds five feet. In this case, an additional setback will be required at a ratio of two feet horizontal for each additional foot of vertical height above five feet.

I. Buffers and Screens

1. Purposes: Proper use of buffers and screens will lessen the differences between land uses and diminish the visual impact of undesirable elements. The key issues include:

a. unified character;

b. high quality construction;

c. longevity of system;

d. disparity between land uses; and

e. visibility of undesirable elements.

2. Guidelines:

a. Architectural screens should be an extension of the development's architectural treatment and consistent in color and design. The development of an office business park where there is high interstate visibility, affords a chance to create an attractive "front door" appearance.

b. Screening walls should be constructed of low maintenance, high quality materials that are consistent with the building facade material.

c. Screening walls should conform to the City of Carbondale's zoning and subdivision ordinances.

d. Painted or coated screening walls should be avoided.

e. Landscape screens (typically 18" to 36" in height) should be provided between all parking areas and streets.

f. Landscape screens may include a combination of plant massing, earth berming and walls.

g. A 10-foot to 15-foot wide landscape buffer should be provided to separate the retail use from residential land uses. A masonry wall or combination wall and landscaping may be substituted for this buffer.

J. Landscaping

1. Purpose: The location and design of landscaped areas, entrances and edges should effectively reinforce development's character and quality, identify its entry points and break the massiveness of a center's parking area. The key issues include:

a. unified development image and character;

b. parkway treatment;

c. identifiable entrances;

d. visual dominance of parking area; and

e. existing mature trees.

2. Guidelines:

a. Landscaped planting plan of the entire project should be submitted with site plan review.

b. Approximately 15% of the area between the main building face and the front property lines should be of a permeable landscaped surface. (Secondary buildings located between the main building and the front property line should not be included in the area calculation.)

c. Landscape areas should generally consist of a combination of trees, shrubs and ground cover.

d. Use landscape areas for transition and integration between pad sites and surrounding land uses.

e. Minimum 4" diameter trees are recommended.

f. Artificial plants are prohibited.

g. Preserve existing mature trees where possible.

h. Special landscape treatment should be employed to highlight and identify entrances.

i. Landscape areas should be regularly spaced in parking lots to break up massiveness of pavement.

j. Mechanical irrigation systems are typically required to ensure maintenance of plant materials.

k. Landscaping should be used in conjunction with screening walls when multistory buildings abut an adjacent property where topography lessens the effect of a wall alone. Where a building exceeds 15 feet in height, 4" diameter trees shall be required, spaced every 30 feet along the wall or spaced every 50 feet apart if an irrigation system is provided.

7. Downtown Design Guidelines:

In the Downtown, B-1 Business – Local Business District, no building shall be erected that does not meet the following minimum standards:

A. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Building rooftops shall have at least two of the following features:

1. Parapets concealing flat roofs and rooftop equipment;

2. Overhanging eaves;

B. Roof mounted equipment, including ventilators and satellite dishes shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300’) away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

C. All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially zoned area shall be screened from view (100% opacity), up to a maximum of three hundred feed (300') away. Such screens and enclosures shall be treated as integral elements of the building's appearance.

D. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, sub-transmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.

E. The form and proportion of new buildings or redevelopment shall be consistent or compatible with the scale, form and proportion of existing development in the downtown.

F. Pedestrian Access: Pedestrian access shall be an integral part of the overall design of each commercial development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments so as to create an alternative means of transportation for residents of the downtown:

1. Sidewalks at least 6 feet in width shall be provided along all sides of a lot that abut a dedicated public or private street. A continuous internal pedestrian sidewalk shall be provided from the perimeter public sidewalk to the principal customer entrance(s). This internal sidewalk shall feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length.

2. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at the building facade to provide continuous edges, and shall incorporate planting areas for landscaping along the street.

3. Internal pedestrian sidewalks shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks.

G. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes indigenous to the downtown. The use of walls in a single color, with little detailing or completely blank, is strongly discouraged.

H. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

I. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets.

J. Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building facade, reflecting the archetype of the downtown. Windows, awnings, and arcades must total at least 60 percent of the facade length abutting any public street.

K. When a building facade 100 feet or greater in length abuts a residential district, an earth berm of at least six feet in height shall be installed between the building facade and the abutting residential district. The earth berm shall be landscaped with evergreen trees at intervals of at least 20 feet on center, or in clusters.

L. Minimum Exterior Building Material Standards: A minimum of 50% of each exterior wall shall consist of one or more of the following materials:

1. Masonry: Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, or similar materials.

a. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. "Ashlar", cut stone, and dimensioned stone construction techniques are acceptable.

b. Brick material used for masonry construction shall be composed of hard-fired (kiln fired) all-weather common brick, or other all-weather facing brick.

c. Stucco or approved gypsum concrete/plaster materials.

d. Glass Walls: Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall that carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.

e. Wood other than exposed plywood paneling.

8. Multifamily Standards: Multifamily development shall be subject to the following design guidelines and standards:

A. Natural Features and Environment: Each site should be designed to preserve natural features and environmental resources, such as:

1. Flood plains and drainage ways.

2. Bodies of water.

3. Prominent ridges and rock ledges.

4. Existing tree cover including tree masses, windrows and significant individual trees.

B. Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area.

C. Building Separation: All buildings shall be separated by a minimum distance of 15 feet.

D. Lot Coverage: Each site plan should be designed to reflect unique site characteristics and strong neighborhood environments without overcrowding the site.

E. Access: All multifamily residential developments must have direct vehicular access to collector, arterial or higher classification streets. Multifamily residential development shall not take access to local streets.

F. Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.

1. At least ten (10) percent of the total site area shall be set aside as common open space. The common open space shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include pools, tennis courts, and tot lots. Common open space may not be counted toward nor located in required zoning district setbacks.

2. A minimum of 60 square feet of private open space shall be provided for each ground-level dwelling unit and each dwelling unit that is accessible from a walk out basement. Private areas should allow only limited access and be enclosed to ensure privacy. Private areas typically include yards, balconies and patios.

G. Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.

H. Building Orientation

1. Individual Buildings: Individual buildings should be oriented in a way that established neighborhoods and sub-neighborhoods.

2. Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

I. Vehicular Circulation and Parking

1. Street Layout: The layout of streets should provide for safe operation of vehicles within the neighborhood. Excessively straight and wide streets encourage high-speed traffic and should be avoided. Curvilinear designs reduced street widths and cul-de-sacs create stronger neighborhood environments.

2. Parking Area Layout: Double loaded parking areas along private streets or drives are generally not acceptable. Parking areas should be clustered and separated from the street.

3. Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

J. Pedestrian Circulation

1. Pedestrian Linkages: Pedestrian access should be designed to provide reasonable linkages of dwelling units to neighborhood facilities such as recreation, services, mail and parking.

2. Landscaping Details: Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.

3. Landscaping: Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identity.

4. Architectural Design: The architecture of multifamily housing is a key element in determining the character of a neighborhood. The architecture should create a strong feeling of identity through design principles of scale, harmony, rhythm and balance.

5. Elongated sites with rectangular, double-loaded building footprints should be avoided. These design typically lack interest and fail to create a strong sense of neighborhood.

6. The architectural design of each unit or building should impart a feeling of neighborhood scale. Units should be designed with vertical and horizontal offsets to break up rooflines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.

7. The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.

8. Screening from the street of all outdoor refuse areas, ground mounted mechanical equipment, utilities, and banks of meters shall be provided. The screening of these items is to be architecturally compatible with the major building components and may include landscaping.

ARTICLE 14
BOARD OF APPEALS
(see Appeal of Administrative Decision page 11)

1. SCOPE OF REGULATIONS:

a. The regulations set forth in this article hereby establish and regulate the "Board of Zoning Appeals" These regulations as written permit the establishment by either city or county. State statute establishes "Board of Zoning Appeals". Certain sections and regulations pertain only to municipalities while others pertain only to the county.

2.ESTABLISHMENT OF BOARD: APPOINTMENTS, TERMS, VACANCIES, REMOVALS, AND CITY:

a. A Board of Zoning Appeals is hereby established consisting of three (3) members, all of whom shall be a home owners and a resident of the City. The members shall be appointed by the Mayor and with the consent of the Council; they shall serve terms of not more than three (3) years and the terms of not more than two (2) members of the Board shall expire within the same year. All members shall serve until their successors are appointed and qualified. Any vacancy in the membership shall be filled for the unexpired term. Members shall be removed for cause by the appointing authority upon written charges and after public hearing. The members of such board shall serve without compensation.

b. Budget: Board of Zoning Appeals: On or before the first Monday in June of each year, the Board of Zoning Appeals shall submit to the governing body its budget of expenditures for the ensuing fiscal year, itemizing the expenses and amounts and purposes. The governing body shall, thereupon, consider said budget and make such allowances to said Board of Zoning Appeals as it shall deem proper, and shall add the same to the general budget of the city.

3. GENERAL RULES:

a. Appeal from the decision of the Zoning Administrator in the enforcement of these Zoning Regulations shall be taken to the appropriate Board of Zoning Appeals. Appeal to the Board shall be conditioned only by paying a filing fee of Fifty ($50.00) dollars to the Planning Commission and following the procedural steps set out herein for appeals.

b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the board, or by a court of record on application, of notice to the Zoning Administrator and on good cause shown.

c. Unless regulated by other sections of these Zoning Regulations, the Board so concerned shall fix a reasonable time for the hearing of the appeal and other matters referred to it, and give not less than twenty (20) days public notice

thereof by posting of not less than three (3) printed notices of the hearing in conspicuous place on or near the property upon which application for appeal is made, and shall give public notice as to the time, place, date, and subject in the appropriate official paper at least once, twenty (20) days prior to the hearing, as well as due notice to the parties in interest. The disposition of the appeal shall be made within a reasonable length of time. At the hearing, any party may appear in person, or by agent or by attorney.

4. POWERS AND DUTIES:

a. The Board of Zoning Appeals shall administer these Zoning. Regulations in accordance with the general powers set forth herein:

b. Appeals: To hear and decide appeals where it is alleged there is an error in order, requirement, decision, or determination made by an administrative official in the enforcement of any regulation adopted pursuant to the Zoning powers herein granted. Appeals to the Board may be taken by any person aggrieved, or by any office, department, board, or bureau of the City or County, or any governmental agency or body affected in any decision of the administrative officer. Such appeal shall be taken within thirty (30) calendar days from the date notice of the Zoning Administrator's determination is deposited in the United States mail, or served personally on the aggrieved party. Filing with the Secretary of the Board of Appeals a Notice of Appeal specifying the grounds thereof shall commence such appeal. The officer from whom the appeal is taken, when notified by the Board or its agent, shall forthwith transmit to the Secretary of said Board all the papers constituting the record upon which the action appealed from was taken.

c. Variances: To authorize in specific cases a variance from the specific terms of these Zoning Regulations which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of provisions of these regulations will, in an individual case, result in unnecessary hardship, provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in such individual case upon a finding by the Board that all of the following conditions have been met:

1. The variance requested arises from conditions which are unique and which are not ordinarily found in the same zoning district, and is created by these Zoning Regulations and not by an action or actions of the property owner or the applicant;

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent

property owners or residents;

3. That the strict application of the provisions of these Zoning Regulations will constitute unnecessary hardship upon the property owner;
4. That the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;
5. That granting the variance desired will not be opposed to the general spirit and intent of these Zoning Regulation.

5. EXCEPTIONS:

To grant exceptions to the provisions of these Zoning Regulations, but only in those instances where the Board is specifically authorized to grant such exceptions under the terms of these regulations. In no event shall exceptions to the provisions of these Zoning Regulations be granted where the use or exception contemplated is not specifically listed as an exception in these regulations. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of the exception, as established in these Zoning Regulations by the governing body, are not found to be present. In exercising the foregoing powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination provided that such action shall conform with the provisions of these Zoning Regulations, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may direct the issuance of a permit.

6.OTHERS:

a. To hear and decide applications for such zoning permits as are set forth in these Zoning Regulations.

b. To permit the reconstruction of a non-conforming building, which has been damaged by explosion, fire, act of God, or public enemy, to the extent of less than fifty (50) percent of its structural value, where the Board finds some compelling necessity requiring a continuance of the non conforming use, and the primary purposes of continuing the non-conforming use is not to continue a monopoly.

c. To permit the extension of a district to include the whole tract or parcel of land where the boundary line of a district divides a tract or parcel of land not exceeding one- half (½) acre held in a single ownership at the time of the passage of these Zoning Regulations.

7. MEETING, RULES:

a. The Board shall annually elect one (1) of its members as Chairman, one (1) of its members as vice-chairman, and one (1)of its members as secretary. The Board shall adopt rules in accordance with these Zoning Regulations. Meetings of the Board

shall be held at least twice annually: once each in the months of January and July of each calendar year at such time and place as the board fix by resolution. Special meetings may be called at any time by the Chairman, or in his absence, the Vice-Chairman. The Chairman, or in his absence, the acting Chairman may administer oaths. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Board and shall be a public record.

8. ACTION OF THE BOARD, FINAL:

All actions of the Board of Zoning Appeals from the orders of the Zoning Administrator shall be final subject to appeal to the District Court of Osage County.

ARTICLE 15
AMENDMENTS
(see Zoning Text Amendments Procedure page 9)

1. Amendments to Change Zoning District Boundaries: The City Council from time to time may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. The Governing Body or the Planning Commission may initiate a proposal for such amendment. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the adopted comprehensive plan, shall be presumed to be reasonable.

2. Public Hearing: All such proposed amendments first shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing thereon, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.

3. Public Notice: In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of lands located within at least 200 feet of the area proposed to be altered. If the City proposes a zoning amendment to property located adjacent to or outside the City's limits, the area of notification of the City's action shall be at least 1,000 feet in the unincorporated area. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body. Such notice is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard. Public Notice: "This property is being consider for amendment to the district zoning maps by the Carbondale Planning Commission from ____to____ Zoning Districts. Public hearing shall be held (date) at (location) beginning at (time).

4. Adoption: The procedure for the consideration and adoption of a recommendation to amend zoning district boundaries shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the Governing Body. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval. When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the Governing Body may: (1) adopt such recommendation by ordinance; (2) override the Planning Commission's recommendation by a 2/3 majority vote

of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

5. Applications: 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 Zoning Administrator an application, and such application shall be accompanied by such data and information as prescribed in these regulations.

6. 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, a fee as set forth by the governing body (see page 14) shall be paid to the City Clerk. Promptly upon the filing of any such application, the City Clerk shall refer the application to the Planning 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 Commission.

7. Adoption and Amendment of Comprehensive Plan and Other Actions of the Planning Commission: An affirmative vote of a majority of the entire membership of the Carbondale Planning Commission shall be required for actions of the commission, unless otherwise prescribed by state law.

8. Comprehensive Plan: Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the Governing Body. No comprehensive plan, and no amendment thereto, shall be effective unless approved by the City Council of Carbondale. An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan.

9. Public Facilities and Improvements: Whenever the Planning Commission has adopted and certified the comprehensive plan for one or more major sections or functional subdivisions thereof, no public improvement, public facility or public utility of a type embraced within the recommendations of the comprehensive plan or portion thereof shall be constructed without first being submitted to and being approved by the Planning Commission as being in conformity with the plan. The Governing Body may override the plan and the recommendation of the Planning Commission. When the Planning Commission has reviewed a capital improvement program and found that specific public improvements, public facilities or utilities are consistent with the comprehensive plan, no further action is necessary.

10. Findings of Fact: In order to recommend, approve or disapprove a proposed

zoning district amendment, the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

A. Character of the neighborhood.

B. Consistency with the comprehensive plan and ordinances of the City of Carbondale.

C. Adequacy of public utilities and other needed public services.
D. Suitability of the uses to which the property has been restricted under its existing zoning.

E. Length of time property has remained vacant as zoned.

F. Compatibility of the proposed district classification with nearby properties.

G. The extent to which the zoning amendment may detrimentally affect nearby property.

H. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.

11. Protest: Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest against such amendment is filed in the office of the Zoning Administrator within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, signed by the owners of record of 20 percent or more of any real property proposed to be rezoned or by the owners of record of 20 percent or more of the total area required to be notified of the proposed rezoning, excluding public streets and ways, located within or without the corporate limits of the City of Carbondale, the ordinance adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of the members of the Governing Body.

12. Publication: If the Governing Body approves an application, it shall adopt an ordinance to that effect, but said request shall not become effective until its publication in the official City newspaper.

13. Official Zoning Map: If the official zoning map has been adopted by reference, the amending ordinance shall define the change or boundary as amended, shall order the official zoning map to be changed to reflect such amendment and shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.

1. Legislative and Quasi-Judicial Regulation of Land Use: The City shall regulate land use as provided by K.S.A. 12-741, et.seq., and appoint a planning commission by City ordinance, which planning commission shall prepare and adopt bylaws for the conduct of their business, including adoption of a comprehensive plan.

2. Office of the Zoning Administrator:
   A. Authorization: A Zoning Administrator shall be appointed by the City Council and shall be responsible for the enforcement of these regulations.
   B. Duties of the Zoning Administrator: The Zoning Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:

      1. Approve and issue all zoning and occupancy certificates and make and maintain records thereof.

      2. Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.

      3. Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and all applications for variances.

      4. Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.

      5. Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.

3. Building Permits:
   A. Building Permits: Unless a building permit shall first have been obtained from the Office of the Zoning Administrator:

      1. The construction, moving, reconstruction or structural alteration of any structure shall not be commenced; and,

      2. The improvement of land preliminary to any use of such land shall not be commenced.

      3. Any building permit issued in conflict with the provisions of these regulations shall be null and void.

   B. Application for Building Permit: Every application for a building permit shall include at least the following:

      1. A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.

      2. A plot plan, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking

lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations. One copy of both the plat and the plot plan shall be retained by the Zoning Administrator as a public record.

C. Issuance of Building Permit: For a Zoning Permit application to be considered at the next regularly scheduled meeting of the Carbondale Planning Commission, it must be received at City Hall a minimum of ten (10) days prior to the meeting date. Applications received less than ten (10) days prior to the next meeting may not be considered until the following regularly scheduled meeting. The Zoning Administrator will approve or deny the application within ten (10) days of the respective meeting. If the application is denied, the reason for such denial shall be stated in writing, attached to the application and sent to the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.

D. Period of Validity: A building permit shall become null and void 1 year after the date on which it is issued unless within such 1 year period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

E. Occupancy Certificates: No structure or addition thereto constructed a built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose, and no land vacant on the effective date of these regulations shall be used for any purpose, and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the office of the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these zoning regulations.

F. Application for Occupancy Certificate: Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no building permit is required shall be filed with the Office of the Zoning Administrator and be in such form and contain such information as the Zoning Administrator shall provide by general rule.

G. Issuance of Occupancy Certificate: No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the office of the Zoning Administrator to be in full and complete compliance with the plans and specifications upon which the building permit was issued. No occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the office of the Zoning Administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued, to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefore, or after the office of the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy.

ARTICLE 17
VIOLATIONS AND PENALTIES

1. Violations: Any of the following shall be a violation of the City of Carbondale Zoning Regulations and shall be subject to the enforcement remedies and penalties provided by this article and by other applicable law:

A. Development of Use Without Permit or Approval: To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates and other forms of authorization required by the Zoning Regulations in order to conduct or engage in such activity.

B. Development or Use Inconsistent with Permit or Approval: To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to lawfully engage in such activity.

C. Development or Use inconsistent with Conditions: To violate, by act or omission, any terms, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development of other activity upon land or improvements thereon.

D. Development of Use inconsistent with Chapters: To erect, construct, reconstruct, remodel, alter, maintain any land in violation or contravention of any zoning, subdivision, or general regulation of the Zoning Regulations or any amendment thereof.

E. Making Lot or Yard Nonconforming: To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.

F. Increasing Use Intensity: To increase the intensity of use of any land or structure, except in accordance with the procedures and substantive requirements of the Zoning Regulations.

G. Continuing Violation: To continue any of the above violations. Each day of a violation shall be considered a separate offense.

H. Removing, Defacing, and Obscuring Notice: To remove, deface or obscure any sign required by the Zoning Regulations, or otherwise interfere with any notice required thereby.

2. Enforcement and Remedies:
The City shall have the following remedies and enforcement powers:

A. Withhold Permits or Approvals: The city may deny or withhold all permits, certificates, plan or plat approvals or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this article or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this subsection shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

B. Revoke permits: When it shall appear to the Zoning Administrator that:

1. There is a departure from the plans, specifications or conditions as required under the terms of a particular permit, plan or other approval;

2. That the same was procured by false representation or was issued by mistake; or

3. That any of the provisions of this article are being violated;

the Zoning Administrator may revoke a building permit or certificate of occupancy or initiate the revocation of any other permit or approval under Section 2, D below. Written notice of such renovation or initiation shall be mailed by U.S. Mail to the owner, his or her agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location and thereafter, no such construction shall proceed. Upon revocation of a building permit which was issued by mistake, the owner shall meet with the City to determine in what respect a mistake was made. Where plans are in conflict with ordinances, regulations or other city requirements, the plans may be required to be altered to conform to all applicable ordinances, regulations or requirements. When a mistake has been made calculating the fee for a building permit, the proper fee will be charged.

C. Stop Work: With or without revoking permits, the City may stop work on any building or structure on any land on which it has a good faith belief that there is an uncorrected violation of a provision of this article or of a permit or other form or authorization issued hereunder.

D. Revoke Plan or other Approvals: Where the violation of this article involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Governing Body shall, upon notice to the applicant and after a hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Governing Body may reasonable impose.

E. Injunctive Relief: The City may seek an injunction or other equitable relief to stop any violation of this article or of a permit, certificate or other form of authorization granted under the Zoning regulations.

F. Abatement: The City may seek a court order in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

G. Misdemeanor Penalties:

A. Any person, firm, or corporation who commits any of the following shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ONE HUNDRED ($100) no more than FIVE HUNDRED ($500) dollars:

1. Any violation of any section of these regulations; or
2. Providing false information to a City official or designee concerning permits issued under this ordinance, or compliance with these regulations.

B. Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

H. Other Remedies:

The City shall have such other remedies as are and as may be, from time to time, provided by Kansas law for the violation of zoning, subdivision or related provisions.

I. Remedies cumulative: These remedies shall be cumulative.

3. Enforcement Procedures:

A. Notice: In the case of violations not involving continuing construction or development, or any emergency situation, the City shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.

B. Immediate Enforcement: If an authorized building or public officer makes a reasonable determination that an emergency situation exists in violation of this article, the City may immediately use the enforcement powers and remedies available to it under Section 2 of this article including, but not limited to, filing a complaint seeking criminal penalties in Municipal Court and no other notification procedures will be required as prerequisites to any such immediate action.

Article 18
VARIANCES

Variance Procedure

When an applicant feels that the strict application of the requirements of the zoning regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Appeals. The Board of Zoning Appeals must base its decision, to as great a degree as possible, on factual evidence, and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Ordinance and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific, not to the list of permissible land uses within a given zone.

The applicant shall first meet with the Zoning Administrator and receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form. Within twelve (12) days of the receipt, of the application, the Zoning Administrator shall submit its report to the board of Zoning Appeals.

The applicant shall submit a completed application form and pay the appropriate fee (see page 14 for fee schedule). As a part of the application, a sketch map drawn to a scale of not less than twenty (20) feet to an inch shall be submitted. The map shall show utilities, sidewalks, driveways, and other items of importance. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted. (See Article 14.5.c)

The Zoning Administrator shall schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to Board of Zoning Appeals members, upon receipt of a fully completed application. Twenty (20) days prior to the Board of Zoning Appeals' meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the variance request and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.

At the scheduled meeting, the Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

GENERAL PROVISIONS:

Any property owner who can show that his property was acquired in good faith prior to the effective date of these Zoning Regulations, unusual plot dimensions, or where by reason of exceptional topographical conditions, or other unusual situation (none of which may be the result of his own doing), that the strict application of these regulations prohibit development in a manner similar to other property in the district, may apply for a variance.

ADMINISTRATIVE PROCEDURES:

1. Application: An application for a variance shall include a map of the plot and abutting plots showing all existing and proposed structures drawn to a scale of not less than twenty (20) feet to an inch. The map shall show utilities, sidewalks, driveways, and other

items of importance. The applicant shall provide any information required by the Zoning Administrator.

2. Processing of Applications: Upon receipt, the Zoning Administrator shall forward copies of the application and accompanying maps, information and reports to the Board of Zoning Appeals in the following manner:

a. The Zoning Administrator within twelve (12) days of the receipt of the application, accompanying maps, and information, shall submit its report to the Board of Zoning Appeals.

b. The Board of Zoning Appeals shall give notice of and hold a public hearing and shall take into consideration the Zoning Administrator's report and make its determination within sixty (60) days of the original application date in accordance with the provisions set forth in these Zoning Regulations. With written approval from the applicant, the Board of Appeals may table said application for further study.

c. When a determination has been reached, the Board of Zoning Appeals shall forward its direction in writing to the Zoning Administrator for action.

1. UNIQUENESS: The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved, which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. ADJACENT PROPERTY: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. HARDSHIP: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. PUBLIC INTEREST: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. SPIRIT AND INTENT: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. MINIMUM VARIANCE : The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Minutes of the public meeting, including evidence presented during the proceedings, and the findings of the Board of Zoning Appeals, shall be kept. Within sixty (60) days of the original application date the Board of Zoning Appeals may grant, grant conditionally, or deny the application for a variance. The Board of Zoning Appeals' written determination shall be sent to all affected parties, including the Planning Commission.

Attachment:

Variance Application

ARTICLE 19
BUILDING CODES

1. DEFINITIONS: As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

(a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Carbondale, Kansas;

(b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the City Attorney of the City of Carbondale;

(c) Whenever the term building official is used in the building code, it shall be held to mean the Zoning Administrator, or his or her authorized designee.

2. INTERNATIONAL BUILDING CODE INCORPORATED: There is, hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2006 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Building Code, 2006 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Carbondale," and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

3. ADDITIONAL PROVISIONS: The following sections are in addition to the provisions of the standard code incorporated by reference in Section 2.

4. BUILDING OFFICIAL; POWERS; DUTIES:

(a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the Zoning Administrator (or his or her authorized designed). The Zoning Administrator or his or her authorized designee shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) The Zoning Administrator or his or her designee shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The Zoning Administrator may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.

5. BUILDING INSPECTOR; APPOINTMENT: The Zoning Administrator may assume the

responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required, subject to the consent and approval of the Governing Body.

6. SAME; DUTIES: The Zoning Administrator shall have the following duties:
(a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;
(b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations and;
(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official without his or her written consent.

7. SAME; POWERS: The Zoning Administrator, shall have the following powers:
(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties;
(b) To adopt and enforce all such prudent emergency measures, as he or she may deem necessary and expedient for the public safety under the laws of the city;
(c) May cause any work done in violation to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.

8. SAME; RIGHT OF ENTRY: The Zoning Administrator, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties.

9. CLARIFICATIONS; MODIFICATION:
(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code, which may be unclear, ambiguous, or requiring interpretation.
(b)The Zoning Administrator shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the Zoning Administrator shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the Zoning Administrator and a signed copy shall be furnished to the applicant.

10.BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL.:
A. It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof; relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefore from the Zoning Administrator, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

B. RELOCATION OF A BUILDING: No permit shall be issued and no building shall be moved into, or moved from, one location to another in the city of Carbondale unless the general height and outward appearance of such building conforms to the other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall have no substantial adverse effect on property values.

In making the application to move a building, the applicant shall furnish a detailed description of the building and the improvements, repairs or alterations to be made including type, size and extent of foundation, type or exterior siding and roofing, extent of plumbing and electrical work which shall, upon approval, become a part of the building permit.

All buildings which are moved shall be set upon foundations and finished within six (6) months from the date of the permit. Such buildings shall be inspected for structural stability before structural members (including floor joists, bearing walls and partitions, ceiling joist and roof trusses) are covered up. Members found to be unsafe shall be replaced and a re-inspection done. Plumbing and electrical systems shall meet all the applicable requirements of these regulations.

11. SAME; APPLICATION INFORMATION REQUIRED:
(a) A building permit shall be issued upon an application in writing to the office of zoning administrator on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

(1) The name of the owner of the lot or tract of ground;
(2) The location of the building or structure;
(3) The building work proposed;
(4) The outside dimensions of the building by floors and dimensions of the basement (if any);
(5) The class of occupancy;
(6) The class of construction;
(7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
(8) The estimated cost of the work;
(9) The date work will commence;
(10) Expected date of completion;
(11) Name and address of contractor or contractors doing the work;
(12) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for a building permit shall be signed by the owner or his or her duly authorized agent, or a building contractor licensed by the city. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed contractor or contractors doing the work described, or a building permit may be issued to the owner upon his or her application disclosing satisfactory evidence that the proposed work will be performed by the owner, himself or herself, and not by a licensed contractor, and likewise subject to the final approval of the Zoning Administrator for work performed.

(c) Upon approval of the completed application and a determination that a permit should be issued, the chief building official or his or her assistant shall issue a permit to the owner or contractor authorizing the building work covered by the application.

(d) Any permit issued shall be valid and subsisting for a period of not more than 1 year from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. Building work commenced shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.

12. SAME; PLANS AND SPECIFICATIONS: Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity.

13. SAME; FEES: The fee for a building permit shall be $25.00, however, no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under $500.00. The fee herein shall be paid to the City Clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city.

14. SAME; POSTING:
A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Zoning Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

15. CERTIFICATE OF APPROVAL: Upon the completion of any work under a

building permit, the chief building official, the Zoning Administrator or his or her designee is authorized to issue a certificate of approval for the occupancy and use of the building or structure. The certificate shall show the number of inspections made and the orders and corrections required during the course of the work. A copy of such certificate shall be given to the owner.

16. INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR:

(a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the chief building official or Zoning Administrator immediately upon the marking or laying out of the site and foundation for such work. The official or inspector shall inspect the layout for conformity and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the chief building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

(b) Upon completion of the excavation for the building foundation and footings and the construction of the necessary forms thereof and before the foundation and footings are poured or laid, the official or inspector shall be notified as in the first case, and it shall be his or her duty to inspect all such work for conformity with laws respecting location of the building foundations and footings.

(c) The Zoning Administrator shall during the course of all building make such other inspections as may be directed by the chief building official to be made during any successive stage of the construction or other work covered by a permit in order to secure compliance with laws pertaining thereto.

17. REQUEST FOR INSPECTION: Upon the completion of any building construction work, it shall be the duty of the person doing such work to notify the Zoning Administrator and request that it be inspected; after which such work shall be inspected promptly as
hereinafter provided.

18. INSPECTION FEE: An initial inspection fee of $40.00 will be charged. If additional inspections are required due to errors in construction, an additional $20.00 fee will be charged. All fees must be paid before any building or construction work will be approved or a certificate of approval is issued.

19. BUILDERS OR BUILDING CONTRACTOR DEFINED:

(a) A builder or building contractor for purposes shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(1) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck, or move any building or

structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel, poster, or billboard, or any other structure in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or

(2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore or replace any building, structure, or construction work, or any portion thereof; or

(3) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures, either on his or her own, or on other property, for purposes of sale or speculation.

(b) A builder or building contractor as defined shall not mean or include:

(1) Any subcontractor working under the supervision of a general contractor; or

(2) Any plumbers, gas fitters, electricians, or other specialized occupation for which special licenses or bonds are required by other city laws; or

(3) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure, not involving the structural parts of the building for which a permit is not required, or on which a contractor, as defined, is not required, employed, or engaged to perform; or

(4) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy, provided, the owner shall satisfy the building official as to his or her ability to perform such work secure a permit, pay required fees, do work, and apply for an inspection and receive approval. Personal building construction by an owner shall be by himself, herself, for himself or herself on his or her own residence, without compensation, and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city;

(5) Any person engaged in construction work not involving a total cost of greater than $500.00, exclusive of labor.

20. BUILDER'S OR BUILDING CONTRACTOR'S LICENSE REQUIRED; BUILDING PERMITS; UNLAWFUL ACTS:

(a) Each builder or building contractor shall, before entering upon any building or construction work subject to regulation by city laws, apply to the City Clerk for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a builder or building contractor in the city.

(b) No permit for any building or construction work shall be issued for any such work to be performed by a builder or building contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, wrecking or moving of any building, without first having obtained a builder's or building contractor's license issued by the City.

21. SAME; APPLICATION; GRANTING: Application for a builder's or building contractor's license shall be made upon a form to be supplied by the City, which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in (as general contracting, roofing, siding, masonry, plastering, lathing, excavating, waterproofing, metal work, foundation work, sign hanging, cement work and painting and paper hanging, house wrecking or moving and the like), the length of time engaged in such work, and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. The chief building official shall refer the applications to the Governing Body at its next meeting for action thereon. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the Governing Body.

22. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS:
(a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Builder or Building Contractor, who shall qualify to engage in more than one kind of contract work, except house moving, the sum of $ 25.00;
(2) Limited Builder or Building Contractor who shall qualify to engage in not more than one kind of contract work, the sum of $25.00
(3) House Wreckers or Movers, the sum of $ 25.00;
(4) Sign Hangers and Panel Posters, the sum of $ 25.00.

(b) Each such license shall set forth the kind of contract work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of each January.
(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered without having a valid license issued by the city to perform such contracts.

23. INSURANCE: A builder or building contractor must procure and maintain a liability insurance policy in the amount of $1,000,000 for the death or injury of any one person and $500,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Some insurance company authorized to do business in the State of Kansas shall issue such policies of insurance. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such, company stating that the required policy of insurance has been issued by such company for the purpose required and that such insurer will not cancel

the policy except upon giving 30 days notice in writing to the city, and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

24. LICENSE SUSPENSION; REVOCATION; APPEAL; UNLAWFUL ACTS:
(a) The license of any builder or building contractor may be suspended temporarily for a period not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint made by City Zoning Administrator. Notice shall be given in writing to such builder or building contractor giving reasonable notice on a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

(1) Misrepresentation of a material fact by applicant in obtaining a license;

(2) Use of license to obtain a building permit for another;

(3) Failure or neglect to observe conditions of a permit authorizing encumbering of streets or sidewalks for safety of public;

(4) Performance of any building or construction work without a permit where one is required by law; or

(5) Willful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city Zoning Administrator.

(a) Any licensee may within 15 days appeal in writing to the Planning Commission, from any order of the Zoning Administrator suspending his or her license for its final decision thereon. The Planning Commission may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the builder or building contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any contractor's license.

(b) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked.

25. WORK BY PROPERTY OWNERS: Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy, provided the owner shall satisfy the Zoning Administrator as to his or her ability to perform such work, secure a permit, pay required fees, apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner shall be by himself or herself, for himself or herself, on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.

26. LIABILITY: This shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the City be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection

issued by it or by reason of any permit or license granted herein.

27. SEVERABILITY: If any section of the International Building Code shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections; the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

ARTICLE 20
ELECTRICAL CODE

1. DEFINITIONS: For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Approved shall mean approved by the Zoning Administrator or his or her designee.

(b) Authorized person shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City shall mean the territory within the corporate limits of this city.

(d) Conductor shall mean a wire or cable for carrying electric current.

(e) Electrical construction or installation shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot, or premises, except industrial plants where fulltime maintenance is provided, and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles, and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

(f) Equipment shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector shall mean the Zoning Administrator or his or her designee.

(h) Person shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission shall mean the written consent of the Zoning Administrator or his or her designee.

(j) Special ruling shall mean a written ruling filed at City Hall by the Zoning Administrator.

2. ADOPTION OF ELECTRICAL CODE BY REFERENCE: The standard electrical code section of the International Building Code of 2006, a publication of the International Code Council, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form, and the current edition of the NEC, National Electrical Code, is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Carbondale," and shall be filed with the City Clerk to be

open to inspection and available to the public at all reasonable hours of business.

3. ADDITIONAL PROVISIONS: The following sections of this article are in addition to the provisions of the standard code incorporated by reference in Section 2.

4. BUILDING OFFICIAL; AUTHORITY: The Zoning Administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with Section 4.

5. ELECTRICAL INSPECTOR; APPOINTMENT: The Zoning Administrator may assume the responsibilities of or appoint some qualified designee, officer or employee of the city to be and perform the duties of Electrical Inspector as may be required, subject to the consent and approval of the governing body.

6. SAME; DUTIES: The Electrical Inspector shall have the following duties:

(a) To enforce all regulations relating to electrical construction, alteration, repair or removal;

(b) May permit, with the approval of the governing body, on the assist of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article, adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.

7. SAME; POWERS: The Electrical Inspector shall have the following powers:

(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter;

(b) To adopt and enforce all such prudent emergency measures, as he or she may deem necessary and expedient for the public safety under the laws of the City;

(c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the electrical regulations of the City, subject to the right of any installer or owner to appeal to the Governing Body.

8. SAME; RIGHT OF ENTRY: The Electrical Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties.

9. CLARIFICATIONS; MODIFICATION:

(a) The Governing Body shall be the final determiner of the scope and meaning of all provisions of the electrical code, which may be unclear, ambiguous, or requiring interpretation.

(b) The Electrical Inspector shall have power to modify any of the provisions of the Electrical Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the electrical inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Electrical Inspector, and a signed copy shall be furnished to the applicant.

10. ELECTRICAL PERMIT REQUIRED; APPLICATION; APPROVAL:

(a) Except as provided in subsection

(b), it shall be unlawful for any person to engage in any electrical construction as defined in Section 1 within the city without an electrical permit being first obtained from the City Clerk, after approval by the Zoning Administrator or his or her designee. The application for such permit shall be made and the permit obtained before any electrical construction work is commenced.

(c) No electrical permit shall be required for any of the following:

(1) The replacement of lamps, fuses, bulbs, or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where the issuance of electrical permits come under the scope of other agencies.

11. SAME; APPLICATION INFORMATION REQUIRED:

(a) An electrical permit shall be issued upon an application in writing to the Office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

(1) The name of the owner of the lot or tract of ground;
(2) The location of the building or structure;
(3) The electrical construction work proposed;
(4) The class of occupancy;
(5) The class of electrical construction;
(6) The kind of materials to be used;
(7) The estimated cost of the work;
(8) The date work will commence;

(9) Expected date of completion;
(10) Name and address of electrical contractor or contractors doing the work;
11) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for an electrical permit shall be signed by the owner or his or her duly authorized agent, or an electrician or electrical contractor licensed by the City. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed electrician or electrical contractor or contractors doing the work described.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Zoning Administrator or his or her designee shall issue a permit to the owner, electrician or electrical contractor authorizing the electrical construction work covered by the application.

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the electrical construction work authorized by such permit. Electrical construction work commenced, for the purpose of this section, shall mean the beginning of electrical construction work other than the preparation of plans or the letting of an electrical contract.

12. SAME;PLANS AND SPECIFICATIONS. Whenever an application for a electrical permit is made, the Zoning Administrator or designee may, if he or she finds it necessary to determine whether electrical construction work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed electrical construction as may be prepared for the purpose.
If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Zoning Administrator may require the applicant to file complete electrical and engineering plans and specifications for such electrical construction, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the City to deny or issue a permit, or to inspect any electrical construction work for conformity with this article.

13. SAME; FEES: The fee for an electrical permit shall be $25.00, however no fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under $250.00. The fee herein shall be paid to the City Clerk upon obtaining an electrical permit and the same shall be credited to the general operating fund of the City.

14. SAME; POSTING: A copy of the electrical permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The electrical inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

15. REQUEST FOR INSPECTION: Upon the completion of any electrical work covered by this article, it shall be the duty of the person doing such work to notify the Electrical Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

16. INSPECTION; CONCEALMENT OF PRIOR WORK:

(a) When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Zoning Administrator and such equipment shall not be concealed until it has been inspected, approved or authorized by the Electrical Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification.

On large installations, where the concealment of equipment proceeds continuously, the person, firm or corporation installing the electrical equipment shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.

(b)The Electrical Inspector shall have the authority to require building contractors to open such work which, in any manner, conceals electrical wiring that has been closed without his or her knowledge or permission, and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of this article. The Inspector shall also have the right to refuse to issue a certificate of approval on any wiring that is concealed in such a manner that it cannot be fully determined that it has been done in accordance with this article.

17. INSPECTION FEE. An initial inspection fee of $40.00 will be charged. If additional inspections are required due to errors in construction, an additional $20.00 fee will be charged. All fees must be paid before any building or construction work will be approved or a certificate of approval is issued.

18. CERTIFICATE OF APPROVAL.

(a) When the Electrical Inspector finds an electrical construction or installation to be in conformity with the provisions of this article, he or she shall issue to the person, firm, or corporation performing the electrical construction work or making the installation a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the installation and connection to the supply of electricity.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary installation, the certificate shall expire at a time to be stated therein and shall be revocable for cause by the Electrical Inspector.

(c)In no case shall certificates of approval be issued on electrical construction, installations or parts of installations where the work installed does not conform to the requirements of this article.

(d) If, upon inspection, the installation is not found to be fully in conformity with the provisions of this article, the Electrical Inspector shall immediately notify the person, firm, or corporation performing the electrical construction work or making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the electric conductor or equipment has been installed in strict conformity with the provisions of this article, and unless the electrical construction or installation is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.
(f) The Electrical Inspector shall be deemed the judge of whether the installation of electric conductors and equipment has been made in accordance with the requirements of this article.
(g) No certificate of approval shall be required for any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
(3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

19. CONNECTION TO INSTALLATIONS: It shall be unlawful for any person, firm, or corporation to make connection to a supply of electricity to any building or electrical equipment for which an inspection is required, or which has been disconnected by the order of the electrical inspector, until a certificate of approval has been issued by the electrical inspector authorizing the connection and use of such electric supply. The electrical inspector may, at his or her discretion, authorize a temporary connection.

20. REINSPECTION: The Electrical Inspector shall periodically re-inspect existing installations of electrical conductors and equipment. When the installation of any conductors or equipment is found to be in a dangerous or unsafe condition, the person, firm, or corporation owning, using, or operating the installation shall be notified in writing and shall make the necessary repairs or changes required to place the conductors or equipment in safe condition and have the work completed within the period specified by the Electrical Inspector.

21. CONDEMNATION; APPEAL:

(a) If, in the judgment of the Electrical Inspector, after an inspection, any electrical conductors, appliances or equipment in any building are unsafe or dangerous to persons or property, the Inspector shall have the power to cause the wires or appliances to be disconnected from the source of electrical energy supplying these conductors or equipment, and may, at his or her discretion, seal the control switches for the same in an open or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site, and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit electric current to be supplied to the electrical conductors, appliances or equipment so sealed until they shall have been made safe and the inspector shall have issued a certificate of approval to that effect.

(b) It shall be the duty of the Electrical Inspector to cause all dead wires, unused poles or electric apparatus on the outside of the buildings or in streets or alleys to be removed at the expense of the owners thereof by giving the owners written notice.

(c) When the Electrical Inspector condemns all or part of any electrical installation, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the Zoning Administrator by the Governing Body, upon the receipt of which the Governing Body shall at once proceed to determine the facts, and within 10 days from receiving the petition make a decision in accordance with their findings.

22. INTERFERENCE BY UNAUTHORIZED PERSON: It shall be unlawful for any unauthorized person to, in any manner, change or alter electrical conductors or equipment in or on any building. If in the course of the erection of a building or structure, electrical conductors or equipment are in such position as to interfere with the erection or completion of the structure, notice shall be immediately given the authorized person or firm installing the electrical conductors or equipment, and the needed change shall be made by such authorized person or firm.

23. ELECTRICIAN OR ELECTRICAL CONTRACTORS DEFINED:

(a) An electrician or electrical contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

(1)Who or which undertakes with or for another, for a fixed sum, price, fee or any other compensation to install, construct, alter, repair, add to, or move any electrical installation, or performs any electrical construction work in the city, for which an electrical construction permit may now or hereafter be required, by the laws of the city; or

(2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to install, construct, alter, repair, add to, remove, restore or replace any electrical installation, or perform any electrical construction work; or

(3) Who or which installs, constructs, alters, adds to or removes any electrical installation or performs any electrical construction work either on his or her own or other property for purposes of sale or speculation.

(b) An electrician or electrical contractor as defined shall not mean or include:

(1) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving electrical construction and for which a permit is not required or on which an electrician or electrical contractor, as defined, is not required, employed or engaged to perform; or

(2) Any property owner personally performing any improvements, alterations or electrical construction within or upon his or her own residence and intended for his or her own personal use and

permanent occupancy, provided, the owner shall satisfy the Electrical Inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal electrical construction by an owner under this section shall be by himself, or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work, except an electrician or electrical contractor licensed by the City.

24. ELECTRICIAN'S OR ELECTRICAL CONTRACTOR'S LICENSE REQUIRED; ELECTRICAL PERMITS; UNLAWFUL ACTS:

(a) Each electrician or electrical contractor shall, before entering upon any electrical construction work subject to regulation by City laws, apply to the City Clerk for an electrician's or electrical contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of electrician or electrical contractor in the city.

(b) No permit for any electrical construction work shall be issued for any such work to be performed by an electrician or electrical contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of an electrician or electrical contractor herein, or to perform any work as an electrician or electrical contractor, or any work under a contract for any work involving electrical construction, without first having obtained an electrician's or electrical contractor's license issued by the City.

25. SAME; APPLICATION; GRANTING:

(a) Application for an electrician's or electrical contractor's license shall be made upon a form to be supplied by the City which shall disclose the name of the applicant, his or her place of business in, the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the electrician or electrical contractor or his or her authorized agent. The applications shall be, referred to the Governing Body at its next meeting for action thereon by the Zoning Administrator. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the governing body.

26. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS:

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Electrician and Electrical Contractor, who shall qualify to engage in more than one kind of electrical

construction work, the sum of $25.00

(2) Limited Electrician and Electrical Contractor, who shall qualify to engage in only one kind of electrical construction work, the sum of $25.00

(b) Each such license shall set forth the kind of electrical construction work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in contract work or produce the same on demand of any city officer. All licenses shall be renewable annually, as in the case of an original license on or before the first day of each January.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this article without having a valid license issued by the city to perform such contracts.

27. INSURANCE; An electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of $1,000,000 for the death or injury of any one person, $500,000 for the death or injury of any number of persons in any one accident and $50,000 for property damage in any one accident. Some insurance company authorized to do business in the State of Kansas shall issue such policies of insurance. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company, stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the City, and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

28. WORK BY PROPERTY OWNERS: Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

29. APPROVED MATERIALS: No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article.

30. LIABILITY: This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment, for damages to persons or property caused by any defect therein, nor shall the City be held as

assuming any such liability by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein, or by reason of any permit or license granted herein.

31. SEVERABILITY: If any section of the International Building Code of 2006, the current National Electrical Code, NEC, or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions; the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

ARTICLE 21
PLUMBING CODE

1. DEFINITION OF PLUMBING: The term plumbing shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be.

2. ADOPTION OF PLUMBING CODE BY REFERENCE: There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the plumbing and gas-fitting sections of the International Building Code of 2006, a publication of the International Code Council and the current edition of the Uniform Plumbing Code (UPC), such codes being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the codes shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Carbondale" and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

3. ADDITIONAL PROVISIONS: The following sections are in addition to the provisions of the standard code incorporated by reference in Section 2.

4. ZONING ADMINISTRATOR; AUTHORITY: The Zoning Administrator or his or her authorized designee shall be responsible for the administration and enforcement of the Plumbing Code, and appointment of a Plumbing Inspector in accordance with these regulations.

5. PLUMBINGR INSPECTOR; APPOINTMENT: The Zoning Administrator may assume the responsibilities of or appoint some qualified designee, officer or employee of the city to be and perform the duties of Plumbing Inspector as may be required, subject to the consent and approval of the governing body.

6. SAME; DUTIES: The Plumbing Inspector shall have the following duties:

(a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;

(b) May permit, with the approval of the Planning Commission, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction and for the purpose of carrying out the intent of this ordinance adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;

(c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and

(d) To keep comprehensive records of applications, certificates of

approval or permits issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the Zoning Administrator or Plumbing Inspector without his or her written consent.

7. SAME; POWERS: The Plumbing Inspector shall have the following powers:
(a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this ordinance;
(b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the City;
(c) May cause any work done in violation to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the City, subject to the right of any plumber, plumbing contractor or owner to appeal to the Planning Commission.

8. SAME; RIGHT OF ENTRY: The Plumbing Inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties.

9. CLARIFICATION; MODIFICATION:
(a) The governing body shall be the final determiner of the scope and meaning of all provisions of the Plumbing Code, which may be unclear, ambiguous, or requiring interpretation.
(b) The Plumbing Inspector shall have power to modify any of the provisions of the Plumbing Code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code. In approving modifications, the Plumbing Inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the Inspector thereon shall be entered upon the records of the Plumbing Inspector and a signed copy shall be furnished to the applicant.

10. PLUMBING PERMIT REQUIRED; EXCEPTION:
(a) It shall be unlawful to install, alter or reconstruct any plumbing or plumbing system, as defined by the Plumbing Code and Section 1, in any building in the city without first making application to and receiving a permit from the City Clerk, after approval by the Zoning Administrator or designee. The application for such permit shall be made and the permit obtained before any plumbing work is commenced.
(b) No permit shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

11. SAME; APPLICATION INFORMATION REQUIRED:

(a) A plumbing permit shall be issued upon an application in writing to the office of City Clerk on a form or forms provided for the purpose. This application shall, among other things, disclose the following:

(1) The name of the owner of the lot or tract of ground;
(2) The location of the building or structure;
(3) The plumbing work proposed;
(4) The class of occupancy;
(5) The class of construction;
(6) The kind of materials to be used;
(7) The estimated cost of the work;
(8) The date work will commence;
(9) Expected date of completion;
(10) Name and address of plumber, plumbing contractor or contractors doing the work;
(11) Such other information as may be pertinent to the issuance of the required permit.

(b) An application for a plumbing permit shall be signed by the owner or his or her duly authorized agent, or a plumber or plumbing contractor licensed by the City. If the application is made by the owner or his or her agent, it shall contain the name or names of the licensed plumber, plumbing contractor or contractors doing the work described.

(c) Upon approval of the completed application and a determination that a permit should be issued, the Zoning Administrator or his or her designee shall issue a permit to the owner or contractor authorizing the plumbing work covered by the application.

(d) Any permit issued shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the plumbing work authorized by such permit. Plumbing work commenced for the purpose of this section shall mean the beginning of plumbing work other than the preparation of plans or the letting of a plumbing contract.

12. SAME; PLANS AND SPECIFICATIONS: Whenever an application for a plumbing permit is made, the Zoning Administrator or designee may, if he or she finds it necessary to determine whether work described in the application will comply with the laws pertaining to such work, require that the applicant file a written description or drawing of the proposed plumbing construction. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the Zoning Administrator or designee may require the applicant to file complete architectural and engineering plans and specifications for such building or construction, or any part thereof, as may be necessary for the inspector to determine compliance with this ordinance. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the City to deny or issue a permit, or to inspect any plumbing work for conformity with this ordinance.

13. SAME; FEES: The fee for a plumbing permit shall be $25.00 however no

fee shall be required to obtain a permit where the total estimated cost, the reasonable value of all services, labor and materials required, is under $250.00. The fee herein shall be paid to the City Clerk upon obtaining a plumbing permit and the same shall be credited to the general operating fund of the City.

14. SAME; POSTING: A copy of the plumbing permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The Plumbing Inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.

15. REQUEST FOR INSPECTION: Upon the completion of any plumbing work covered by this ordinance, it shall be the duty of the person doing such work to notify the Plumbing Inspector and request that it be inspected; after which such work shall be inspected promptly as hereinafter provided.

16. INSPECTION; CONCEALMENT OF PRIOR WORK:

(a) When any plumbing is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the plumbing shall notify the Zoning Administrator or designee and such equipment shall not be concealed until it has been inspected, approved or authorized by the Plumbing Inspector or until 24 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification. On large installations, where the concealment of plumbing proceeds continuously, the person, firm or corporation installing the plumbing shall give the Plumbing Inspector due notice and inspections shall be made periodically during the progress of the work.

(b) The Plumbing Inspector shall have the authority to require owners or contractors to open such work, which, in any manner, conceals plumbing that has been closed without his or her knowledge or permission until satisfied that the work is in accordance with the provisions of this ordinance. The Inspector shall also have the right to refuse to issue a certificate of approval on any plumbing that is concealed in such manner that it cannot be fully determined that it has been done in accordance with this ordinance.

17. INSPECTION FEE: An initial inspection fee of $40.00 will be charged. If additional inspections are required due to errors in construction, an additional $20.00 fee will be charged. All fees must be paid before any building or construction work will be approved or a certificate of approval is issued.

18. CERTIFICATE OF APPROVAL:

(a) When the Plumbing Inspector finds plumbing construction to be in conformity with the provisions of this ordinance, he or she shall issue to the person, firm, or corporation performing the plumbing construction a certificate of approval, with duplicate copy for delivery to the owner, authorizing the use of the plumbing system and connection to the supply of gas or water, as the case may be.

(b) When a certificate of approval is issued authorizing the connection and use of a temporary gas or water supply, the certificate shall expire at a time to be stated therein and shall be revocable for cause by

the Plumbing Inspector.

(c) In no case shall certificates of approval be issued on plumbing or plumbing systems or parts of systems where the work installed does not conform to the requirements of this ordinance.

(d) If, upon inspection, the plumbing or plumbing system is not found to be fully in conformity with the provisions of these regulations, the Plumbing Inspector shall immediately notify the person, firm, or corporation making the installation of the existing defects.

(e) No certificate of approval shall be issued unless the plumbing or plumbing system has been installed in strict conformity with the provisions of these regulation and unless the plumbing or plumbing system is made in compliance with nationally approved methods of construction for safety to life and property as herein set forth.

(f) The Plumbing Inspector shall be deemed the judge of whether the plumbing or plumbing system has been made in accordance with the requirements of this ordinance.

(g) No certificate of approval shall be required for making minor repairs of any plumbing including repair of leaks in water pipes, traps or cocks, opening up stoppage in waste or supply pipes, traps or drains, replacing fixtures when waste pipes are not disturbed, or replacing frozen pipes inside the building, and like repair work not involving original installation or reconstruction.

19. CONNECTION TO GAS OR WATER SUPPLY: It shall be unlawful for any person, firm, or corporation to make connection to a supply of gas or water for which an inspection is required, or which has been disconnected by the order of the Plumbing Inspector, until a certificate of approval has been issued by the Plumbing Inspector authorizing the connection and use of such plumbing or plumbing system. The Plumbing Inspector may, at his or her discretion, authorize a temporary connection.

20. CONDEMNATION; APPEAL:

(a) If in the judgment of the Plumbing Inspector, after inspection, the plumbing or plumbing system in any building are unsafe or dangerous to persons or property, the inspector shall have the power to cause the plumbing or plumbing system to be disconnected from the supply of gas or water and may, at his or her discretion, seal the control valves for the same in a closed or disconnected position, whereupon he or she shall give notice to the owner, or his or her agent, or by posting such notice at the site and shall also notify the utilities serving the premises. Thereafter, it shall be unlawful for any person to cause or permit gas or water to be supplied to the plumbing or plumbing system so sealed until they shall have been made safe and the Inspector shall have issued a certificate of approval to that effect.

(b) When the Plumbing Inspector condemns all or part of any plumbing system, the owner may, within 10 days after receiving written notice thereof, file a petition in writing for review of the action of the Plumbing Inspector by the Governing Body, upon the receipt of which the Governing Body shall at once proceed to determine the facts, and within 10 days from receiving the petition, make a decision in accordance with their findings.

21. PLUMBER OR PLUMBING CONTRACTOR; DEFINED:

(a) A plumber or plumbing contractor shall mean:

(1) Any person engaged in the business of installing, altering, maintaining, or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building.

(2) Any gasfitter or person engaged in the business of installing, altering, or repairing fuel gas piping, gas systems or fixtures.

(b) A plumber or plumbing contractor as defined in subsection (a) of this section shall not mean or include the owner of a residence who personally installs plumbing, piping or equipment within and upon his or her own residence, intended for his or her own personal use and permanent occupancy. Personal installation by an owner shall be done by himself or herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work, except a plumber or plumbing contractor licensed by the City.

22. PLUMBER'S OR PLUMBING CONTRACTOR'S LICENSE REQUIRED; PLUMBING PERMITS; UNLAWFUL ACTS:

(a) Each plumber or plumbing contractor shall, before entering upon any plumbing work subject to regulation by City laws, apply to the City Clerk for a plumber's or plumbing contractor's license and receive the same as hereinafter provided, and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a plumber or plumbing contractor in the city.

(b) No permit for any plumbing work shall be issued for any such work to be performed by a plumber or plumbing contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of a plumber or plumbing contractor herein, or to perform any work as a plumber or plumbing contractor, or any work under a contract for any work involving plumbing construction, without first having obtained a plumber's or plumbing contractor's license issued by the City.

23. SAME; APPLICATION; GRANTING:

(a) Application for a plumber's or plumbing contractor's license shall be made upon a form to be supplied by the City which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in, the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the plumber or plumbing contractor or his or her authorized agent. Such license shall be issued by the City Clerk, upon payment of the fees hereinafter provided after approval of the Governing Body.

Section 24. SAME; LICENSE FEES; CONDITIONS; RENEWAL; UNLAWFUL ACTS:

(a) The following license fees shall be paid for the calendar year or major fraction thereof:

(1) General Plumber or Plumbing Contractor, who shall qualify to engage in more than one kind of plumbing work, the sum of $25.00.

(2) Limited Plumber or Plumbing Contractor, who shall qualify to engage in only one kind of plumbing work, the sum of $25.00.

(b) Each such license shall set forth the kind of plumbing work in which the licensee may engage. The licensee shall display his or her license at any place where he or she may be engaged in plumbing work or produce the same on demand of any city officer. All licenses shall be renewable annually as in the case of an original license on or before the first day of January of each year.

(c) It shall be unlawful for any person, firm or corporation to contract for any kind of work covered by this ordinance without having a valid license issued by the City to perform such contracts.

Section 25. INSURANCE: A plumber or plumbing contractor must procure and maintain a liability insurance policy. Such policy shall provide not less than $500,000 (five hundred thousand) single liability for each occurrence, $1,000,000 (one million) single limit liability for each policy year, and $50,000 for property damage in any one accident. Such policy shall not contain any deductible provision for more than $500 and such policy shall not be cancelled or terminated until at least 10 days after a notice of cancellation of the insurance policy is received by the City Clerk form the applicant. Some insurance company authorized to do business in the State of Kansas shall issue such policies of insurance. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the City Clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this ordinance and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the City, and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

26. EXCAVATIONS. When it appears that the laying or repairing of any sewer pipes or the making of any connection therewith shall require excavation in any street, alley or public way of the city, or the cutting or removal of any pavement, curb or gutter or any sidewalk during the course of such work, the application for a permit shall so state and describe the location and extent of the excavation, cutting or removal. Before the City Clerk shall issue any permit for such work, the applicant shall pay any fee required by this code. All excavations shall be barricaded and guarded as provided by the appropriate sections of this ordinance. Before any such excavation shall be backfilled, new plumbing work therein shall be inspected and the bottom of the excavation holding any sewer, drain or water pipe shall be so filled, leveled and tamped as to properly support the pipe and permit proper drainage when carrying sewage, and the excavation shall be backfilled and all paving, curbing, guttering or sidewalks shall be restored as or better than the last condition, subject always to the approval of the Plumbing Inspector or the head of the Maintenance Department.

27. WORK BY PROPERTY OWNERS: Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment

within and upon his or her own residence and intended for his or her personal use and permanent occupancy. Personal installation by an owner shall be by himself or herself, for himself or herself on his or her own residence, without compensation, and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the City.

28. APPROVED MATERIALS: No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this ordinance and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this ordinance.

29. SEWER REQUIREMENTS: Where applicable Carbondale City Ordinance 405B-2005 is hereby incorporated by reference and is fully setout herein. See page 235 for ordinance 405-2005

30. LIABILITY: This ordinance shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability, by reason of the inspection or re-inspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein.

31. SEVERABILITY: If any section of the Uniform Plumbing Code, International Building Code 2006 or of this ordinance shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the International Building Code 2006, Uniform Plumbing Code or these regulations; the section is to be completely severable from the remaining provisions which shall continue in full force and effect.

ZONING ADMINISTRATOR:

a. The regulations set forth in this article establish and regulate "Department of Zoning Administration".

There shall be appointed jointly by the governing bodies a person qualified through education and/or experience to hold the office and title of "Zoning Administrator". The Zoning Administrator shall be procedurally responsible to the Chairman of the Planning Commission. The Zoning Administrator shall report his activity to the Chairman of the Planning Commission as necessary to keep the Chairman informed of Administrative activities.

b. In the event of the death, absence, or incapacity of the "Zoning Administrator" the vice-chairman of the Planning Commission shall assume all of the duties and powers of the Zoning Administrator until such time as the Zoning Administrator shall regain his or her capacity to perform said duties or until a successor is appointed.

c. The salary of said Zoning Administrator shall be established by the governing body in the same manner as those established for other department heads and the annual budget for monies for carrying out the duties and responsibilities of such department shall be set as established for budget procedures by the governing body.

d. The duties and powers of the Zoning Administrator shall be as follows to be totally responsible for the enforcement of these Zoning Regulations. In all cases where said Zoning Administrator is made aware of a possible violation of any portion or section of these Zoning Regulations, he shall cause an investigation to be made. If such investigation establishes that a violation exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of illegal work being done; or shall take any other action authorized by these Zoning Regulations to insure compliance with or to prevent violation of its provisions. In addition, the Zoning Administrator shall make the violator aware of all penalties and fines established within these Zoning Regulations for such violations.

e. Unless so established elsewhere in the Zoning Regulations, any violation of any provision of this ordinance shall be a misdemeanor and shall be punishable by a fine of not to exceed $500.00 or by imprisonment for not more than six months for each offense. Each day that a violation is committed, caused, or continued to exist, shall constitute a separate offense.

INTERPRETATION:

a. In the enforcement of these Zoning Regulations, it shall be an administrative function of the Zoning Administrator to interpret any portion of these regulations which he finds necessary to carry out his official function. However, in the case of an appeal, the interpretation of the Board of Appeals shall become law for the purpose

of carrying out said Zoning Administrator's function as the enforcing officer.

b. In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and general welfare.

c. Wherever the requirements of these Zoning Regulations appear to conflict with any other lawfully adopted rules, regulations, resolutions, or ordinances, the most restrictive or that imposing, the higher standards shall govern.

d. Whenever a proposed use of land or buildings is not clearly indicated in the tabulation of uses, the Zoning Administrator shall submit a formal request to the Planning Commission for determination and inclusion of such use within the tabulations and no zoning permit or building permits of any nature shall be issued until such use shall become a legal part of these Zoning Regulations.

e. Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the district maps, the following rules apply:

1.The district boundaries are either centerlines of streets or alleys unless otherwise shown, and where the districts designated on the district maps are bounded approximately by centerlines of streets or alleys, such centerline shall be construed to be the boundary of the district.

2.Whenever any plot is divided by two (2) or more zoning districts, the zoning district which encompasses fifty (50) percent or more of the total plot area may be extended to cover the entire plot, subject to Article 14.7.c.

3.Whenever in un-subdivided property, the district boundary lines on the district maps shall be determined by the scale appearing on the maps, subject to Article 14.7.c.

4.There shall be no building or zoning permit of any nature issued on any plot which is not a part of a subdivision plat approved and recorded in the manner prescribed by law, except for buildings and structures accessory to a strictly agricultural use on three (3) or more acres. In addition, there shall be no building or principal use upon a single lot in a subdivision plat. If any part of a principal building is proposed to extend across a lot line into an adjacent lot where another principal building already, exists, or where necessary permits have been issued for a proposed principal building on said adjacent lot, it shall be considered as two (2) principal buildings on the same lot and, therefore, illegal.

ARTICLE 23
SPECIAL ADDITIONAL REGULATIONS
(see Special Uses page 11)

1. EXISTING PLOTS:

a. Whenever a plot consisting of at least one or more lots being part of a subdivision plat, properly approved and recorded prior to the passage of these Zoning Regulations, but which plot does not meet the dimensional requirements established herein, a building and occupancy use permit shall be issued on said plot unless any of the following conditions exist:

b. If a "lot" (in the case of a properly approved and recorded subdivision plat) or "plot" (in the case of metes and bounds descriptions) are transferred into separate ownership subsequent to the passage of these Zoning Regulations.

c. If said plot was made substandard by any action of the owner of said plot in direct conflict with previous laws, ordinances, or resolutions which have been replaced by these Zoning Regulations.

d. If any of the several plot dimensions are less than the average established by the developed plots fronting on the same street within a single block, in which case the averages so established shall become the dimensional requirements for that block.

e. If the block frontage is divided into separate zoning districts, the district in which the substandard plot is located shall be the only portion to be considered as the block in question.

2. PERMITS ON UNPLATTED LAND: There shall be no issuance of a building permit or occupancy use permit on a plot which does not consist of a platted lot or lots duly approved and recorded, except that where the use of said building is to be entirely for agricultural purposes or is to be used for an accessory use, the above permits may be issued.

3. PLATTING OF UNPLATTED LAND: All platting or subdividing of land shall be accomplished within the scope of the Subdivision Regulations. However, whenever a conflict arises between these Zoning Regulations and the Subdivision Regulations, the more restrictive requirement shall rule.

4. REPLATTED LOTS: Any lots previously legally recorded may be re-platted following the same process as an original platting or subdividing of land, however, where the existing lots may be substandard to these Zoning Regulations, the re-platted lots must meet all requirements set forth herein.

5. STREET FRONTAGE: All plots must have street frontage except as otherwise provided in Article 5 (Planned Group Developments) of these Zoning Regulations. Such street frontage shall always be at least thirty (30) feet.

6. YARD ENCROACHMENTS:

1. Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these Zoning Regulations.

2. Sills, belt courses, or cornices may project not over twelve (12)

inches into a required yard.

3. Eaves or gutters may project not over three (3) feet into a required yard, provided that where the yard is less than six (6) feet in width, such projection shall not exceed one-half (½) the width of the yard.

4. Chimneys, fireplaces, or pilasters may project not over two (2) feet into a required yard.

5. Fire escapes, stairways, and balconies which are unenclosed, may project not over five (5) feet into a required rear yard, or not over three (3) feet six (6) inches into a required side yard.

6. Unenclosed porches or terraces, the floor of which is not over three (3) feet six (6) inches above finished grade, may extend five (5) feet into a required front yard, ten (10) feet into a required rear yard, three (3) feet into a required side yard, provided that such porch or terrace having a roof shall be further limited, in that if any of the above dimensional limitations is greater than one-half (½) of the required yard dimension, then such roof structure shall not exceed one-half (½) of said required yard dimension.

7. Hoods, canopies, or marquees may project not over three (3) feet into a required yard, but shall not extend closer than one (1) foot to any plot line.

7. VISION CLEARANCE:

1. Residential Districts: Unobstructed vision at all street intersections shall be maintained between thirty (30) inches and eight (8) feet above the street grade level on all corner plots within an area formed by a line connecting two points, twenty (20) feet from the intersection of the front and side plot lines.

2. Non-Residential Districts: Unobstructed vision at all street intersections shall be maintained between thirty (30) inches and eight (8) feet above the street grade level on all corner plots within an area formed by a line connecting two points, ten (10) feet from the intersection of the front and side property lines.

8. ADDITIONAL HEIGHT REGULATIONS: Regulations set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in these Zoning Regulations. 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.
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.

9. ADDITIONAL PLOT AREA REQUIREMENTS:

1. Plot area requirements when water, sewerage, or both are not available shall be established by the Zoning Administrator. Occupancy use permits shall not be issued until proof of compliance is established in the form of a signed statement by the Zoning Administrator.

2. The standards for area requirements shall be as established by the Zoning Administrator based on the standards established for Minimum Property Standards by the Federal Housing Administration.

3. Except where the percolation test requires x number of lineal or square feet of trench or land area for a particular system in such standard, x number of lineal or square feet plus 25 percent of that figure shall be required to conform to these regulations. This requirement is based on a minimum family size of four (4) persons and will provide some safety factor.

10. INGRESS AND EGRESS AT INTERSECTIONS: Whenever any business, industrial, service, or accessory uses are to be located on a corner plot, the ingress or egress for automotive traffic shall always be subject to the following regulations:

1. There shall never be more than two (2) driveways on any street frontage of three hundred (300) feet. Driveways shall not be over thirty (30) feet wide at the street right-of-way line.
There shall be at least twenty (20) feet between the two closest edges of said driveways, between a driveway and an alley, and between a driveway and a private plot line.

2. On a corner plot, the nearest edge of a driveway opening shall always be at least twenty (20) feet from the intersection of the street right-of-way line.

3. On a corner plot at the intersection of two major thoroughfares, the nearest edge of a driveway opening shall always be at least forty (40)feet from the intersection of the street right-of-way line.

11. BUILDING SETBACK LINES ON MAJOR TRAFFIC THOROUGHFARES:

1. Whenever any building or structure is to be constructed adjacent to a street designated as a major traffic thoroughfare, the building setback line shall be measured from the centerline of such major traffic thoroughfare as established by the appropriate engineer (City). The setback line shall then be computed as being one-half (½) the total proposed right-of-way plus the normal setback as required within the specific zoning district.
2. See Article 9

ARTICLE 24
EXISTING MOBILE HOME & MOBILE HOMES PARKS

1. DEFINITIONS:

A. "Tie down" means any device designated for the purpose of anchoring a mobile home to ground anchors.

B. "Ground anchor" means any device designed to secure a mobile home to the ground.

C. "Pier" means one of the structural supports required for a mobile home which is not secured to the ground on a permanent foundation.

D. "Roof protector" means a device designed to prevent over the top tie downs from damaging or penetrating the roof material.

E. "Mobile home" means a structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

F. "Camping Trailer" means any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

2. EXISTING MOBILE HOMES NOT LOCATED IN A LICENSED MOBILE HOME PARK:

A. No mobile home shall be permitted within the City limits of Carbondale, Kansas. Any mobile home located in the City legally, prior to the enactment of this ordinance and continually used and continually occupied as a residential dwelling shall be allowed to remain, but shall not be replaced with another mobile home under any circumstance.

B. No camping trailer shall be permitted to be used as a permanent or semi-permanent residence within the City limits of Carbondale, Kansas.

3. LICENSES FOR EXISTING MOBILE HOME PARKS:

A. It shall be unlawful for any person, firm or corporation, their agents or employees to operate, continue to operate, or provide parking space for two or more mobile homes on any lot or tract of land within the City limits of Carbondale, Kansas, unless such owner has first made application for and secured a valid license to operate a mobile home park issued by the City in compliance with this ordinance. The application for a mobile home park license shall contain the following information.

1. The name(s) and address(es) of the applicant(s);
2. A legal description of the property on which the mobile home park exists;
3.Telephone numbers where the applicant(s) may be contacted:

B. The application shall be accompanied by a non-refundable fee of $25.00 payable to the City of Carbondale, Kansas. Any license issued hereunder shall be valid for one year, and the owner(s) of such mobile home park shall be required to apply annually for a renewal of the license from the City. The City Council is hereby designated with the

power to administer the licensing program and to grant or deny all licenses.

C. These regulation does not make unlawful any mobile home park which is already in place and in conformance with all laws at the date this ordinance becomes effective, provided such mobile home park shall make application within 60 days of publication of these regulations and annually thereafter for license used by the City as required herein.

D. Should a vacancy occur in an existing mobile home space, such space may not again be occupied unless and until such vacant space, the mobile home and the mobile home park conforms to these regulations. It is the intent of these regulations, that existing mobile home parks be brought up to the minimum standards contained in this article.

E. Any mobile home park license issued under this section is not transferable and is limited solely to the approved applicant(s). Should an additional owner be added, or the mobile home park transfer or change ownership in any form, the new owner(s) must make application to the City for a new license.

4. PERMIT FOR PLACEMENT IN EXISTING, LICENSED MOBILE HOME PARK.

A. It shall be unlawful for any person, firm or corporation, their agents or employees to park or place a mobile home in an existing, licensed mobile home park unless a permit has first been obtained from the Zoning Administrator. The application for a permit shall contain the following:

1.The name and address of the applicant;
2.The license number of the mobile home park;
3.A complete description of the mobile home unit, including the maker and dimensions;
4.Documentation of ownership, including Kansas title and registration.

B. The application must be accompanied by a non-refundable permit fee of $25 payable to the City of Carbondale, Kansas. The application for a permit will be forwarded to the Zoning Administrator, or his designee, who will then monitor all phases of the actual placement of the applicant’s mobile home and inspect tie downs, roof protectors, over the top tie downs, foundations for piers and the construction of piers.

C. No permit will be issued until the inspection has been completed and the final placement of the mobile home has been approved by the Zoning Administrator, or designee.

5. MINIMUM REQUIREMENTS FOR PLACEMENT IN MOBILE HOME PARKS.

A. Beginning September 1, 2009, any mobile home placed in a licensed mobile home park shall meet all minimum safety and placement requirements contained in Sections 7 and 8 of this ordinance and the following:

1. All newly placed mobile homes must be a minimum of 14' x 70' and not more than 10 years old.

2. An application for a permit shall be obtained prior to placement in an existing mobile home park. The Zoning Administrator or designee shall monitor actual placement of the mobile home in a licensed mobile home park. A final permit will

be granted after all phases of the actual placement of the mobile home has been approved.

3. The mobile home shall have a minimum of a 3' x 12' pitched shingled roof on a double wide and a 2' x 12' pitched shingled roof on a singlewide.

4. The mobile home shall have standard home-style siding, 4' x 8' Masonite, or lap type siding.

5. The mobile home shall be anchored to a permanent foundation as indicated in Section 8 below.

6. The mobile home shall be completely enclosed around the entire perimeter with concrete block or anchored metal skirting within 45 days, and the unit shall be set no more than 4' from the bottom of the frame to the ground.

7. The tongue will be completely removed and stored under the mobile home.

8. Each mobile home space shall be at least 40 feet wide and be clearly defined and have off street parking space for 2 vehicles.

9. Mobile homes shall be so located on each space as to maintain a setback of no less than 20 feet from any public street, highway right-of-way, or mobile home park district boundary; as to maintain a setback of no less than ten (10)feet from the edge of a park roadway or sidewalk or a rear boundary line when such boundary line is not common to any public street, highway right-of-way, or mobile home boundary; and as to maintain a setback of no less than five (5) feet from any side boundary line of a mobile home space.

10. All mobile homes shall be so located as to maintain a clearance of not less than twenty (20) feet from another mobile home and as to maintain a clearance of not less than twenty (20) feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than 25 feet from any building within the park.

6. PLACEMENT OF APPROVED TIE DOWNS, ROOF PROTECTORS, OVER THE TOP TIE DOWNS:

A. Tie downs must comply with the provisions of K. S. A. 75-1228 and shall be placed on a mobile or manufactured home as follows: (See page 231 for KSA 75-1228)

1. On any mobile home 70' in length, four frame tie downs shall be placed on each side, or four over the top tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.
2. On any mobile home more than 70 feet in length, five frame tie downs shall be placed on each side, or five over the top tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.
3. On any doublewide mobile home, four frame tie downs shall be used on each side or four over the tope tie downs shall be used or any combination thereof, as approved by the Zoning Administrator or designee.

7. FOUNDATIONS FOR PIERS, CONSTRUCTION OF PIERS, REQUIREMENTS:

A. Foundations for piers and construction of piers must comply with the provisions of K. S. A. 75-1231: (See page 232 for KSA 75-1231) Foundations for piers shall be installed directly under the mainframe or chassis of the mobile home. All grass and organic material shall be removed and the pier foundation placed on stable soil. The piers shall not be farther apart than 10' on centers, and the main frame, front or face of the mobile home shall not extend farther than one foot beyond the centerline of the end of the piers. Each pier foundation shall consist of two concreted blocks, and such block shall be eight inches wide, eight inches high and 16 inches long.

B. Piers shall be constructed of either open cell or solid concrete blocks, each of which shall be eight inches wide, eight inches high and 16 inches long, with open cells vertical or in combination with solid concrete blocks which are two inches thick, eight inches high and 16 inches long placed above the foundation block. A wood plate which is at least one inch in actual thickness, eight inches wide and 16 inches long shall be placed on top of the pier, with weather proof wood shims, when needed, fitted and driven tightly between the wood plate and the main frame. Such shims shall not occupy more than one inch of vertical space. Piers shall be installed perpendicular to the I-beam. All piers over 30 inches in height, measured from the top of the foundation block to the I-beam, shall be double tiered with blocks interlocked and capped with a solid concrete block, which shall be four inches high, 16 inches wide and 16 inches long, and cushioned with wood blocking as required. Piers shall not exceed 48 inches in height.

8. ALTERATIONS OR ADDITIONS: No mobile home shall be attached to or connected to any other mobile home or to any other structure or building. Accessory structures not exceeding one hundred (100) square feet in size, carports and residential patio and deck structures may be constructed adjacent to mobile homes so long as such structures comply in all respects to the applicable provisions of the building code, if any, and the appropriate permits are secured from the City.

9. LIABILITY: The City, the Carbondale Planning Commission and the Zoning Administrator do not assume any liability by reason of any permit authorized herein.

10. CONTROLLING ORDINANCE: These regulation shall control over any conflict of the terms of any other ordinance and/or regulations, except as may be otherwise stated herein.

11. SEVERABILITY: If any part, section, clause, or phrase of these regulations are for any reason held to be illegal or unconstitutional, such invalidity shall not affect the remaining portions of this ordinance.

ARTICLE 25
OCCUPANCY USE PERMITS
(see Article 6.10)

1. GENERAL PROVISIONS:

a. Subsequent to the effective date of these regulations, no change in the use or occupancy of land or existing building shall be made, nor shall any new building be occupied for any purpose until an occupancy use permit shall be issued by the Zoning Administrator which shall state that the new occupancy complies with all provisions of these Zoning Regulations and any other applicable regulations that the owner is responsible for assuring that all applicable conditions and requirement shall continue to be satisfied, and that appropriate enforcement actions will be taken if violations occur.

b. Within one (1) year from the date of the adoption of these Zoning Regulations, the owner or leasee of existing land uses and buildings shall file an application for a zoning permit for occupancy uses.

c. For buildings or uses established subsequent to the passage of these Zoning Regulations, application must be made immediately upon completion of the buildings and prior to the physical occupation of said building or land.

2. ADMINISTRATIVE PROCEDURE:

a. The Zoning Administrator shall investigate the land or compliance with these Zoning Regulations and any other applicable regulations.

b. if there is any non-compliance, said Zoning Administrator shall notify the applicant in writing what steps must be taken in order to comply.

c. If the land use or building comply with all phases of these Zoning Regulations, the Zoning Administrator shall issue said "occupancy use permit".

3. VIOLATION AND NOTIFICATION:

a. Unless such occupancy use permit is on file, it shall be a violation to occupy the premises and the Zoning Administrator shall notify the violator. If, however, within fifteen (15) days of notification, conformance has not been made, the Zoning Administrator shall immediately notify the occupants to vacate the premises. Any structures thereon shall be locked and sealed until conformance is established. No permit or license of any nature shall be issued by any department or branch of the government of the City or County, and those outstanding shall be considered void.

FLOOD PLAIN

SEE ORDINANCE

APPROVAL AND EFFECTIVE DATE

1. Approval and Effective Date:

   A. This is to certify that the Comprehensive Zoning Regulations and District zoning Map referred to in this zoning regulation were duly approved by the Planning Commission on this_____ 2009

   _____ _____
   Chairperson Secretary

   B. These regulations shall become effective upon publication of the adopting ordinance in the official City newspaper.

   Passed this _____2009

   CITY COUNCIL OF CARBONDALE, KANSAS

   ATTEST:

   _____ _____
   City Clerk Mayor

   Published on _____in the_____.

FORMS & PERMITS

blank

CITY OF CARBONDALE, KANSAS

ACCESSORY BUILDING PERMIT

234 Main
P.O. Box 70
Carbondale, KS 66606
Phone: 785 828-3146

Fee: $25.00

Date Paid: _____

NOTICE: There is a mandatory 10-day waiting period from the date of approval.
Do not begin any construction or installing of any structure until that time.

1. Property Owner:
_____

2.Address:_____
_____

3. Legal
Description:_____

4. Description and Location of Structure:_____
_____

	Yes	No
5. Site sketch attached (required)	☐	☐

6. ADJACENT LAND USE:

North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

7. Present Use of Property:
_____

APPLICANT PLEASE READ

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his/her agent in applying for and obtaining this permit prior to work being initiated. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant _____Date _____
NOTE: This application (if approved) expires one year after date of issuance unless the project is started within six months of approval.

IF APPLICATION IS NOT APPROVED:

. You have the right to file a request for a hearing before the Board of Zoning Appeals.
. See Article 12, or contact the City Clerk's Office for procedure.
. Request must be made within thirty (30) days of being disapproved.

˜ BELOW SECTION FOR CITY USE ONLY ˜

Zoning_____ Occupancy_____ Floodplain_____ ADA_____

Approved _____Denied _____

Comments of Zoning Administrator:
_____
_____
_____
_____

Date:_____Signed: _____
Zoning Administrator

Fee:_____

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

CITY OF CARBONDALE, KANSAS
COMMERCIAL & MULTI-FAMILY
BUILDING PERMIT APPLICATION

NOTICE: There is a mandatory 10-day waiting period from the date of approval. Do not begin any construction or installing of any structure until that time.

Presented by:

_____
Name (type or print) Address Phone

Address of proposed structure:_____ Zoned as_____

Located in_____ Addition._____Lots are_____ft wide.

LEGAL DESCRIPTION OF PROPERTY. This information is on your abstract, your tax statement, or available at the Osage County Register of Deeds Office located in the courthouse.

Owner of Record:

_____
Name (type or print) Address Phone

General Contractor:

_____
Name (type or print) Address Phone

Architect or Designer:

_____
Name (type or print) Address Phone

CLASS OF WORK _____New ____Repair _____Addition _____Alteration/Remodel
_____Other _____

Describe Work

_____
_____
_____
_____

NOTE: Property owner or applicant is responsible for submitting accurate information. The City does **NOT certify boundary lines**. Applications are approved based on measurements provided.

Value of Project_____ Square Footage_____

Will there be electrical or plumbing work? Electrical_____ Plumbing _____

Please indicate Contractor

_____
Name (type or print) Address

Phone

Is property located in a floodplain area? ____ Yes ____No
IF YES, please obtain and complete the Floodplain Development Permit/Application

Will a new water tap be required? ____ Yes ____No

Will a new sewer tap be required? ____ Yes ____No

Will installation of utility lines require crossing a street or alley to reach the nearest point to hook on? ____ Yes ____No

If yes, complete required forms and pay fees. Forms are at City Hall.

SETBACKS: Is location on a corner lot? ____ Yes ____No
(If yes, the front property line setback is required on both streets)

_____feet from the front property line (25 feet from property line)
_____feet from side yard property line (See Article 5)
_____feet from side yard property line (See Article 5)
_____feet from back property line (10 feet from property line)

Estimated starting date:_____Completion date:_____

IMPORTANT: Attach a separate sheet showing structure dimensions and location on the lot. Indicate all setbacks, public or private easements, height of structure, and parking (if applicable). The property owner or agent is responsible for the accuracy and verification of all dimensions given, as well as any legal surveying if needed.

A stamped site plan, permits and spec book are required. See attached checklist.
Site Plan Attached ____ Yes ____No

Applicant Please Read

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his/her agent in applying for and obtaining this permit prior to work being initiated. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant_____ Date _____

NOTE: This application (if approved) expires one year after date of issuance unless the project is started within six months of approval.

IF APPLICATION IS NOT APPROVED:

. You have the right to file a request for a hearing before the Board of Zoning Appeals.
. See Article 14, or contact the City Clerk's Office for procedure.
. Request must be made within thirty (30) days of being disapproved.

~ BELOW SECTION FOR CITY USE ONLY ~

Zoning_____ Occupancy_____ Floodplain _____ ADA_____

Type of Construction _____ Sprinklers Required _____

_____Approved _____Denied

Comments of Zoning Administrator:

Date:_____ Signed: _____
Zoning Administrator

COMMERCIAL/RESIDENTIAL BUILDING PERMIT DRAWING CHECKLIST

Submission Requirements: The site plan shall include the following data and details, which are found relevant to the proposal. The applicant shall make notations explaining the reasons for any omissions.

	Yes	No
A. Name of project, address, date, north arrow, and scale of plan.	☐	☐
B. All existing lot lines, easements, and rights of way.	☐	☐
C. The location and use of all existing and proposed structures within the property. Include all dimensions of floor area, and show all exterior entrances, and all anticipated future additions or alterations.	☐	☐
D. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, curbs, and fences.	☐	☐
E. The location of all present and proposed utility systems:		
1. Sewage system;	☐	☐
2. Water supply system.	☐	☐

234 Main
P.O. Box 70
Carbondale, KS 66414

Fee: $25.00

CITY OF CARBONDALE, KANSAS
FENCE PERMIT APPLICATION

Paid:_____
Date

For Office Use Only:
Case No.: _____
Date Permit Issued: _____

Please complete the form and return to:

City of Carbondale Zoning Administrator
234 Main, P.O. Box 70
Carbondale, KS 66414

APPLICANT: _____ PHONE: _____
ADDRESS: _____ ZIP:_____
OWNER: _____ PHONE: _____
ADDRESS: _____ ZIP: _____
LOCATION OF PROPERTY: _____
_____
_____
_____

SITE SKETCH ATTACHED: _____Yes _____ No

ADJACENT LAND USE:
North _____ _____
South _____ _____
East _____ _____
West _____ _____

Present Use of Property:
_____

APPLICANT'S SIGNATURE:_____
DATE:_____

Approved _____ Denied _____

SIGNATURE:
_____DATE:_____
Zoning Administrator

BLANK

234 Main
Fee: $50.00
P.O. Box 70
Carbondale, KS 66414
Paid:_____
Phone: 785.836.7108

Date_____

CITY OF CARBONDALE,KANSAS
FINAL PLAT CHECKLIST

For Office Use Only
Subdivision No.: _____
Date Filed: _____
Date of P.C. Meeting: _____
Date of C.C. Meeting: _____

I. Name of Subdivision:
_____

II. Name of Owner:
_____

III. Name of Subdivider:
_____

IV. Name of Person who prepared the Plat:
_____

V. Date of Hearing:
_____

Instructions:

The following checklist is to be completed by the Zoning Administrator and shall accompany the Final Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

	Yes	No
I. Does the Final Plat show the following information?		
A. Name of the subdivision.	☐	☐
B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct.	☐	☐
C. Location of monuments or bench marks. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street, lines, including the true angles and distances to such reference points or monuments.	☐	☐

	Yes	No
D. The location of lots, blocks, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all curbs to lot lines.	☐	☐
E. Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	☐	☐
F. Exact locations, widths and names of all streets and alleys to be dedicated.	☐	☐
G. Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	☐	☐
H. Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.	☐	☐
I. Building setback lines on the front and side streets with dimensions.	☐	☐
J. Name and address of the registered land surveyor preparing the plat.	☐	☐
K. Scale of plat, 1” = 100’ or larger, date or preparation and north point.	☐	☐
L. Statement dedicating all easements, streets, alleys, and all other areas Not previously dedicated.		
VII. Was the original on mylar, tracing cloth, or similar material and were ten (10) copies submitted?	☐	☐
VIII. Have all the acknowledgements been signed?		
A. Owner or owners and all mortgagors?	☐	☐
B. Dedications or reservations.	☐	☐
C. Engineer, surveyor or person preparing plat.	☐	☐
D. City Clerk	☐	☐

	Yes	No
IX. Title Opinion:		
A. Submitted (Date) _____	☐	☐
B. Have all owners and mortgagor signed plat?	☐	☐
X. Has certificate been submitted stating that all taxes and Special assessments due and payable have been paid?	☐	☐
XI. Deed Restrictions:		
A. Are any deed restrictions planned for subdivision?	☐	☐
B. If so, has a copy been submitted?	☐	☐

XII. How has installation of the following improvement been guaranteed?

	Construction	Bond	Petition (%)
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Sidewalks	_____	_____	_____
Other, as required	_____	_____	_____
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

XIII. Are additional comments attached? _____

Date Reviewed: _____

_____
Zoning Administrator

_____
Chairman

_____
Board Member

_____
Board Member

_____
Board Member

_____
Board Member

BLANK

CITY OF CARBONDALE, KANSAS
MANUFACTURED HOME PARK
DEVELOPMENT CHECKLIST

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.826.7108

For Office Use Only
Case No.: _____
Date Filed:_____
Date Reviewed:_____
Date Approved: _____

Project Name:
_____

Project Address:
_____

Submission Requirements: The Manufactured Home Park Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	YES	NO
A. All manufactured homes and additions thereto maintain a clearance of not less than 20 feet from another manufactured home or 25 feet from any permanent structure within the park.	☐	☐
B. All manufactured home spaces front upon a private roadway of not less than 25 feet in width, including curbs on each elevation.	☐	☐
C. All roadways and sidewalks within the manufactured home park are of all-weather surfacing and are adequately lighted at night.	☐	☐
D. A community structure is provided.	☐	☐
E. The perimeter of all manufactured homes are fully skirted.	☐	☐
F. A storm shelter is provided and big enough to accommodate all of the residents, based on no fewer than three persons per manufactured home space. The storm shelter provided has at least seven (7) square feet per residence.	☐	☐
G. Sidewalks are on one side of all streets.	☐	☐
H. Landscaping is shown on the development plan.	☐	☐

Yes No

I. All roadways meet the design standards as adopted by the City for private streets in manufactured home parks. ☐ ☐

J. Permits for the park have been obtained for moving manufactured Homes into an M-P district. ☐ ☐

K. Water is supplied to the park by a public water system. ☐ ☐

L. The size, location and installation of water lines are in Accordance with the requirements of the building codes of the City. ☐ ☐

M. Individual water service connections are provided at each Manufactured home space. ☐ ☐

N. Individual sewer connections are provided for each manufactured home space and are installed in accordance with the building codes of the City. A public sewer system is required. ☐ ☐

O. All manufactured homes are secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended. ☐ ☐

P. Each manufactured home space has an individual electrical outlet supply which has been installed in accordance with the building codes of the City and requirements of the electric supplier. ☐ ☐

Q. Natural gas hookups, when provided, are installed in accordance with the building codes of the City and the regulations of the gas supplier. ☐ ☐

R. Storage, collection and disposal of refuse in a park is in Accordance with City code. ☐ ☐

S. All manufactured homes are blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 751234,as amended; and in accordance with the manufacturer’s guidelines. ☐ ☐

T. Pad requirements are of a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials or are of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.. ☐ ☐

	Yes	No
U. The Manufactured Home Park Plan is drawn to scale of not less than 1” = 100’.	☐	☐
V. 10 copies of said plan were submitted to the Planning Commission for its review and recommendations.	☐	☐

ADDITIONAL COMMENTS:

_____
_____
_____
_____
_____
_____

CONTACT PERSON NAME: _____PHONE NO._____

ADDRESS: _____

SIGNATURE: _____DATE: _____
Zoning Administrator

BLANK

CITY OF CARBONDALE, KANSAS

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

PLANNED DEVELOPMENT CHECKLIST

For Office Use Only
Case No.: _____
Date Filed: _____
Date Reviewed: _____
Date Approved: _____

Project Name:
_____

Project Address:
_____

Submission Requirements: The Planned Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a sale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	Yes	No
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 plant 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:	☐	☐

	Yes	No
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.	☐	☐

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.	☐	☐

PLANNED DEVELOPMENT TERMS & CONDITIONS:

1. 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.

2. 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.

3.
Time Limit: A site plan approval for a "P-D" district shall expire automatically unless a building permit is taken with 12 months after the approved date for commencement to effectuate such site plan.

ADDITIONAL COMMENTS:

_____
_____
_____
_____
_____
_____

CONTACT PERSON NAME: _____PHONE NO. _____

ADDRESS: _____

SIGNATURE: _____DATE: _____
Zoning Administrator

BLANK

CARBONDALE PLANNING COMMISSION
CITY OF CARBONDALE, KANSAS
USE OCCUPANCY PERMIT

$50.00 FEE PD: _____

1_____
BUSINESS NAME MAIL ADDRESS PHONE
2 _____
BUSINESS OWNER(S) MAIL ADDRESS PHONE
3._____
BUILDING ADDRESS MAIL ADDRESS PHONE
4_____
BUILDING/LAND OWNER(S) MAIL ADDRESS PHONE

TYPE OF BUSINESS

5___COMMERCIAL ___HOME OCCUPATION (see back of form FOR HOME OCCUPATION DEFINITION and SIGNATURE)

6. DESCRIBE LOCATION OF BUSINESS WITHIN BUILDING:_____
_____

7. BUSINESS ACTIVITY/TYPE:
_____

8. CHANGE OF USE or OWNERSHIP FROM: _____
TO:_____

ZONING

9. ZONE: _____ ___ PERMITTED USE ___ CONDITIONAL USE ___ PROHIBITED USE ____ NONCONFORMING USE

10 EXISTING PARKING SPACE_____TOTAL PARKING SPACES REQUIRED_____ PARKING PLAN REQUIRED___YES___NO
COMMENTS:_____
_____

PUBLIC SAFETY

11. NUMBER OF FIRE EXTINGUISHERS: _____ LOCATION_____

12. CHEMICALS STORED/USED ON SITE:
STORED_____USED_____

13. DOES THE BUSINESS SITE HAVE THE FOLLOWING: A. FLOOR DRAIN -YES / NO
B. SUMPS - YES / NO C. CATCH BASIN -YES / NO D. OIL/GREASE TRAP -YES / NO
APPLICANT: I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of use will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the use described herein. If the City of Carbondale requests inspection, the applicant must call for an inspection prior to occupancy.

PRINT NAME:_____
SIGNATURE:_____
(Owner or authorized representative) DATE

BLANK

ZONE (836-7108) Inspection required? ___Yes ___No ___Denied APPROVED BY: _____
DATE: _____

The use & occupancy of the described portion of the building & premises has been reviewed & inspected when required for compliance with Article 25 of the Carbondale Planning Commission Regulations, Carbondale Kansas.

_____ _____
Building Official Date

BLANK

FOR YOUR INFORMATION

Use Occupancy or (non-structural) B Use Occupancy permits are required through the zoning ordinance, not the building code. The issuance of a use occupancy permit verifies the proposed use complies with the provisions of the zoning ordinance. The permit fee is $50.00.

Structural Occupancy B Structural Occupancy permits are required of the Uniform Building Code.

Retain the occupancy permit and any attached materials for your records. No premises shall be used or occupied in the Commercial or Industrial Zones unless and until an occupancy permit has been issued by the Building Official for the particular uses and activities to be carried on at such premises. No change in any use or occupancy shall be made at any such premises unless and until an occupancy permit has been issued by the Building Official permitting such change.

HOME OCCUPATION

A home occupation includes any business located in and operating out of a home. Please read the following definition and verify the proposed home occupation is consistent with this definition provided in the zoning ordinance.

Definition

An occupation commonly carried on within a dwelling by members of the family occupying the dwelling, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

CERTIFICATION:

I have read the definition of a home occupation and certify that the occupation to be conducted in my home complies with these requirements.

_____

Signature Date

BLANK

CITY OF CARBONDALE, KANSAS
REZONING APPLICATION FORM

Fee: 135.00

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

For Office Use Only
Case No.: _____
Date Advertised:_____
Date Notices Sent: _____
Public Hearing Date:_____
Planning Commission Recommendation:_____
City Council Action: _____
Ordinance No.: _____

This application must be turned in at least twenty-five days prior to the Planning Commission meeting. The Planning Commission meets on the first Wednesday of every month. You must also provide a list of names and addresses of all property owners within 200 feet of any of your property lines.

APPLICANT: PHONE:
_____PHONE:_____
ADDRESS: _____ZIP: _____
OWNER: _____PHONE: _____
ADDRESS: _____ZIP: _____
LOCATION OF PROPERTY: _____
LEGAL DESCRIPTION (Please use the legal description off property deed):

Present Zoning: _____ Requested Zoning:_____

Present Use of Property:_____

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

CHARACTER OF THE NEIGHBORHOOD:
_____
_____

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would the proposed change create a small, isolated district unrelated to surrounding
districts? _____ Yes _____ No

2. Are there substantial reasons why the property cannot be used in accord with existing
zoning? _____ Yes _____ No
If yes, explain:
_____

2. Will the rezoning of this property have a potential positive or negative impact on nearby property? _____ Yes _____ No(If yes explain):_____
_____

RELATIVE GAIN TO THE PUBLIC

1. Is the property vacant? _____If yes, how long has it been vacant?
_____

2. Will the rezoning of this property have a potential positive or negative impact on the public as a whole?
(explain)_____
_____
_____

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with Development Policies?_____

2. Consistent with Future Land Use Map? _____

LIST OF NEIGHBORING PROPERTIES:

_____Certified list of property owners within 200 feet

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENT

APPLICANT'S SIGNATURE:
_____DATE:_____

City of Carbondale, Kansas
REZONING APPLICATION FORM

˜ This Section is for City Use Only ˜

Date of Hearing _____

Approved _____ Denied _____

Comments:

_____
Planning Commission Chairperson

_____ _____
Planning Commission Member Planning Commission Member

_____ _____
Planning Commission Member Planning Commission Member

BLANK

CITY OF CARBONDALE, KANSAS
SIGN PERMIT APPLICATION

234 Main

Date Paid: _____

P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

Property Owner's Name:_____

Property Address

_____

Owner's Telephone No.

_____

Number of Stories on Building:

_____

Contractor:

_____

Contractor's Address:

_____

Contractor's Telephone No:

_____

Job Supervisor:

_____

ALL SIGN PERMITS REQUIRE A SKETCH OF SIGN, INCLUDING DIMENSIONS, AND A SITE PLAN MUST ACCOMPANY PERMIT INFORMATION. FOR DOUBLE FACED SIGNS – CHARGE FOR ONE SIDE ONLY WITH A MAXIMUM OF $50.00 PER SIDE.

STANDARD SIGNS:

BASE FEE $25.00

SIGN FACE CHANGE ONLY:

FEE $20.00

˜ BELOW SECTION FOR CITY USE ONLY ˜

_____Approved _____Denied

Comments of Zoning Administrator:

_____
_____
_____
_____

Date:_____ Signed: _____
Zoning Administrator

BLANK

SINGLE FAMILY & DUPLEX RESIDENTIAL
BUILDING PERMIT APPLICATION

Fee: $50.00

234 Main
P.O. Box 70
Carbondale, KS 66414
PHONE: 785.836.7108

NOTICE: There is a mandatory 10-day waiting period from the date of approval. Do not begin any construction or installing of any structure until that time.

Presented by:

_____

Name (type or print) Address Phone

Address of proposed structure:_____ Zoned as_____

Located in Addition. _____ Lots are ft wide._____

LEGAL DESCRIPTION OF PROPERTY. This information is on your abstract, your tax statement, or available at the Osage County Register of Deeds Office located in the courthouse.

_____
_____
_____

Owner of Record:

_____

Name (type or print) Address Phone

General Contractor:

_____

Name (type or print) Address Phone

Architect or Designer:

_____

Name (type or print) Address Phone

CLASS OF WORK

_____New _____Repair _____Addition _____Alteration/Remodel

Other

_____

Describe Work:

_____
_____
_____

TYPE OF STRUCTURE

_____Single Family _____Site Built _____Manufactured House
_____Duplex _____ Modular Manufactured House, Residential Design

Properties zoned as R1 and R2: No building shall exceed thirty-five (35) feet in height.

NOTE: Property owner or applicant is responsible for submitting accurate information. The **City does NOT certify boundary lines**. Applications are approved based on measurements provided.

Value of Project_____ Square Footage_____

Will there be electrical or plumbing work? _____ Electrical_____
Plumbing_____

Please indicate Contractor

_____
Name (type or print) Address Phone

Is property located in a floodplain area? _____Yes _____No
IF YES, please obtain and complete the Floodplain Development
Permit/Application

Will a new water tap be required? _____Yes _____No

Will a new sewer tap be required? _____Yes _____No

Will installation of utility lines require crossing a street or alley to
reach the nearest point to hook on? _____Yes _____No
If yes, complete required forms and pay fees. Forms are at City Hall.

SETBACKS: Is location on a corner lot? _____Yes _____No
(If yes, the front property line setback is required on both streets)

_____feet from the front property line (25 feet from property line)
_____feet from side yard property line (See Article 5)
_____feet from side yard property line (See Article 5)
_____feet from back property line (10 feet from property line)

Estimated starting date: _____Completion date:
_____

IMPORTANT: Attach a separate sheet showing structure dimensions and location on the lot. Indicate all setbacks, public or private easements, height of structure, and parking (if applicable). The property owner or agent is responsible for the accuracy and verification of all dimensions given, as well as any legal surveying if needed.

A residential site plan is required. See attached checklist.
Site Plan Attached _____Yes _____No

Applicant Please Read

I hereby certify that I have read and examined this application and know the same to be true and correct. I hereby certify that I have been authorized by the owner to act as his/her agent in applying for and obtaining this permit prior to work being initiated. All provisions of laws and ordinances governing this type of work will be complied with, whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

Signature of Applicant_____ Date _____

NOTE: This application (if approved) expires one year after date of issuance unless the project is started within six months of approval.

IF APPLICATION IS NOT APPROVED:

. You have the right to file a request for a hearing before the Board of Zoning Appeals.
. See Article 12, or contact the City Clerk's Office for procedure.
. Request must be made within thirty (30) days of being disapproved.

˜ BELOW SECTION FOR CITY USE ONLY ˜

Zoning _____ Occupancy_____ Floodplain_____ ADA_____

_____Approved _____Denied

Comments of Zoning Administrator:
_____
_____
_____
_____
_____

Date: _____Signed: _____
Zoning Administrator

RESIDENTIAL BUILDING PERMIT DRAWING CHECKLIST

Submission Requirements: The site plan shall include the following data and details, which are found relevant to the proposal the applicant, shall make notations explaining the reasons for any omissions.

	Yes	No
A. Name of project, address, date, north arrow, and scale of plan.	☐	☐
B. All existing lot lines, easements, and rights of way.	☐	☐
C. The location and use of all existing and proposed structures within the property. Include all dimensions of floor area, and show all exterior entrances, and all anticipated future additions or alterations.	☐	☐
D. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, curbs, and fences.	☐	☐
E. The location of all present and proposed utility systems:		
1. Sewage system;	☐	☐
2. Water supply system.	☐	☐

CITY OF CARBONDALE, KANSAS

SITE PLAN REVIEW APPLICATION

234 Main
P.O. Box 70
Carbondale, KS 66414
Phone: 785.836.7108

Fee:_____

For Office Use Only
Case No.: _____
Date Filed: _____
Date Reviewed: _____
Date Approved: _____

ROJECT NAME:_____
PROJECT
ADDRESS:_____

OWNER NAME:_____

OWNER ADDRESS:_____

ARCHITECT/ENGINEER NAME:_____
ARCHITECT/ENGINEER
ADDRESS:_____

1. What is the current zoning of the property proposed for development?
_____

2. Does the proposed development comply with this zoning? _____If not, what is the appropriate zoning for this development?
_____

3. Does the proposed development fall within the Downtown Design Guidelines? (See Article 11) _____ Yes _____ No

4. Does the proposed development conform with all zoning regulations including:
Setbacks: _____Outdoor Storage Regulations:_____

Screening:_____Landscape Requirements:_____

Other:_____

6. Is the proposed development compatible with the surrounding area?
_____
If no, explain:
_____

7. Does the proposed development conform to the provisions of the City's Subdivision Regulations?
_____

8. Does the Site Plan conform to the customary engineering standards used by the City of Carbondale?_____ If no, explain:
_____
_____

9. Does the proposed development's location of streets, paths, walkways, and driveways
minimize the impact of traffic to the surrounding area? _____
If no, explain:
_____
_____
_____

APPLICANT'S SIGNATURE:_____DATE: _____

STAFF TERMS AND CONDITIONS:
_____
_____
_____
_____
_____

SIGNATURE:
_____DATE:_____
Zoning Administrator

CITY OF CARBONDALE, KANSAS
SITEPLAN REVIEW CHECKLIST

234 Main
P.O. Box 70
For Office Use Only

Case No.:_____
Date Reviewed:_____
Date Approved: _____
Project Name: _____

Project Address:

Submission Requirements: The Site Plan or expanded Preliminary Plat shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	Yes	No
A. Name of project, address, boundaries, date, north arrow and scale of plan.	☐	☐
B. Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect.	☐	☐
C. Name and address of all owners of abutting parcels.	☐	☐
D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	☐	☐
E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For development in the Central Business District (CBD), indicate design details to make new construction compatible with existing structures.	☐	☐
F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, and fences. Location, type, and details for all waste disposal containers shall also be known.	☐	☐

	Yes	No
G. The Zoning Administrator may require location, height, intensity, and bulb type (e.g., florescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.	☐	☐
H. The location, height, size, materials, and design of all proposed signage.	☐	☐
I. The Zoning Administrator may require a landscape plan showing all existing trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.	☐	☐
J. The location of all present and proposed utility systems including:		
1) sewage system,	☐	☐
2) water supply system,	☐	☐
3) telephone, cable, and electrical systems, and	☐	☐
4) storm drainage system including existing and proposed drain lines ,culverts, catch basins, headwalls, end walls, hydrants, manholes, and rainage swells.	☐	☐
K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising and lowering of the water tables, and flooding of other properties, as applicable.	☐	☐
L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with based flood elevations; and the developer shall present plans or meeting Federal Emergency Management Agency (FEMA) requirements.	☐	☐
M. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.	☐	☐
N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:	☐	☐

	Yes	No
1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily peak hour traffic levels:	☐	☐
2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and	☐	☐
3) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.	☐	☐
O. For new construction or alterations to any existing structure, a table containing the following information must be included:	☐	☐
1) Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;	☐	☐
2) Maximum number of employees;	☐	☐
3) Maximum seating capacity, were applicable;	☐	☐
4) Number of parking spaces existing and required for the intended use; and	☐	☐
5) A landscape plan for improving large areas of paved parking with appropriate landscaping may be required.	☐	☐
P. For new construction or alterations to any existing structure, a detailed drawing containing ADA accessible requirements must be included:		
1) ADA parking stalls with loading/unloading areas.	☐	☐
2) Spot elevations for all ADA parking stalls.	☐	☐
3) Access aisles from parking area to building.	☐	☐
4) All exterior entrances and direction of door swings	☐	☐
5) Details of curb cuts and ramps, include all dimensions.	☐	☐

ADDITIONAL COMMENTS:

_____
_____
_____
_____
_____
_____

CONTACT PERSON NAME:_____ PHONE _____

ADDRESS: _____

SIGNATURE:_____ DATE:_____
Zoning Administrator

CITY OF CARBONDALE, KANSAS
SPECIAL USE PERMIT APPLICATION

Fee $50.00

234 Main Date Paid:_____
P.O. Box 70
Carbondale, KS 66414

For Office Use Only
Case No.: _____Public Hearing Date:_____
Date Advertised: _____Planning Commission Recommendation:_____
Date Notices Sent: _____City Council Decision: _____
Resolution No.: _____

Please complete both pages of the form and return to the City of Carbondale at the above address.

This application must be turned in at least twenty-five days prior to the Planning Commission meeting. The Planning Commission meets the second Tuesday every month, when called. You must also provide a list of the names and addresses of all property owners within 200 feet of any of your property lines.

APPLICANT:_____
PHONE:_____
ADDRESS: _____ ZIP: _____

OWNER: _____PHONE: _____
ADDRESS: _____ZIP: _____

LOCATION OF PROPERTY:
_____

LEGAL DESCRIPTION (Please use the legal description off property deed):
_____
_____
_____

ADJACENT ZONING AND LAND USE:

	Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property:
_____

	Yes	No
1. Is deemed necessary for the public convenience at that location.	☐	☐
2. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.	☐	☐
3. Is found to be generally compatible with the neighborhood in which it is proposed.	☐	☐
4. Will comply with the height and area regulations of the district in which it is located unless specifically granted.	☐	☐
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential use from any injurious effect.	☐	☐
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.	☐	☐

Should this special use be valid only for a specific time period? Yes _____ No _____
If Yes, what length of time?
_____

APPLICANT'S SIGNATURE:
_____DATE:_____

Attachments Required:

. Site plan showing existing and proposed structures on the property in question, and
adjacent property, off-street parking, driveways, and other information.

. Certified list of property owners within 200 feet of property. This can be obtained from the Osage County Mapping Department located at 234 Main, Carbondale, KS.

CITY OF CARBONDALE, KANSAS

234 Main
P.O. Box 70
Carbondale, KS 66414

TOWNHOUSE DEVELOPMENT

CHECKLIST

For Office Use Only

Case No.: _____
Date Filed:_____
Date Reviewed: _____
Date Approved: _____

Project Name:
_____

Project Address:
_____

Submission Requirements: The Townhouse Development shall include the following data, details, and supporting plans which are found relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. Site Plans shall be prepared by a registered professional engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets. The following items need to be included on the Site Plan:

	Yes	No
A. The Townhouse subdivision development is located within a Multi-Family Residential (R-3).	☐	☐
B. The Development Size is the same as required in the zoning district assigned to the property containing at least ten townhouse units.	☐	☐
C. Phased development are constructed with no fewer than three townhouse units in each phase.	☐	☐
D. The overall density of the townhouse subdivision does not exceed the density allowed by the applicable zoning district.	☐	☐
E. No townhouse unit is located closer than 20 feet to a street, or closer than ten feet to any parking lot or driving aisle, or closer than 15 feet to any overall project boundary.	☐	☐
F. Separation is required between individual townhouse sites or units within the same development, when:	☐	☐
1) Other building regulation and fire protection requirements comply.	☐	☐

	Yes	No
2) No single grouping of townhouse units exceeds 200 feet in length and the average length within the overall development does not exceed 160 feet.	☐	☐
3) No townhouse structure shall contain more than eight units.	☐	☐
4) Each structure is 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′	☐	☐
G. Structures arranged in a linear form with a combined length in excess of 400 feet, have a minimum separation twice the distance specified above.	☐	☐
H. There is unobstructed access at least ten feet in width on two sides of each individual townhouse unit.	☐	☐
I. Each townhouse unit contains 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.	☐	☐
J. The minimum width for a townhouse unit, center of common wall to center of common or exterior wall is 19 feet.	☐	☐
K. No townhouse unit exceeds 35 feet in height and is no more than two stories.	☐	☐
L. Each townhouse unit has reasonable access to the parking spaces.	☐	☐
M. Individual feeders, meters, lines and shut-offs are provided for each townhouse unit.	☐	☐
N. Water meters are located in a protected, grassed area, readily accessible from the street or drive aisle serving the unit.	☐	☐

	Yes	No
O. Each townhouse unit drains to a common or public drainage area or easement, and no townhouse site drains onto or through an adjoining townhouse site except through a drainage easement.	☐	☐
P. All accessory uses and structures comply to the Townhouse Development District Regulations.	☐	☐
Q. A property owner's association will be established under the Townhouse Development District Regulations.	☐	☐
R. Sidewalks connect all units to driveways, parking lots or streets.	☐	☐
S. Sidewalks are constructed of concrete, brick pavers or other approved surfaces, but no asphalt, stepping stones, loose rock or mulch.	☐	☐
T. All private access drives serving townhouse developments are designed and constructed to meet the City's standards for private drives.	☐	☐
U. A garage or a common carport facility is provided for each townhouse unit.	☐	☐
V. Legal Description for Individual Sites have been approved by the Zoning Administrator and recorded in the office of the Register of Deeds of Osage County, Kansas.	☐	☐

ADDITIONAL COMMENTS:

_____
_____
_____
_____
_____
_____

CONTACT PERSON NAME: _____PHONE NO._____

ADDRESS: _____

SIGNATURE: _____DATE:_____
Zoning Administrator

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CITY OF CARBONDALE KANAS
VARIANCE APPLICATION
BOARD OF ZONING APPEALS

234 Main
P.O. Box 70
Paid:_____
Carbondale, KS 66414

Fee: $35.00
Date

For Office Use Only
Case No.: _____
Date Advertised:_____
Date Notices Sent:_____
Public Hearing Date:_____
Board of Zoning Appeals Decision: _____

Please complete both pages of this form and return to the City Clerk at the address above.

This application must be turned in at least twenty-five days prior to the Board of Zoning Appeals meeting. The board meets on the first Wednesday of each month, when called. You must also provide a list of the names and addresses of all property owners within 200 feet of any of your property lines.

APPLICANT: PHONE: _____ PHONE:_____
ADDRESS: ZIP: _____ _____
OWNER: _____ PHONE:_____
ADDRESS: _____ ZIP: _____

LOCATION OF PROPERTY: _____
_____
_____
_____

SITE SKETCH ATTACHED: _____Yes _____ No

ADJACENT LAND USE:

North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property:
_____

Proposed Use of
Property_____
Utility lines or easements that would restrict proposed:
development:_____
_____

Please indicate below the extent to which to following standards are met, in the applicant's opinion. Provide an explanation on a separate sheet for each standard, which is found to be met.

1. UNIQUENESS _____ Yes _____ No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. ADJACENT PROPERTY _____ Yes _____ No
The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. HARDSHIP _____ Yes _____ No
The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. PUBLIC INTEREST _____ Yes _____ No
The variance desired will not adversely affect the public health, safety, morals, order,
convenience, or general welfare of the community. The proposed variance shall not impair
an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. SPIRIT AND INTENT _____ Yes _____ No
Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. MINIMUM VARIANCE _____ Yes _____ No
The variance requested is the minimum variance that will make possible the reasonable use
of the land or structure.

APPLICANT'S SIGNATURE:_____ DATE:_____

DETERMINATION OF THE BOARD OF ZONING APPEALS

Variance Case: _____
Date of Action: _____

On _____, 20_____, the City of Carbondale Board of Zoning Appeals, at it's regular meeting, _____(Action: Approved, Conditionally Approved, Denied) the variance requested from Section _____ of the Zoning Ordinance for the property at _____(Address or Location) as requested by _____(Applicant).

In _____ (Action) this request, the Board of Zoning Appeals found that the variance (did/did not) fulfill the necessary five conditions for variance approval. Specifically, the Board of Zoning Appeals found:

Findings of Board of Zoning Appeals on each of the following conditions:

	Approved	Denied
a.. Uniqueness	_____	_____
b. Adjacent Property	_____	_____
c. Hardship	_____	_____
d. Public Interest	_____	_____
e. Spirit and Intent	_____	_____
f. Minimum Variance	_____	_____

Conditions (if any):_____
_____

_____
Planning Commission Chairperson

_____ _____
Planning Commission Member Planning Commission Member

_____ _____
Planning Commission Member Planning Commission Member

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CITY OF CARBONDALE, KANSAS
ZONING APPEAL OF
ADMINISTRATIVE DECISION

234 Main
P.O. Box 70
Carbondale, KS 66414

Fee: $35.00
Date Paid:_____

For Office Use Only
Case No.: _____
Filing Fee: _____
Date Advertised: _____
Board of Zoning Appeals Decision: _____

APPLICANT:
_____PHONE:_____
ADDRESS: _____ZIP: _____

OWNER: _____PHONE:_____
ADDRESS:_____ZIP: _____

LOCATION OF PROPERTY:
_____
_____

LEGAL DESCRIPTION (Please use the legal description off property deed):

Date applicant met with Zoning Administrator
_____

Section of Zoning Ordinance Being Appealed:
_____

Explanation of Decision Being Appealed:
_____
_____
_____
_____

Present Use of Property:
_____

Proposed Use of Property:
_____

Is a drawing required? _____ Yes _____ No
Is a list of adjoining property owners required? _____ Yes _____ No

APPLICANT'S SIGNATURE:_____ DATE:_____

Page 1 of 1
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City of Carbondale, Kansas
ZONING APPEAL OF ADMINISTRATIVE DECISION

˜ This Section is for City Use Only ˜

Date of Hearing _____
Approved _____ Denied _____
Comments:

_____
Planning Commission Chairperson

_____ _____
Planning Commission Member Planning Commission Member

_____ _____
Planning Commission Member Planning Commission Member

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Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 12.--ARCHITECTURAL SERVICES

75-1228. Same; unlawful sales acts; approval of tie downs or ground anchors by secretary; submission of data and information; standards; rules and regulations. (a) From and after July 1, 1975, it shall be unlawful for any person to sell or offer for sale in this state any tie down or ground anchor of a type which has not been approved by the secretary.

(b) Every manufacturer of ground anchors designed to be used on any mobile home shall submit to the secretary for approval each type of ground anchor intended for sale or distribution in this state, together with the following data with respect thereto:

(1) Detailed drawings and specifications of each type of ground anchor, showing model identification, dimensions, types of welds or fastenings, materials used in its construction and the method of securing the tie down;

(2) Test data regarding the destructibility of each ground anchor model, which has been prepared and certified by a recognized independent testing laboratory, demonstrating the capability of such ground anchor to withstand a force of not less than four thousand seven hundred fifty (4,750) pounds without failure, with strap or cable connected to the anchor head connecting device; and

(3) Information as to the types of soil the anchor is certified to be installed in, and instructions as to the method of installation.

(c) Every manufacturer of tie downs designed to be used on any mobile home which is not equipped with tie downs by the manufacturer shall submit to the secretary for approval each type of tie down intended for sale or distribution in this state, together with such supportive data as the secretary may require pursuant to duly adopted rules and regulations. Each tie down shall comply with the standards applicable thereto, as adopted by K.S.A. 75-1220, and in any rules and regulations adopted by the secretary pursuant thereto.

History: L. 1974, ch. 375, § 3; L. 1978, ch. 336, § 17; July 1.

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75-1231

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES
Article 12.--ARCHITECTURAL SERVICES

75-1231. Same; foundations for piers; construction of piers; requirements. (a) Foundations for piers shall be installed directly under the main frame or chassis of the mobile home. All grass and organic material shall be removed and the pier foundation placed on stable soil. The piers shall not be farther apart than 10 feet on centers, and the main frame, front or face of the mobile home shall not extend farther than one foot beyond the center line of the end of the piers. Each pier foundation shall consist of two concrete blocks, and each such block shall be eight inches wide, eight inches high and 16 inches long or shall be of such other material and design as approved by the secretary.

(b) Piers shall be constructed of either open cell or solid concrete blocks, each of which shall be eight inches wide, eight inches high and 16 inches long, with open cells vertical or in combination with solid concrete blocks which are two inches thick, eight inches high and 16 inches long placed above the foundation block. A wood plate which is at least one inch in actual thickness, eight inches wide and 16 inches long shall be placed on top of the pier, with weather proof wood shims, when needed, fitted and driven tightly between the wood plate and the main frame. Such shims shall not occupy more than one inch of vertical space. Piers shall be installed perpendicular to the I-beam. All piers over 30 inches in height, measured from the top of the foundation block to the I-beam, shall be double tiered with blocks interlocked and capped with a solid concrete block, which shall be four inches high, 16 inches wide and 16 inches long, and cushioned with wood blocking as required. Piers shall not exceed 48 inches in height, unless designed by a registered professional engineer or architect. Piers also may be constructed of other material and designs approved by the secretary.

History: L. 1974, ch. 375, § 6; L. 1978, ch. 340, § 4; L. 1998, ch. 83, § 3; July 1.

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Published in the Osage County Herald September 15, 2005

ORDINANCE NO. 405 B-2005

AN ORDINANCE PROVIDING FOR LICENSING REGULATION FOR PERSONS ENGAGED IN THE BUSINESS OF MAKING SEWER CONNECTIONS AND EXCAVATION FOR SEWER SERVICE LINES ESTABLISHING LICENSING FEES AND INSURANCE REQUIREMENTS, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCE NO. 173:

BE IT ORDAINED by the Governing Body of the City of Carbondale, Osage County, Kansas.

SECTION 1. LICENSE REQUIRED. Anyone engaged in or desiring to engage in the business of making sewer connections or engaged in or desiring to engage in the business of making excavation for sewer service lines in the City of Carbondale, shall before obtaining a permit, procure a license from the City Clerk of the City of Carbondale, which license shall expire on the first day of January after the year in which issued. No licenses shall be transferred from one person to another. Any such license shall be revocable by the Governing Body, for violation of any provisions of this ordinance or any ordinance relating to sewers and maintenance of same.

SECTION 2. LICENSED PLUMBERS. No city license to make connection with the public sewer shall be issued for such work to be done by other than a licensed plumber.

SECTION 3. LICENSES REQUIRED. The annual fee for such licenses shall be the sum of Twenty-Five Dollars ($25.00) for each license issued. If one person desires to engage in the business of making sewer connections and the making of excavations for sewer service lines, two licenses shall be issued and the fee for each shall be Twenty-Five Dollars ($25.00).

SECTION 4. INSURANCE REQUIRED. Before a sewer connection license shall be issued, applicant shall file with the City Clerk a certificate of liability insurance issued by a corporation authorized to do business within the State of Kansas providing public liability insurance covering all operations and persons associated with the applicant. Such policy shall provide not less than $500,000 (five hundred thousand) single limit liability for each occurrence and $1,000,000 (one million) single limit liability for each policy year. Such policy shall not contain any deductible provision for more than $500 and such policy shall not be cancelled or terminated until at least 10 days after a notice of cancellation of the insurance policy is received by the City Clerk from the applicant.

SECTION 5. TIME AND EFFECT OF ORDINANCE. This ordinance shall take effect and be in force from and after it s publication as provided by law.