

**Sec. 146-78. - RG 18 - General Residence district.**

- (a) *Purpose.* The "RG 18" - General Residence zone was originally designed to provide for moderately high density apartment development and other uses, which have characteristics similar to those found in the operation of apartment houses. Densities in this district are higher than presently considered acceptable in the city. Rezoning to this classification will not generally be considered after January 1, 2000.
- (b) *Permitted uses.* Those uses indicated as being permitted in the "RG 18" - General Residence zone in the ~~schedule~~Schedule of ~~uses~~Uses shall be allowed.
- (c) *Space limits.* The following space limits shall apply to the "RG 18" - General Residence zone:

(1) All space limits identified as being applicable to the "RG 18" – General Residence zone in Appendix F of the Zoning Ordinance.

~~Non-residential uses:~~

~~Minimum lot area: 5,000 square feet~~

~~Minimum width of lot: 50 feet.~~

~~Minimum depth of lot: 100 feet.~~

~~Maximum height of building: 50 feet.~~

~~Minimum front yard: 15 feet~~

~~Minimum rear yard: ten feet.~~

~~Minimum side yard: seven feet.~~

~~Minimum side yard at corner: 25 feet.~~

~~Maximum lot coverage: 80 percent.~~

~~Maximum floor area ratio: one to 1.67 (0.6:1.0).~~

~~Multiple family residential uses:~~

~~Multi-family residential construction in this district shall, except as herein described, shall comply with the space limitations of the "MF-1" – Multi-Family Residential-Low Density District.~~

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~~A maximum density of 24 dwelling units per acre shall be allowed.~~

~~Duplex residential uses:~~

~~Two family residential construction in this district shall comply with the space limitations of the "RD 30" Duplex Residence District.~~

~~Single-family residential uses:~~

~~Single family residential construction in this district shall comply with the space limitations of the "RS 60" Single Family Residence District.~~

(d) *Miscellaneous provisions.*

- (1) Off-street parking shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

**Sec. 146-79. - MF-1 - Multiple Family Residential-Low Density district.**

(a) Purpose. The "MF-1" - Multiple Family Residential-Low Density zone is designed to provide for low density multiple family residential development characterized by smaller scale buildings and extensive open space and landscaping. This district should not be located with frontage or direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

(b) Permitted uses. ~~Those uses indicated as being permitted in the "MF-1" – Multiple Family Residential – Low Density zone in the Schedule of Uses shall be allowed. The following uses are permitted in the "MF-1" – Multiple Family Residential-Low Density zone: uses as permitted in the schedule of uses.~~

(c) Space limits. The following space limits shall apply to the "MF-1" - Multiple Family Residential-Low Density zone:

~~Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.~~

~~Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.~~

~~Maximum lot coverage: 50 percent, including accessory buildings other than covered parking.~~

~~Single family construction in this district shall comply with the "RS 60" - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the "RD 30" - Duplex Residence zone space limit requirements.~~

(1) All ~~other~~ space limits identified as being applicable to the "MF-1" - Multiple Family Residential-Low Density zone in Appendix F of the Zoning Ordinance.

(d) Miscellaneous provisions.

(1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.

(2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

**Sec. 146-80. - MF-2 - Multiple Family Residential-Medium Density district.**

(a) *Purpose.* The "MF-2" - Multiple Family Residential-Medium Density zone is designed to provide for medium density multiple family residential development characterized by smaller scale buildings and more open space than higher density districts. This district should not be located with direct access on major thoroughfares or with principal access to local residential streets. This district permits two story apartments, fourplexes, and duplexes.

(b) *Permitted uses.* ~~Those uses indicated as being permitted in the "MF-2" - Multiple Family Residential - Medium Density zone in the Schedule of Uses shall be allowed. The following uses are permitted in the "MF-2" - Multiple Family Residential-Medium Density zone: uses as permitted in the schedule of uses.~~

(c) *Space limits.* The following space limits shall apply to the "MF-2" - Multiple Family Residential-Medium Density zone:

~~Minimum rear yard: 25 feet; 45 feet where adjacent to single family or duplex residential zones or uses.~~

~~Minimum side yard: 20 feet; 45 feet where adjacent to single family or duplex residential zones or uses.~~

~~Maximum lot coverage: 50 percent including accessory buildings except for covered parking.~~

~~Single family construction in this district shall comply with the "RS 60" - Single Family Residence zone space limit requirements. Duplex construction in this district shall comply with the "RD 30" - Duplex Residence zone space limit requirements.~~

(1) All ~~other~~ space limits identified as being applicable to the "MF-2" - Multiple Family Residential-Medium Density zone in Appendix F of the Zoning Ordinance.

(d) *Miscellaneous provisions.*

(1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.

(2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

**Sec. 146-81. - MF-3 - Multiple Family Residential-Medium-High Density district.**

(a) Purpose. The "MF-3" - Multiple Family Residential-Medium-High Density zone is designed to provide for moderately high density multiple family residential development characterized by smaller scale buildings and more open space. This district is appropriately located with direct access to major thoroughfares. This district permits ~~three~~ two story apartments, fourplexes, and duplexes.

(b) Permitted uses. ~~Those uses indicated as being permitted in the "MF-3" - Multiple Family Residential - Medium-High Density zone in the Schedule of Uses shall be allowed. The following uses are permitted in the "MF-3" - Multiple Family Residential-Medium-High Density zone: uses as permitted in the schedule of uses.~~

(c) Space limits. The following space limits shall apply to the "MF-3" - Multiple Family Residential-Medium-High Density zone:

~~Minimum rear yard: 25 feet; 45 feet where adjacent to single-family or duplex residential zones or uses.~~

~~Minimum side yard: 20 feet; 45 feet where adjacent to single-family or duplex residential zones or uses.~~

~~Maximum lot coverage: 50 percent, including accessory buildings except covered parking.~~

~~Single family construction in this district shall comply with the "RS 60" - Single Family Residence zone space limit requirements. Duplex~~

~~construction in this district shall comply with the "RD-30" - Duplex Residence zone space limit requirements.~~

- (1) All ~~other~~ space limits identified as being applicable to the "MF-3" - Multiple Family Residential-Medium-High Density zone in Appendix F of the Zoning Ordinance.

(d) Miscellaneous provisions.

- (1) The minimum separation of buildings shall conform to the distance requirements as specified in section 146-129(4)c.
- (2) The keeping of dogs, cats and other household pets is limited to two animals over six months old.

**Sec. 146-83. - NC - Neighborhood Convenience District.**

- (a) Purpose. The "NC" - Neighborhood Convenience zone is designed to provide for a limited range of service and light retail land uses in small districts up to two acres in size, which are appropriately located at intersections of thoroughfares to serve the immediately adjacent residential neighborhood area. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.

- (b) Permitted uses. ~~Those uses indicated as being permitted in the "NC" - Neighborhood Convenience zone in the Schedule of Uses shall be allowed. The following uses are permitted in the "NC" - Neighborhood Convenience zone: uses as permitted in the schedule of uses.~~

- (c) Space limits. The following space limits shall apply to the "NC" - Neighborhood Convenience zone:

~~Minimum rear yard: ten feet; 25 feet where adjacent to residential.~~

~~Minimum side yard: five feet; 25 feet where adjacent to residential.~~

~~Maximum lot coverage: 40 percent.~~

~~Maximum floor area ratio: 0.4 to 1.0.~~

- (1) All ~~other~~ space limits identified as being applicable to the "NC" - Neighborhood Convenience zone in appendix F of the zoning ordinance.

~~(d) Miscellaneous provisions. Sign and illumination regulations for the "NC" - Neighborhood Convenience zone shall be as follows:~~

- ~~(1) Signs shall comply with the provisions of chapter 134.~~
- ~~(2) The number of signs shall be limited to two, or the maximum allowable under chapter 134, whichever is less.~~
- ~~(3) No free-standing signs (ground or pole signs) shall be permitted.~~
- ~~(4) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.~~
- ~~(5) All signs shall be oriented so as to face a public street.~~
- ~~(6) No sign shall be illuminated so as to shine on nearby residential properties.~~
- ~~(7) Any illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.~~

**Sec. 146-84. - BN - Neighborhood Business District.**

(a) Purpose. The "BN" - Neighborhood Business zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

(b) Permitted uses. The following uses are permitted in the "BN" - Neighborhood Business zone:

- ~~(1)~~
- ~~(2) Any principal permitted use allowed in the "RG 18" - General Residence zone when established according to the rules and conditions of the "RG 18" - General Residence zone, except as herein modified;~~

~~(3)~~  
(4)(1) Other uThose uses indicated as being permitted in the "BN" - Neighborhood Business zone in the Schedule of Uses shall be allowed; and

~~(5)~~(2) Motor vehicle fuel sales only with facilities to fuel not more than four vehicles at one time (not a gasoline service station), which does not conduct any type of automotive repairs or servicing and motor vehicle fuel sales only with facilities to fuel not more than eight vehicles at one time which does not conduct any type of automotive repairs or servicing; provided that the gas pumps are located within 350 feet of the intersection of two arterial roadways as shown on the thoroughfare

plan. Additionally, no stock of goods may be displayed out of doors with the exception of lubricants and additives for frequent sale, and no lighting may be constructed to shine on neighboring properties used for residential purposes. A maximum of two brand identification signs shall be allowed if their only illumination is non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light. Such signs may be installed at the property line and shall conform to chapter 134 (see section 146-41 for regulations concerning specific use permit approval of facilities to fuel more than four and eight vehicles with location criteria at one time).

~~(c) Permitted accessory uses. The following accessory uses are permitted in the "BN" - Neighborhood Business zone:~~

~~Accessory uses for residential development shall include those listed under the "RG 25" - General Residence zone and shall be established and conducted in accordance with the regulations of that zone; and~~

~~(1) All signs shall be flat against the wall of the building with all parts of the sign within 18 inches of the face of the building or on the roof within the height limit and shall not be illuminated so as to shine on nearby residential properties, except as otherwise provided herein. Illumination shall be non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.~~

~~(dc) Space limits. The following space limits shall apply to the "BN" - Neighborhood Business zone:~~

~~Minimum width of lot: 50 feet. Parking and landscaped areas may be included in this calculation.~~

~~Minimum depth of lot: None for business.~~

~~Maximum height of building: 25 feet, including roof signs and pylons.~~

~~Minimum side yard: five feet when abutting a residential zone; none abutting business.~~

~~Minimum side yard at corner: 25 feet. The 20 feet of a required corner side yard adjacent to the building may be used for the parking of automobiles.~~

~~Maximum lot coverage: 70 percent.~~

~~Maximum floor area ratio: one to 1.67 (0.6:1.0).~~

~~(8)(1)~~ All ~~other~~ space limits identified as being applicable to the "BN" - Neighborhood Business zone in appendix F of the zoning ordinance.

~~(e) — Miscellaneous provisions.~~

~~Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business shall be constructed on a zoning lot occupied by a residence.~~

**Sec. 146-85. - BG - General Business district.**

(a) Purpose. The "BG" - General Business zone is designed to provide for a wide range of retail and service establishments.

(b) Permitted uses. ~~Those uses indicated as being permitted in the "BG" - General Business zone in the Schedule of Uses shall be allowed.~~  
~~The following uses are permitted in the "BG" - General Business zone:~~

~~Any use permitted in the "BN" - Neighborhood Business zone; except single family attached units; and~~

~~Other uses indicated as being permitted in the "BG" - General Business zone in the Schedule of Uses.~~

(c) Specific use permits. The following specific uses require a permit in the "BG" - General Business zone:

(1) All uses indicated as being allowed in the "BG" - General Business zone with a specific use permit in the schedule of uses; and

(2) The city may allow residential and mixed business and residential structures to conform with the space limits of the "RG 18" - General Residence zone or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

(d) Space limits. The following space limits shall apply to the "BG" - General Business zone:

~~Minimum lot area for business: None. Residential structures shall conform to the provisions of the "RG 18" - General Residence zone, except as may be modified by the city in accordance with the specific use provisions of this zone.~~

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~~Minimum width of lot: None for business.~~

~~Minimum depth of lot: None for business.~~

~~Minimum front yard: None for business.~~

~~Minimum side yard: five feet when abutting any zone requiring a side yard;  
none abutting business.~~

~~Maximum lot coverage including accessory buildings, loading docks,  
incinerators and vending devices: 95 percent.~~

~~Maximum floor area ratio: two to one (2.0:1.0).~~

(1) All ~~other~~ space limits identified as being applicable to the "RG 18" -  
General Residence zone in Appendix F of the Zoning Ordinance.

(e) Miscellaneous provisions.

(1) Only one building for living purposes shall be permitted on one zoning  
lot except as otherwise provided herein.

#### **Sec. 146-86. - C - Planned Center district.**

(a) Purpose. The "C" - Planned Center zone is designed to provide for high-  
intensity concentrations of shopping and related commercial activities along  
regional highways or large arterial roadways.

(b) Permitted uses. Those uses indicated as being permitted in the "C" – Planned  
Center zone in the Schedule of Uses shall be allowed.

~~The following uses are permitted in the planned center district:~~

~~Any use permitted in district "BN" – Neighborhood Business; and~~

~~Other uses indicated as being permitted in the "C" – Planned Center zone in the  
schedule of uses.~~

(c) Space limits. The following space limits shall apply to the "C" - Planned  
Center zone:

~~Minimum rear yard: 25 feet when abutting any zone requiring a rear yard;  
none abutting business.~~

~~Minimum side yard: 15 feet when abutting any zone requiring a side yard;  
none abutting business.~~

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Maximum lot coverage: 50 percent.

Maximum floor area ratio: one to 1.25.

- (1) All ~~other~~ space limits identified as being applicable to the "C" - Planned Center zone in appendix F of the zoning ordinance.

(d) Special provisions.

- (1) The entire parcel of land in the planned center zone shall be considered as one zoning lot in arranging buildings and other facilities.
- (2) The commission and the council shall take into consideration the ability of nearby streets to handle traffic generated by the proposed development and shall take into consideration the effects upon the value and amenities of the nearby neighborhood residential properties and in the event of conflict between the maintenance of such values and the proposed development, shall weigh the equities between the two using the criterion of community service and maintaining the concept of the zoning plan in assessing the position of the proposed development.
- (3) It is intended that a planned center zone be designated to carry out the objectives and planning practices established by the commission for development of the city and particularly the development of unified planned business centers, whether in single or multiple ownership, and to be so developed within a reasonable time. The district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district. The intent of the district shall be considered in determining whether any tract shall be zoned as a planned center district and its associated site plan approved. Thenceforth, any development or subdivision of the property shall be consistent with an approved conceptual site plan, as originally approved or as may be subsequently amended and approved.

**Sec. 146-87. - O-1 - Neighborhood Office district.**

- (a) Purpose. The "O-1" - Neighborhood Office zone is designed to provide for low intensity office uses, which are appropriately located at intersections of thoroughfares and which can be in close proximity to adjacent residential neighborhood areas.
- (b) Permitted uses. Those uses indicated as being permitted in the "O-1" - Neighborhood Office zone in the Schedule of Uses shall be allowed.~~The~~

~~following uses are permitted in the "O-1" - Neighborhood Office zone: uses as permitted in the schedule of uses.~~

(c) Space limits. The following space limits shall apply to the "O-1" - Neighborhood Office zone:

~~(1) Minimum rear yard: ten feet; 25 feet where adjacent to residential zone or use.~~

~~Minimum side yard: five feet; 25 feet where adjacent to residential zone or use.~~

~~Maximum lot coverage: 50 percent.~~

~~Maximum floor area ratio: 0.5 to 1.0.~~

~~(2)(1) All other space limits identified as being applicable to the "O-1" - Neighborhood Office zone in Appendix F of the Zoning Ordinance.~~

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~~(d) Miscellaneous provisions. Sign and illumination regulations for the "O-1" - Neighborhood Office zone shall be as follows:~~

~~(1) All signs shall comply with the provisions of chapter 134.~~

~~(2) No free standing signs (ground or pole signs) shall be permitted.~~

~~(3) All signs shall be flat against the wall of the building, with all parts of the sign within 18 inches of the face of the building.~~

~~(4) All signs shall be oriented so as to face a public street.~~

~~(5) No sign shall be illuminated so as to shine on nearby residential properties.~~

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#### **Sec. 146-88. - O - Office district.**

(a) Purpose. The "O" - Office zone is designed to provide for office buildings with attendant retail and service uses intended primarily for occupants of such office buildings.

(b) Permitted uses. Those uses indicated as being permitted in the "O" - Office zone in the Schedule of Uses shall be allowed.~~The following uses are permitted in the "O" - Office zone: uses as permitted in the schedule of uses.~~

(c) Permitted accessory uses. The following accessory uses are permitted in the "O" - Office zone:

- (1) The incidental retail sale of food, beverages and other convenience items or services is permitted to the occupants, employees and guests, as long as these items are not advertised nor offered for sale to the general public;
- (2) Drive-in facilities for banks or financial institutions; and
- (3) Accessory buildings and uses customarily incident to any of the above uses; provided that such be not objectionable because of odor, smoke, dust, noise, vibration, or similar nuisance.

(d) Space limits. The following space limits shall apply to the "O" - Office zone:

~~(1) Maximum height of building: 75 feet, except that no building within 300 feet of a property zoned or used for single family residential uses shall exceed 50 feet in height.~~

~~(1) Minimum rear yard: None, except 25 feet required where abutting any district requiring a rear yard.~~

~~Minimum side yard: None, except 15 feet required where abutting any district requiring a side yard.~~

~~Minimum side yard at corner: Equal to right-of-way width of siding street.~~

~~Maximum lot coverage: 50 percent.~~

~~Maximum floor area ratio: one to one.~~

~~(4)~~ (1) All other space limits identified as being applicable to the "O" Office zone in appendix ~~f~~F of the zoning ordinance.

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#### **Sec. 146-89. - BC - Commercial Business district.**

(a) Purpose. The "BC" - Commercial Business zone is designed to provide for commercial land uses, which can be more intensive than those permitted within a retail district. This district is not intended to be established along highly visible thoroughfares nor adjacent to residential properties due to the intensive nature of the permitted uses, although access onto a four lane or greater thoroughfare is a requirement for this district. Generally, this district would be appropriate only for properties on arterial roadways with an adjacent future land use plan designation of industrial. This district allows on-site storage either inside or outside of the main structure, and some assembly is

permitted within this district. This district is not intended for extensive parceling-off of tracts or creation of pad sites, especially along the frontage of an arterial street, not extending the full depth of the district.

(b) Permitted uses. Those uses indicated as being permitted in the "BC" – Commercial Business zone in the Schedule of Uses shall be allowed.~~The following uses are permitted in the "BC" – Commercial Business zone: uses as permitted in the schedule of uses.~~

(c) Space limits. The following space limits shall apply to the "BC" - Commercial Business zone:

~~(1) Minimum rear yard: ten feet; 35 feet where adjacent to any residential zone or use.~~

~~Minimum side yard: five feet; 35 feet where adjacent to any residential zone or use.~~

~~Maximum lot coverage: 70 percent.~~

~~Maximum floor area ratio: 1.0 to 1.0.~~

~~(2)~~(1) All ~~other~~ space limits identified as being applicable to the "BC" - Commercial Business zone in appendix f of the zoning ordinance.

#### **Sec. 146-90. - ML - Light Manufacturing district.**

(a) Purpose. The "ML" - Light Manufacturing zone is designed to provide for a wide range of commercial and industrial uses, all of which shall be comparatively nuisance-free. The zone specifically excludes residences on the theory that the mixture of residential use, and public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

(b) Permitted uses. Those uses indicated as being permitted in the "ML" – Light Manufacturing zone in the Schedule of Uses shall be allowed.  
~~The following uses are permitted in the "ML" – Light Manufacturing zone:~~

~~Any use allowed in the "BG" – General Business zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a watchman or caretaker shall be permitted as an accessory use for any permitted use occupying more than 20,000 square feet of lot area;~~

~~Agriculture, including the raising of field crops, horticulture and animal husbandry; and~~

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~~Other uses indicated as being permitted in the "ML" - Light Manufacturing zone in the Schedule of Uses:~~

~~(c) Specifically excluded uses. The following uses are hereby declared incompatible with the purpose of the "ML" - Light Manufacturing zone and are hereby expressly excluded:~~

~~Dwellings, except caretakers' and watchmen's quarters as set forth herein;~~

~~Public, parochial and private schools and colleges, except trade schools;~~

~~Hospitals, clinics, rest homes and other institutions for the housing or care of human beings;~~

~~Motels, hotels and mobile home parks; and~~

~~Any use not enumerated as permitted in this zone but which is specifically provided for in another zone or zones.~~

(dc) Permitted accessory use. The following accessory uses are permitted in the "ML" - Light Manufacturing zone:

(1) Any accessory use normally appurtenant to a permitted use shall be allowed; and

(2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed.

(ed) Space limits. The following space limits shall apply to the "ML" - Light Manufacturing zone:

~~Minimum lot area for business or industry: 10,000 square feet.~~

~~Maximum building height: No restriction except as limited by floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions.~~

~~Maximum lot coverage: 75 percent.~~

~~Maximum floor area ratio: one to one.~~

- (1) All ~~other~~ space limits identified as being applicable to the "ML" - Light Manufacturing zone in Appendix F of the Zoning Ordinance.

**Sec. 146-91. - MH - Heavy Manufacturing district.**

(a) Purpose. The "MH" - Heavy Manufacturing zone is designed to provide for the widest range of industrial operations permitted in the city. It is the zone for location of those industries, which have not reached a technical stage in processing, which renders them free of nuisance factors or where economics precludes construction and operation in a nuisance-free manner.

(b) ~~Principal permitted uses. Those uses indicated as being permitted in the "MH" - Heavy Manufacturing zone in the Schedule of Uses shall be allowed. The following principal uses are permitted in the "MH" - Heavy Manufacturing zone: uses as permitted in the schedule of uses:~~

~~(c) Specifically excluded uses. The following uses are hereby declared incompatible with the purpose of the "MH" - Heavy Manufacturing zone and are hereby expressly excluded:~~

~~Dwellings except caretakers' and watchmen's quarters as set forth in the provisions of the "ML" - Light Manufacturing zone;~~

~~Schools and colleges, except trade schools;~~

~~Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted; and~~

~~Motels, hotels and mobile home parks.~~

(~~dc~~) Permitted accessory uses. The following accessory uses are permitted in the "MH" - Heavy Manufacturing zone:

(1) Any accessory use normally appurtenant to a permitted use shall be allowed; and

(2) Recreational uses that are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the board of adjustment.

(~~ed~~) Space limits. The following space limits shall apply to the "MH" - Heavy Manufacturing zone:

~~Minimum lot area for business or industry: 10,000 square feet.~~

~~Maximum building height: No restrictions except as limited by gross floor area ratio and by restrictions, which may be imposed by virtue of aircraft approach and turning zone height restrictions.~~

~~Maximum lot coverage: 50 percent.~~

~~Maximum floor area ratio: one to one.~~

(1) All ~~other~~ space limits identified as being applicable to the "MH" - Heavy Manufacturing zone in appendix f of the zoning ordinance.

### Sec. 146-95. - MTC - McKinney Town Center district.

(a) Purpose. The "MTC" - McKinney Town Center zone is intended to allow both commercial and residential uses in buildings, which match the character and style of the historic downtown. Buildings within the district should be located close to the street and multistory. This zone is appropriate for the area near the "CHD" - Commercial Historic District, and is inappropriate for areas not near the "CHD" - Commercial Historic District.

(b) Permitted uses. ~~Those uses indicated as being permitted in the "MTC" - McKinney Town Center zone in the Schedule of Uses shall be allowed. The following uses are permitted in the "MTC" - McKinney Town Center zone: same uses as permitted within the "CHD" - Commercial Historic District.~~

(c) Space limits. The following space limits shall apply to the "MTC" - McKinney Town Center zone:

~~Minimum building height: 20 feet or two stories for the main building, ten feet for accessory structures. Single story main buildings are allowed only by specific use permit.~~

~~Minimum side yard at corner: None, however buildings are not allowed within sight visibility triangles.~~

(1) Minimum lot coverage: 50 percent.

(2) Maximum lot coverage: 95 percent.

~~(1) Minimum floor area ratio: 1½ gross floor area to one lot area.~~

~~(2)~~

~~(3) Maximum floor area ratio: 2½ floor area to one lot area.~~

~~(4)~~

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~~(5)~~(3) All other space limits identified as being applicable to the "MTC" - McKinney Town Center zone in appendix F of the zoning ordinance.

(d) Miscellaneous provisions.

(1) Parking. Off-site parking spaces required must be located within 750 feet of the use.

(2) Off-street loading.

a. Uses within the district are not required to provide off-street loading spaces.

b. Loading spaces that are provided must be screened in accordance with the screening requirements of section 146-132

(3) Landscaping requirements.

a. Properties used for non-residential uses or a combination of residential and non-residential uses shall provide landscaping on site.

b. Landscaping can be provided with planters, either freestanding or incorporated into a structure, subject to review and approval as part of a site plan for development.

c. No other provision of section 146-135 regarding landscaping will apply in this district.

(4) Approval of building elevations. Approval of all building elevations by the historic preservation officer is required, prior to issuance of a building permit.

**Sec. 146-96. - CHD - Commercial Historic district.**

(a) Purpose. The CHD commercial historic district is intended to ensure the development, redevelopment, and renovations within the downtown area are consistent with the historic character of the city's original business district and the surrounding area. The boundaries of the CHD commercial historic district are delineated on the official boundary map herein (see appendix C to this chapter).

(b) Land use. Land uses within the commercial historic district are described in the schedule of uses in the appendixes, illustrations, and schedule of uses to this Code and in the notes following said schedule.

(c) Space limits. The following space limits shall apply to the CHD commercial historic district:

~~Minimum lot area for business: None.~~

~~Minimum width of lot: None for business.~~

~~Minimum depth of lot: None for business.~~

~~Minimum front yard: None for business.~~

~~Minimum side yard: None for business.~~

~~Minimum side yard at corner: None for business.~~

~~Maximum lot coverage, including accessory buildings, loading docks, incinerators and vending devices: 95 percent.~~

~~Maximum floor area ratio: two to one.~~

(1) All other space limits identified as being applicable to the "CHD" – Commercial Historic District indicated in appendix F of the zoning ordinance.

(d) Parking requirements. Refer to section 146-130, except as provided herein:

(1) Off-street parking shall be provided for all uses established in this zone.

(2) One off-street parking space per fulltime employee who works more than 30 hours per week shall be provided.

(3) Any parking adjacent to a public street, wherein the maneuvering is done on the public street, shall not be classified as off-street parking in computing the parking requirements.

(4) All required off-street parking areas shall be located within two city blocks of the subject property.

(e) Off-street loading.

(1) Uses within the district are not required to provide off-street loading spaces.

(2) Loading spaces that are provided must be screened in accordance with the screening requirements of section 146-132

(f) Permits.

- (1) Historic preservation officer. The historic preservation officer shall administer this section and advise the city council on matters related to it.
- (2) Certificate of appropriateness. No person shall carry out any exterior alteration, restoration, reconstruction, new construction or moving of a landmark or property within an historic district; nor shall any person make any material change in the appearance of such a property, its light fixtures, signs, sidewalks, fences, steps, paving or other exterior elements visible from a public right-of-way or adjacent property, which affect the appearance and cohesiveness of the historic landmark or district, without first obtaining a certificate of appropriateness from the planning department. A building permit must be obtained from the chief building official after the certificate of appropriateness has been approved before any work may commence. Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within the CHD commercial historic district, which does not involve a change in design, material, color or outward appearance.
- (3) Criteria for approval. All requests for a certificate of appropriateness within the CHD commercial historic district shall be approved by the historic preservation officer. The historic preservation officer shall have ten working days after a completed application is received by the planning department in which to approve or deny a certificate of appropriateness application. The historic preservation officer shall follow the secretary of the interior's standards for the rehabilitation of historic buildings in the consideration of all applications for a certificate of appropriateness within the CHD commercial historic district. These standards shall be made available to the property owners within the historic district.
- (4) Painting. A building permit and the approval of the historic preservation officer, shall be required to paint the exterior of a building any color other than the existing color. Any person wishing to repaint the exterior of their building the same color as that which exists at the time of this section shall not be required to obtain a building permit.
- (5) Demolition permit. A permit for the demolition of a historic landmark or property within the CHD commercial historic district, including secondary buildings or landscape features, shall not be granted by the chief building official without review of a completed application and

issuance of a certificate of appropriateness for demolition by the historic preservation officer.

(g) Economic hardship for demolition in CHD commercial historic district.

(1) Criteria. An applicant whose demolition permit has been denied may apply for relief on the ground of hardship. In order to prove the existence of hardship, the applicant shall establish that all three of the following criteria have been met:

- a. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- c. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(2) Application procedure.

- a. After receiving written notification from the historic preservation officer of the denial of a certificate of appropriateness for demolition, an applicant may, within ten working days, commence the hardship process. No building permit or demolition permit shall be issued unless the city council makes a finding that a hardship exists.
- b. The city council shall consider the request on the hardship application at the first available city council meeting, at which time an opportunity will be provided for proponents and opponents of the application to represent their views.
- c. The applicant shall consult in good faith with the historic preservation officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in the preservation of the property.
- d. A copy of the city council's decision shall be sent to the applicant and a copy filed with the planning department for public inspection. The city council's decision shall state the reasons for granting or denying the hardship application.

(h) Demolition by neglect. No owner or person with an interest in real property designated as a landmark or included within the commercial historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature, which would, in the judgment of the historic preservation officer, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself. Examples of such deterioration include:

- (1) Deterioration of exterior walls or other vertical supports;
- (2) Deterioration of roofs or other horizontal members;
- (3) Deterioration of exterior chimneys;
- (4) Deterioration or crumbling of exterior stucco or mortar;
- (5) Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors; and
- (6) Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that demolition is necessary for public safety.

(i) Administration.

- (1) Conformance. All work performed pursuant to the issuance of a certificate of appropriateness, building permit or a demolition permit issued under this section shall conform to any requirements included therein. It shall be the duty of the chief building official to inspect periodically any such work to ensure compliance. In the event work is found that is not being performed in accordance with the state provisions, the chief building official shall issue a stop work order; and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.
- (2) Penalties. Any person, firm or corporation who shall violate any of the provisions of this section or who shall fail to comply with the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law; and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.
- (3) Appeals. Any person aggrieved by a decision of the historic preservation officer, relating to the issuance of a certificate of appropriateness, may, within ten working days of receipt of the written decision, file a written application with the planning department for

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review of the decision. The city council shall consider the application at the next available city council meeting.

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