

# **WILLIAMSBURG, KANSAS**

## **Zoning Regulations**

**Prepared by**

**The City of Williamsburg Administrative Staff**

**The Williamsburg Planning Commission**

# WILLIAMSBURG ZONING REGULATIONS

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# WILLIAMSBURG ZONING REGULATIONS

## ARTICLE 1

### TITLE AND JURISDICTION

Title: These regulations, including the zoning district maps made a part hereof, shall be known and may be cited and referred to as the “Williamsburg Zoning Regulations,” and shall hereinafter be referred to as “these regulations.”

1. Jurisdictions: These regulations shall apply to all structures and land within the corporate limits of the City of Williamsburg.

## ARTICLE 2

### GENERAL PROVISIONS

Purpose and Intent These regulations, adopted pursuant to the provisions of K.S.A. 12-701 *et seq.*, and amendments thereto, are intended to serve the following purposes:

- To promote the health, safety, morals, comfort and general welfare of the City;
  - To preserve and protect property values throughout the City;
  - To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population;
  - To divide the City into zones and districts;
  - To regulate and restrict the location and use of buildings and land within each district or zone;
  - To protect rural residents from premature encroachment by urban uses; and
  - To protect the agricultural community from incompatible, non-agricultural uses.
3. Reservation and Repeals: Upon the adoption of these regulations by the City Council and publication according to law, all previously existing Williamsburg zoning regulations shall be repealed.
  4. Savings Provision: These zoning regulations shall not be construed as abating any action

now pending under, or by virtue of prior existing zoning regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any law existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by an person, firm, or corporation, by lawful action of the City.

### ARTICLE 3

#### RULES AND DEFINITIONS

##### Rules of Construction and Interpretation:

1. 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 number 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 Williamsburg Board of Zoning Appeals.
  - h. Unless otherwise specified, all distances shall be measured horizontally.
  - i. The word “City” means City of Williamsburg, Kansas.

- j. The word “County” means the County of Franklin, Kansas.
- k. The abbreviation N/A means not applicable.

(2) Any word or phrase which is defined in this article or elsewhere 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, enactment 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 of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- (4) Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

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 any 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. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations generally, including any requirements set forth in the following definitions:

**Accessory Building**: A subordinate building, located on the same lot as the main building, which serves a function customarily and clearly incidental to that of the main building, or to the use of the land on which it is located. Customary accessory building includes garages, carports, garden houses, small storage sheds, and children's playhouses.

**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.

**Agricultural Use**: The use of a tract of land of not less than the minimum size as established in these regulations 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, or confined animal feeding operations.

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

**Basement**: That portion of a building 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.

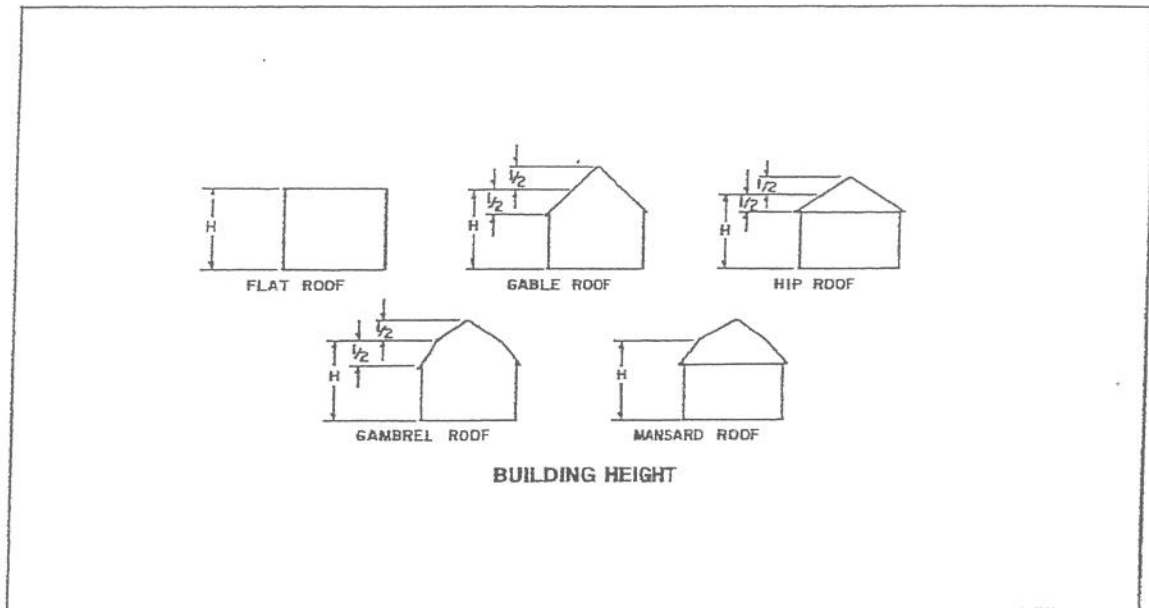
Board of County Commissioners: The Governing Body of the County of Franklin.

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 or Lodging House: A building which meets the definition of a "Hotel," except that such a house shall contain no more than two bedrooms for accommodation of guests.

Building, Height: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of 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.

Figure 1  
Vertical Dimensions of Building Heights



City Council: The Governing Body of the City of Williamsburg

**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.

**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 building with more than two condominiums shall be considered a multiple-family dwelling.

**Day Care Center:** A building or place where care, supervision, custody or control is provided for more than four (4) unrelated children or adults for any part of a 24-hour day up to twelve (12) hours.

**Day Care Home:** A dwelling or building in which care, supervision, custody or control is provided for four (4) or less unrelated children or adults for any part of a 24-hour day up to twelve (12) hours. Baby sitting service for four (4) or less infants shall be considered a day care home.

**Disability:** A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802) and amendments thereto; or any person assigned to a community corrections program or diversion program, on parole from a correctional institution or on probation for a felony offense, or in a State mental institution following a finding of not guilty by reason of insanity.

**District:** A section or sections of the zoning area for which these regulations governing the use of land, the height of buildings, the size of yards and the intensity of use are uniform.

**Dog:** Any canine specie over six (6) months of age.

**Dwelling:** A building or portion thereof, not including mobile homes, which is designed and used exclusively for residential purposes.

**Dwelling, Single-Family:** A residential building having accommodations for and occupied exclusively by one family.

Dwelling, Two-Family: A residential building having accommodations for and occupied exclusively by two families, independently.

Dwelling for the Elderly and/or Handicapped: A two-family or multiple-family residential building 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 building having accommodations for and occupied exclusively by more than two families, independently.

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.

Family: One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants. A family shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel, motel or commune.

Fence: A protective, confining or decorative barrier separate from any building and not including any living plant material.

Floor Area:

A. For Computing Off-Street Parking Requirements: Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- (1) The basement floor area.
- (2) The area of each floor of the structure.
- (3) The attic space having headroom of seven (7) feet or more.

Foster Home: A dwelling or building in which more than twelve (12) hour care is provided to no more than five (5) children, one or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

Gasoline Service Station: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced. Self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul.

Governing Body of Jurisdiction: The City Council of Williamsburg, Kansas.

Group Home: Any dwelling occupied by not more than 10 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.

Home Occupation: A business, profession, service or trade conducted for gain or support entirely within a residential building.

Hotel: A building or portion thereof, or a group of buildings, used as a transient lodging place which may or may not serve meals and whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, motor court, tourist cabin, tourist court, or other similar designation.

Kennel-Boarding: Any place, area, building, 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.

Kennel-Breeding: Any place, area, building, or structure where more than four (4) dogs are kept for purposes of breeding, raising, or as pets.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

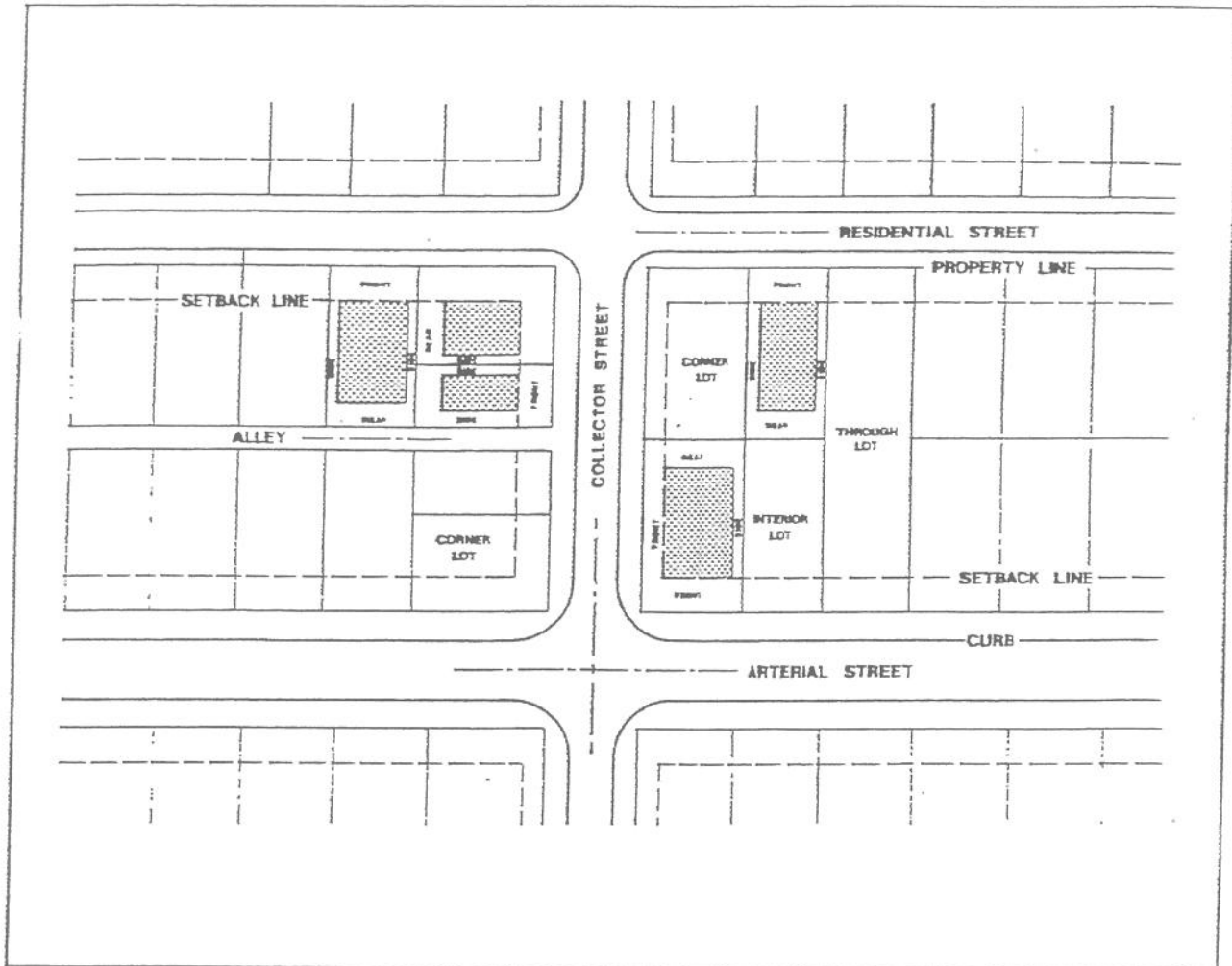
Lot, Depth of: The mean horizontal distance between the front and the rear lot lines.

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 these regulations.

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 or record, one or more portions of a lot or lots or record, or any combination thereof.

Figure 2  
Lot Types and Setbacks

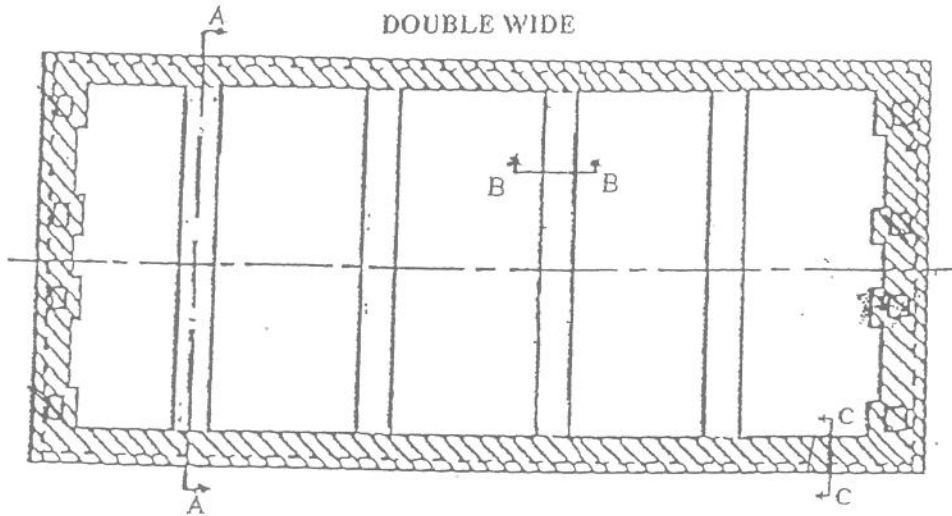


Manufactured Home: A structure which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403 and amendments thereto, constructed on or after June 15, 1976, and which satisfies the following criteria:

- A. The manufactured home shall be connected to City sanitary sewer and water utilities by underground lines unless exempted elsewhere in these regulations;
- B. The manufactured home shall be located on a site that is graded to insure adequate drainage;
- C. Pad Requirements: Shall be of a minimum concrete runners, incorporating rebar, capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home, installed consistently with the diagrams set forth in the following figure 3.

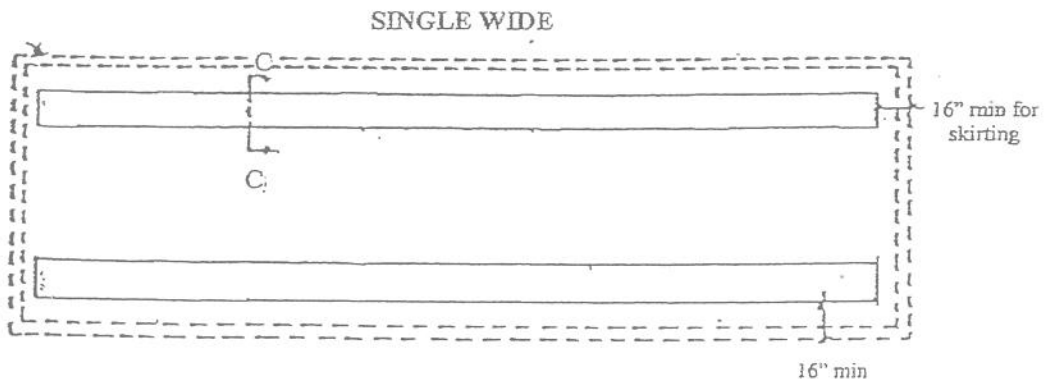
FIGURE 3  
**Manufactured Housing**  
**FOOTING AND FOUNDATION REQUIREMENTS**

Not to Scale

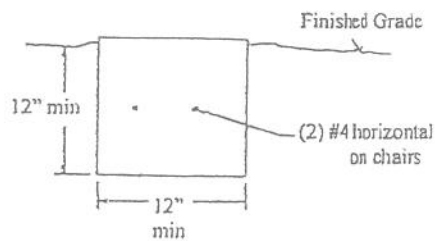


- A-A: Block Foundation (weight on house and blocks).
- B-B: Interior Runners (lengthwise or width-wise).
- C-C: Block Skirting (weight of blocks only).

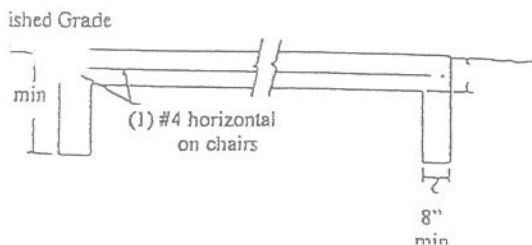
NOTE: All rebar must be tied together to form a continuous foundation.



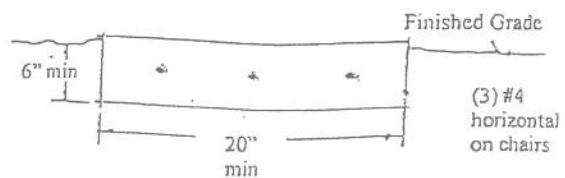
**SECTION B-B**



**SECTION A-A**



**SECTION C-C**



- D. The manufactured home shall be anchored securely to secure it against accidental uplift, sliding, rotation, and overturning to comply with K.S.A. 75-1211 *et seq.* as amended;
- E. The manufactured home shall be set up in accordance with the recommended installation procedures of the manufacturer, the City of Williamsburg Building Code, and any other applicable laws.
- F. The manufactured home shall be skirted between the bottom of the home and the exterior siding with a permanent material so as to obscure the view of the chassis and hitch. The skirting shall be constructed of a material that is compatible with the exterior finish of the manufactured home. Concrete block or brick may be used as skirting only if laid up with mortar (not placed together or stacked without mortar). Skirting must be complete within 45 days of placement of the manufactured home on the property;
- G. 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 City of Williamsburg Building Code and attached firmly to the primary structure and anchored securely to the ground;
- H. It is not necessary to remove wheels and axles so long as they are obscured by the skirting.
- I. No manufactured home shall be occupied until all of the above conditions have been met.
- K. No manufactured home may be located in the B-1 general business district or the B-2 central business district, and no manufactured home shall be located on any lot lying within one-half city block on either side of William Street in the City of Williamsburg.

Manufactured Home Residential-Design: A manufactured home which satisfies the foregoing requirements for manufactured homes, and which also satisfies the following additional criteria:

- A. The manufactured home has minimum dimensions of 14 feet in width and 40 feet in length;
- B. The exterior siding consists of vinyl or metal 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;

- C. The purpose of these criteria is to ensure that 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 any lot or other undivided tract of land upon which two 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 of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

**Medical Clinic:** Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.

**Modular Home:** A manufactured residential structure built to a nationally-recognized and accepted construction standard published by 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 building materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation.

**Mobile Home:** A transportable structure larger than 320 square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home/manufactured home construction on June 15, 1976.

**Nonconforming Structure:** A structure which does not comply with the lot size requirements or bulk regulations applicable to new structures in the zoning district in which it is located.

**Nonconforming Use:** An existing use of a structure or land which does not conform with the regulations of the district in which it is situated as established by this regulation or any amendments hereto.

**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.

Planning Commission: The Williamsburg Planning Commission or any successor Williamsburg Regional Planning Commission.

Private Club: A non-profit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or premises, or portion thereof, the use of such building 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 goods 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.

Recreational Vehicle: A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight feet and a body length not exceeding 40 feet.

Restaurant: An establishment whose primary purpose is the sale, dispensing or service of food, refreshments or beverage, including those establishments where customers may serve themselves.

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.

Salvage Yard: A place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, handled or prepared for recycling, which shall include auto wrecking yards, but shall not include retail secondhand furniture stores or the purchase and storage of used or salvaged materials as a part of a manufacturing operation.

Sanitary Landfill: A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other waste.

Setback: The required minimum horizontal distance between the building 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.

Sight Triangle: A triangular area at the intersection of two streets in which nothing shall be erected, placed, planted or allowed to grow high enough above the elevation of the adjacent roadway to constitute a sight obstruction. The area included in a sight triangle shall be bounded on two sides by a line not less than 90 feet long measured along the center lines of each street, and on the third side by a line connecting the two lines. The unobstructed sight distance shall be established by the Zoning Administrator to allow the operators of vehicles approaching the intersection simultaneously to see each other in time to prevent collisions. The sight distance must be related to maximum posted vehicle speeds and to the resultant distances traversed during perception, reaction time and braking, based upon standards in the American Association of State Highway and Transportation Officials (AASHTO) policy manual: A Policy on Geometric Design of Highway and Streets 1984, or most recent edition.

Special Use Permit: A special use permit is a permit issued by the Zoning Administrator with the recommendation of the Planning Commission and approval of the Governing Body. This 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.

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.

Street Network:

- Local Street - provides access to properties.
- Collectors - conducts traffic from local streets to arterials, with access to properties.
- Arterials - carries traffic out of and through the area, subject to certain control of entrances, exits and curb cuts.

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 Alterations: Any change in the supporting members of a building, 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 these regulations, the following shall not be considered a structural alteration:

- A. Attachment of a new front where structural supports are not changed.
- B. Addition of fire escapes where structural supports are not changed.
- C. New windows or doors where lintels and support walls are not materially changed.
- D. Repair or replacement of non-structural members.

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.

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. Mobile homes, manufactured homes, and modular homes shall not be considered trailers or recreational vehicles.

Yard: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or 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 building 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 buildings, land, and open space are herein established.

Zoning Administrator: The person or persons authorized and empowered by the City Council upon recommendation by the Mayor 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 regulations of the City of Williamsburg, Kansas.

## ARTICLE 4

### GENERAL PROVISIONS, DISTRICTS, AND BOUNDARIES

Establishment of Districts: The jurisdictional area of the Williamsburg Regional Planning Commission is hereby divided into zoning districts which are designated as follows:

- “A-1” Agricultural District
- “R-S” Residential Suburban District
- “R-1” Residential - Low Density District
- “R-2” Residential - Medium Density District
- “R-3” Flexible-Residential Dwelling District
- “M-P” Manufactured Home Park District
- “O-I” Office and Institutional District
- “B-1” Business - General District
- “B-2” Business - Central District
- “I-1” Industrial - Light District
- “PD” Planned District

2. 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.
3. 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 centerline of streets, alleys, waterways, and railroad right-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 rights-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.

4. 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 requirements of these regulations.
- D. Retaining walls.
- E. Public signs.

5. Application of Regulations: The following general requirements shall apply to all zoning districts:

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations, including any requirements set forth in the definitions section of these regulations.

Each lot may be divided into two building sites by a lot split, provided each portion can meet all area, lot width, and setback regulations of the zoning district in which it is located. Each lot of record as herein defined may also support one principal building so long as it complies with all applicable zoning regulations. If more than one building site is desired, the land must be platted pursuant to the Subdivision Regulations; except that

industrial-zoned land may have multiple principal buildings on one lot.

6. Annexed Land: All land which may hereinafter be annexed to the City of Williamsburg shall retain the same zoning classification it had under the County. The City shall have the authority to secure civil remedies for violations of such County zoning regulations to the same extent that it may secure civil remedies for violations of these zoning regulations. The zoning classification of such annexed land 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

#### “A-1” AGRICULTURAL DISTRICT

1. Intent: It is the intent of this district to provide for agricultural and related uses; preserve and protect agricultural resources; and allow low-density residential uses by limited sales of large-lot tracts.
2. Permitted Uses: Generally, farming and ranching operations, single-family homes (including manufactured homes on permanent foundations), recreational, religious, educational, institutional and public uses are permitted. For a specific listing of permitted uses, see Appendix “A” of these regulations.
3. Special Uses: Generally, land uses with incompatible characteristics, such as livestock auction facilities, sand and gravel extraction, oil and gas operations, salvage yards and the processing of agricultural products are allowed on a special basis. For a specific listing of specially permitted uses, see Appendix “A” of these regulations.
4. Intensity of Use Regulations: The minimum lot size shall be 40 acres in one tract or contiguous parcels of land under single ownership; except that, smaller lots or tracts shall be permitted under the following condition:
  - No more than one tract per 40 acre parcel may be separated for sale from a conforming legal lot of record, and shall be no smaller than the minimum lot size as required in the subdivision regulations for utility service.
5. Height Regulations: Maximum structure height: 35 feet.

6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 50 feet.
  - Side Yard: 20 feet.
  - Rear Yard: 50 feet.
7. Use Limitations: None.

#### “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 purposes 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” of these regulations.
3. Special Uses: For a specific listing of specially permitted uses, see Appendix “A” of these regulations.
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:
  - Every lot served with public sanitary sewers and public water system shall have an area of not less than one-half acre and a lot width of not less than 100 feet. (Corner lots shall not be less than 120 feet in width.)
  - Every lot not served with a public sanitary sewer shall have an area not less than required by the City of Williamsburg Subdivision Regulations, and shall be subject to on-site waste system testing.
5. Height Regulations: No building shall exceed 35 feet in height, except that public and semi-public buildings, public service and institutional buildings, hospitals, schools, churches, and similar places of worship are permitted two feet of additional height for each one foot of additional building setback.
6. Yard Regulations:

- Front Yard: 50 feet.
- Side Yard: 20 feet.
- Rear Yard: 50 feet.

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

#### “R-1” RESIDENTIAL DISTRICT

1. Intent: The intent of this district is to provide for residential development including those uses which reinforce residential neighborhoods.
2. Permitted Uses: Generally, single-family dwellings and parks are permitted. For a specific listing of permitted uses, see Appendix “A” of these regulations.
3. Special Uses: For a specific listing of specially permitted uses, see Appendix “A” of these regulations.
4. Intensity of Use Regulations:
  - Minimum lot area: 5,600 square feet.
  - Minimum lot width: 25 feet.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 15 feet.
  - Side Yard: 10 feet.
  - Rear Yard: 20 feet.
7. Use Limitations: None.

#### “R-2” RESIDENTIAL DISTRICT

1. Intent: The intent of this district is to provide for residential development, including two-family and higher density single-family dwellings, in a manner which will encourage strong residential neighborhoods in the established areas of the City.
2. Permitted Uses: Generally, single-family dwellings, two-family dwellings, conversions of residential dwellings to two-family and multiple-family dwellings, and parks.

3. Special Uses: For a specific listing of specially permitted uses, particularly conversions of residences to higher density residential dwellings, see Appendix “A” of these regulations.
4. Intensity of Use Regulations:
  - Minimum lot area: Single-family - 5,600 sq ft
  - Two-family - 3,500 square feet/d.u.  
Other uses - 7,500 square feet; as established in the R-3 District.
  - Minimum lot width: 60 feet, except as provided in the Yard Regulations herein.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 15 feet.
  - Side Yard: 10 feet.
  - Rear Yard: 20 feet.
7. Use Limitations: None.

#### “R-3” FLEXIBLE-RESIDENTIAL DWELLING DISTRICT

1. Intent: 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 manufactured homes, 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 Use Regulations.
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:
  - A. A lot on which there is erected a single-family dwelling shall contain an area of

not less than 7,000 square feet. No lot shall be less than 50 feet in width x 140 feet in depth; corner lots shall be not less than 75 feet in width x 140 feet in depth.

- B. A lot on which there is erected a two-family dwelling shall contain an area of not less than 14,000 square feet per family. No lot shall be less than 100 feet in width x 140 feet in depth; corner lots shall be not less than 125 feet in width x 140 feet in depth.
- C. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than 5,000 square feet, or 2,500 square feet per family, whichever area is the larger, except that this Regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments. The Board of Zoning Appeals may increase the intensity of use for multiple-family dwellings by one residential unit, if there is sufficient land area on the site to meet all other requirements, including parking and setbacks;
- D. Where a single lot of record, as defined in the Definitions Section of this Regulation, has less area than herein required and was recorded prior to the effective date of this Regulation, that lot may be used only for single-family dwelling purposes.
- E. Multiple-family uses shall not cover more than 40 percent of the lot area.

5. Height Regulations: No building 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.

6. Yard Regulations:

A. Front Yard:

- (1) The front yard shall be a minimum of 25 feet in depth measured from the front lot line; or on collector streets 70 feet measured from the centerline of the street; or on arterial streets 80 feet measured from the centerline of the street, whichever front yard setback would be greater.
- (2) Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
- (3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot, except the buildable width of such lot shall not be reduced to less than 28 feet, except where necessary to provide a yard along the side street with a depth of not less than five feet. No accessory building shall project beyond the front yard

line of either street.

B. Side Yard:

- (1) There shall be a side yard on each side of a building 35 feet high or less having a width of not less than five feet.
- (2) There shall be a side yard having a width of not less than ten feet on each side of a building in excess of 35 feet in height.

C. Rear Yard: There shall be a rear yard for buildings in this district which shall have a depth of not less than 20 feet or 20 percent of the depth of the lot, whichever is the smaller.

7. Loading and Unloading Regulations: (See the Article on Parking and Loading Regulations.)
8. Parking Regulations: Off-street parking is not required in this district for existing residential structures. Any new structures, and any structure converted to multiple-family residences, shall comply with the requirements of the Article on Parking and Loading Regulations.
9. Sign Regulations: (See the Article on Sign Regulations.)
10. Site Plan Review Development in the R-3 District shall be subject to site plan review requirements and procedures.

“M-P” MANUFACTURED HOME PARK RESIDENTIAL DISTRICT

1. Intent: It is the intent of this district to provide medium 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 as 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” of these regulations.
3. Special Uses: For a specific listing of specially permitted uses, see Appendix “A” of these regulations.
4. Intensity of Use Regulations:

- Minimum park area: 3 acres.
  - Minimum park width: 225 feet.
5. Height Regulations: Maximum structure height: 20 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths for each manufactured home space shall be as follows:
- Front Yard: 10 feet when fronting roadways within the manufactured home park, 15 feet when fronting public roadways, except as set forth in the supplementary District Regulations herein.
  - Side Yard: 10 feet.
  - Rear Yard: 10 feet.
7. Use Limitations: Each manufactured home park shall be designed in accordance with the following minimum design standards:
- A. Minimum Design Standards:
- (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
  - (2) Manufactured home parks hereafter approved shall have a maximum density of eight (11) manufactured homes per gross acre, and a minimum area of 3,600 square feet shall be provided for each manufactured home space.
  - (3) Each manufactured home space shall be at least 36 feet wide and be clearly defined.
  - (4) All manufactured homes shall be so located to maintain a clearance of not less than twenty (20) feet from another manufactured home or from any building within the park
  - (5) All manufactured home spaces shall front upon a private roadway of not less than 25 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.
  - (6) All roadways and sidewalks within the manufactured home park shall be

of all-weather surfacing and shall be adequately lighted at night.

- (7) A community building may be provided which may include recreation facilities, laundry facilities, and other similar uses.
- (8) The perimeter of all manufactured homes shall be fully skirted.
- (9) Storm shelter shall be required in a centralized location within the park, big enough to accommodate all of the park's residents.
- (10) Sidewalks, when provided, should not be less than 30 inches wide.
- (11) Landscaping shall be shown on the development plan.
- (12) All roadways shall meet the design standards for City streets.
- (13) There shall be no open storage.
- (14) Off-street parking shall be provided at the rate of two spaces for each manufactured home space.
- (15) A zoning permit for the park shall be obtained before moving a manufactured home into an M-P district.

B. Water supply.

- (1) Water shall be supplied to the park by a public water system.
- (2) The size, location and installation of water lines shall be in accordance with the requirements of the City of Williamsburg Building Code.
- (3) Individual water service connections shall be provided at each manufactured home space.
- (4) A minimum of one fire hydrant shall be installed for each street block within the park, with a maximum of 600 feet of distance between fire hydrants within the park.

C. Sewage Disposal: Individual sewer connections shall be provided for each manufactured home space and shall be installed in accordance with the City of Williamsburg Building Code. A public sewer system incorporating an 8 inch diameter sewer main shall be used. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the

manufactured home drain and the sewer connection. Such individual manufactured home connection shall be so constructed that it can be closed when not linked to a manufactured home.

- D. Tie-Downs and Ground Anchors: All manufactured homes shall be secured by tie-downs and ground anchors in accordance with the Uniform Standards Code for Mobile Homes and Recreational Vehicles, K.S.A. 75-1211 *et seq.*, as amended.
- E. Electrical: Each manufactured home space shall be provided with an individual electrical supply which shall be installed in accordance with the City of Williamsburg Building Code and requirements of the electric supplier.
- F. Gas: Natural gas and propane connections, when provided, shall be installed in accordance with the City of Williamsburg Building Code and the regulations of the gas supplier.
- G. Refuse and Garbage Handling:
  - (1) Storage, collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.
  - (2) All refuse shall be stored in fly-tight, watertight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
  - (3) All refuse shall be handled in a manner consistent with controlling City ordinances.
- H. Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers under the main frame or chassis of each manufactured home in accordance with the Uniform Standards Code for Mobile Homes and Recreational Vehicles, K.S.A. 75-1211 *et seq.*, as amended.
- I. Pad Requirements: Shall be as set forth under the definition of manufactured home in Article 3 of these regulations.

8. Application Requirements:

- A. An applicant for “M-P” Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park plan, drawn to a scale of not less than 1” = 100’, and twenty (20) copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be

designed in accordance with the Minimum Design Standards herein and shall have contours shown at two (2) foot intervals. Such plan shall include a schedule of construction, which construction shall commence within a period of one year following approval by the City Council and shall be completed within a period of two years. Such plan shall show the number, location, and size of:

- (1) Manufactured Home Sites
  - (2) Service buildings
  - (3) Off-street parking
  - (4) Water Lines
  - (5) Sewer Lines
  - (6) Recreational Areas
  - (7) Landscaped Areas & Walls or Fences
  - (8) Roadways
  - (9) Sidewalks
  - (10) Storm shelters
- B. Upon approval of the preliminary Manufactured Home Park plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
- C. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of these regulations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the occupancy of the Manufactured Home Park
- D. Construction of an approved Manufactured Home Park shall begin only after the use permit has been granted by the Governing Body.

#### “O-I” OFFICE - INSTITUTIONAL DISTRICT

1. Intent: The intent of this district is to provide a zone which will accommodate a broad range of office and institutional business uses, along with a narrow range of retail shopping activities that are normally found in the core area of a city, as well as moderate-density townhouse and condominium dwellings; and where development is allowed based upon a site plan with setbacks averaged by the neighboring district regulations with 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 uses permitted by special use procedure is set out in Appendix “A” of these regulations.
4. Intensity of Use Regulations:
  - Minimum lot area: 6,000 square feet.
  - Minimum lot width: 60 feet.
5. Height Regulations: Maximum structure height: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 25 feet.
  - Side Yard: 10 feet if abutting a residential district; otherwise no side yard is required.
  - Rear Yard: 20 feet if abutting a residential district; otherwise no rear yard is required.
7. Use Limitations:
  - A. No merchandise shall be displayed or stored outside a structure unless such merchandise is screened or enclosed to the extent that it cannot be seen from off the property.
  - 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.
8. Site Plan Review: Development in the “0-I” District shall be subject to site plan review requirements and procedures.

#### “B-1” BUSINESS - GENERAL DISTRICT

1. Intent: 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 specially permitted uses, see Appendix “A” of these regulations.
4. Intensity of Use Regulations:
  - Minimum lot area: 5,600 square feet
  - Minimum lot width: 25 ft
  - Minimum lot depth: 50 feet
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 30 feet.
  - Side Yard: 10 feet if abutting a residential district; otherwise no side yard is required.
  - Rear Yard: 20 feet, if abutting a residential district; otherwise no rear yard is required.
7. Use Limitations:
  - A. No outdoor storage, except the display of merchandise for 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. See also Article 8, Sign Regulations.

“B-2” BUSINESS - CENTRAL DISTRICT

1. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and office uses that are normally found in the core area of a city; and where development is allowed up to the property lot line, 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 permitted uses is set out in Appendix “A” of these

regulations.

4. Intensity of Use Regulations:
  - Minimum lot area: None.
  - Minimum lot width: None.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations:
  - Minimum front yard: None.
  - Minimum side yard: None.
  - Minimum rear yard: None.
7. Use Limitations: Same as “B-1” District.

#### ‘I-1’ INDUSTRIAL - LIGHT DISTRICT

1. 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. More intense uses shall be allowed on a special use only.
2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses. 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:
  - Minimum lot area: 6,000 square feet.
  - Minimum lot width: 50 feet.
5. Height Regulations: Maximum height of structure: 45 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - Front Yard: 25 feet.
  - Side Yard: 5 feet.
  - Rear Yard: 20 feet.

7. Use Limitations:

- A. Storage may be maintained outside said building or buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
- B. A solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet, high and having a density of not less than seventy (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.

"PD" 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 buildings 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 "PD" 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 PD zoning district classification. Planned developments are groupings of buildings 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 "PD" District shall be in addition to the requirements of the underlying district, except that the "PD" District may modify some of the regulations of the underlying district in specific situations. A "PD" District may be used in conjunction with any of the other zoning district or with any combination of districts.

An application for rezoning to the "PD" 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 "PD." For example, a Planned Development District of an

“R-2” District shall be known as “R-2-PD.”

Approval of the rezoning based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. No building 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 “PD” 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. Resubdivision 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, subject to meeting the following conditions:
  - 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 nor inconvenience in the area.
  - B. Structures and traffic shall be arranged so that all principal buildings 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.
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 (1) floor or fifteen (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. Application for Rezoning: A petition to change to a “PD” Planned District shall be filed with the City, along with the filing fee as set forth by separate enactment. 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.
7. Approval Procedure: The approval by the Governing Body of the Preliminary Development Plan and the concurrent rezoning to the “PD” 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 (2) 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 (2) years. Once approved, the zoning classification can only be changed through rezoning and cannot be changed by expiration of the Preliminary Development Plan.
8. 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 project with dimensions to scale;
  - B. Contour intervals of two (2) feet;
  - C. Proposed size, height, location and arrangement of buildings, parking areas with proposed arrangement of stalls and number of cars, entrance and exist 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 building materials to be used or other similar factors; and
- K. Ten (10) copies shall be submitted.

9. 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 zoning permit, shall have been previously reviewed by the appropriate City staff and shall include a Construction Schedule Development. 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 (3) years from the date the enactment of the zoning change was published in the newspaper. If construction does not begin within this period and no effort is made for an extension of time by the owner, the Final Development Plan shall be voided.

- 10. Zoning permits: On final approval by the Governing Body, the owner shall provide five (5) copies of the approved Final Development Plan to the City. The Zoning Officer or his/her designee shall issue zoning permits only in accordance with the approved Final Development Plan.
- 11. Amendments: If any substantial variation or rearrangement of buildings, 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.
- 12. 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 any 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 zoning permit for other than a single-family dwelling.

- 13. **Time Limit:** A site plan approval for a “PD” district shall expire automatically unless a zoning permit is taken within twelve (12) months after the approved date for commencement to effectuate such site plan.

## ARTICLE 6

### SUPPLEMENTARY DISTRICT REGULATIONS

- 1. **Height Regulations:** Chimneys, cooling towers, elevator, 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 (1) 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. **Yard Regulations:**
  - A. **Minimum Yard Requirements:** The yard requirements heretofore established shall be adjusted in the following cases:
    - (1) Where the property fronts on a collector or an arterial street, as identified in the Williamsburg Comprehensive Plan, the required front yard shall be modified as follows:
      - a. **Arterial Street:** The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the

particular zoning district plus fifty (50) feet.

- b. Collector Street: The front yard setback shall be measured from the centerline of the street and shall be equal to the requirement of the particular zoning district plus forty (40) feet.
- (2) No building shall be located closer than 200 feet from the center line of a State or federal highway; and 150 feet from the center line of a county roadway.
  - (3) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
    - a. Where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be fifteen (15) feet, subject to the provisions pertaining to arterial streets in this Article.
    - b. The buildable width of a lot of record at the effective date of the enactment shall not be reduced to less than 25 feet, except where necessary to provide a yard three (3) feet in width along the side street.
  - (4) Double frontage lots shall maintain the required front yard setback along both frontages.
  - (5) Where 50 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater than required, then:
    - a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard setback shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or;
    - b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
- B. Minimum Lot Area: Area requirements are applicable to each dwelling in residential districts, and to each structure in all other districts, except industrial.

Existing lots of record shall be subject to minimum side and rear depths of no less than 10 percent of the lot dimensions; and to front yard depths established by averaging the setback of existing adjacent structures.

3. Accessory Buildings and Uses: Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained, and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat, or glare which is injurious, damaging, unhealthful, or disturbing to adjacent property or the users thereof, and shall be on the premises of the main use. No accessory building shall be erected or accessory use allowed in any required front or side yard, and no detached accessory building shall be erected closer than five (5) feet to any other building. Accessory buildings may be located in the rear yard, but shall not be closer than five (5) 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 building shall cover more than thirty (30) percent of the required rear yard. The total floor area of all accessory buildings on a lot shall not exceed 900 square feet. No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced, and no accessory building or structure shall be used unless the main building or structure on the lot is also being used.

A. Prohibited Uses:

- (1) No mobile home or manufactured home shall be used for any purpose other than as a residential dwelling as permitted within these regulations. At no time shall a mobile home or manufactured home be permitted to be converted to a storage unit, office, or any other such use except when otherwise permitted in these regulations.
  - (2) At no time shall a permanently or temporarily parked or stored recreational vehicle, trailer, or item of recreational equipment be occupied or used for living, sleeping, or household purposes for more than seven (7) days in any thirty (30) day period. Nothing herein shall be deemed to prohibit the storage of recreational vehicles, trailers, or items of recreational equipment in the City when not being used for living, sleeping, or housekeeping purposes.
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 building or buildings conform to all requirements for the district in which the lot or tract is located.

5. Sight Triangle: On a corner lot in any district, except “B-2,” 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.
7. Temporary Uses Permitted: The Zoning Administrator may grant temporary permits for the following subject to the stated conditions:
  - A. Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed sixty (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 thirty (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 “A-1” District. 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 on the grounds of a public park or in an A-1, B-1, B-2, or I-1 District, then only for a period that does not exceed three (3) 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 for a period not to exceed six (6) months. The Zoning Administrator may extend the period six (6) 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 (3) consecutive days in duration nor shall it occur more than twenty-four times each year at any particular location.
8. Determination of Building Setback Line: The building 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 structure; except that open stairs and ramps shall be exempt from set back requirements.
9. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:
- A. Fencing for safety purposes shall be required wherever dwellings or manufactured homes are built or installed on lots abutting major streets as defined in these regulations or railroad right-of-way.
  - B. No fence shall be constructed which will constitute a traffic hazard.
  - C. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals; and no barbed wire or electrical fencing shall be allowed in any residential district.
  - D. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which fence shall adversely affect the public health, safety and welfare.
  - E. No fence except fences erected upon public or parochial school grounds or in public parks and in public playgrounds shall be constructed of a height greater than four (4) feet in the front yard or six (6) feet elsewhere; provided, however, that the Planning Commission may, as a special use, authorize the construction of a fence no higher than eight (8) feet if the Planning Commission finds the public welfare is served.
  - F. No fence shall be constructed without first obtaining a fence permit.
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 twenty-five (25) percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.
- (2) The home occupation may be carried on within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
- (3) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
- (4) No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a dwelling.
- (5) One ground or wall sign shall be permitted. Such 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.
- (6) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence; and not more than one non-resident.
- (7) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
- (8) Off-street parking and loading shall be provided, and no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

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 6 above:

- Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, secretaries, typists, and similar professions.
- Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is

made on the premises.

- Day care homes.
- Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
- Tailoring, alterations, and seamstresses.
- Bed and Breakfast Business, subject to special use permit.
- Artist, author or writer, and photographer.
- Chiropractor, counselor, dentist, osteopath, and physician.
- Clergyman.
- Cosmologist.
- Teaching or instruction (provided not more than 3 students are taught at any one time, and not more than 12 students per day).

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

- Antiques - retail.
- Funeral services.
- Groceries - retail.
- Second-hand merchandise - retail.
- Equipment rental.
- Automobile and other motor vehicle repair services.

11. Swimming Pools:

- A. Shall be located at least ten (10) feet from the nearest property line.
- B. Shall be walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property.

- C. Shall be screened by a solid or semi-solid wall or fence at least six feet, and no closer than four feet from any edge of the pool; and having a density of not less than eighty (80) percent per square foot, where the property on which the pool is located abuts a residential district.
12. Animals: The keeping of animals is prohibited in any district with the following exceptions that apply to agricultural districts:
- A. Alpacas, chickens, llamas, sheep, and turkeys.
  - B. Cattle and sheep kept or meat, milk and/or wool production.
  - C. Horses or mules.
  - D. Domestic animals maintained by a school, its employees and/or students for educational and/or research purposes.
  - E. Dogs, cats, and other domestic and household animals commonly kept for pets.

Exceptions B, C, D, & E above also apply to residential districts. Exceptions B & C apply in R-S and R-1 districts only.

Any person keeping animals under exceptions A, B, C, or D above shall keep such animals in areas confined by an adequate fence and shall maintain such animals in quantities and under conditions so as not to cause a public nuisance resulting from odor, noise, runoff, or otherwise.

## 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 buildings and structures. When any building or structure is altered to the extent of increasing the floor area by 50 percent or more, or when a building, structure, or use is changed which results in enlargement in floor area, number of employees, number of dwelling units, number of guest rooms, seating capacity, or otherwise to create a need under these regulations for an increase of 10 percent or more in the number of existing parking spaces, off-street parking and loading space shall be required in conformity with these regulations. However, no off-street parking or loading space shall be required for any use located in the “B-2” Business - Central District.
- 2. General Provisions:

- A. 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.
- B. Residential Districts: Spaces shall be provided in other than the front yard in all residential 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 asphaltic drives when located within the required front yard.
- C. 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.

- D. Repair Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- E. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the parking spaces required shall be construed to be the next highest whole number.
- F. Mixed Uses and Joint Use: When a building 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.

Up to 50 percent of the parking spaces required for (a) theaters, night clubs, or cafes, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours as those listed in (a); provided, however, that a written agreement is properly executed and filed as specified below.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney, and shall be filed with the Zoning Administrator.

- 3. Layout and Design Requirements: The construction and renovation of certain buildings

and facilities must conform to the provisions of the Americans with Disabilities Act (ADA) Title III of 1990 and amendments thereto. Building plans for construction, alteration or remodeling permits must identify how compliance with 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 Zoning Administrator 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 building entrance. Accessible spaces and access aisles are required, as well, among other detailed provisions.

For parking layout and design which is not subject to the ADA requirements, the following standards apply:

- A. Area: A required off-street parking space shall be at least 9 feet in width and at least 19 feet in length, exclusive of access drives or aisles, ramps, and columns.
- B. Access: 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.
- 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.
- D. Surfacing: All open off-street parking and loading areas shall be graded and paved or otherwise improved with an all-weather material.
- 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.

The Zoning Administrator, the Planning Commission, or the Governing Body may require plans to be prepared and presented to assure proper design and construction of any off-street parking spaces and their access drives, if conditions of the site are such that compliance with these requirements may be difficult or may pose a potential problem with adjacent properties, or if the proposed use will include parking needs for buses, tractor-trailer semis, or other such large vehicles. Additional spaces may be required or reserved to accommodate such vehicles, and the Zoning Administrator, the Planning Commission, or the Governing Body may require that the site plan show the location of such spaces.

4. Required Spaces: Off-street parking spaces shall be provided as follows:
- A. Dwelling and Lodging Uses:
- (1) Boarding or rooming houses: One parking space per each three sleeping rooms.
  - (2) Dormitories, fraternities, sororities: Two parking spaces for each three occupants based on the maximum design capacity of the building.
  - (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 per each five beds based on the designed maximum capacity of the building, plus one parking space for each employee.
  - (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) Bowling alleys: Four parking spaces for each lane.
  - (3) 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.
  - (4) Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.

- (5) 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.
- (6) Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
- (7) 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.
- (8) Office, office building, studio, or clinic: One parking space for each 300 square feet of gross floor area, with three parking spaces minimum.
- (9) Restaurants, private clubs, taverns, or other establishment for consumption of food or beverage on the premises: One parking space for 3 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
- (10) Retail stores, shops, and banks: One space per 200 square feet of floor area. Retail food stores over 4,000 square feet, 1 space per 150 square feet of floor area.
- (11) Service stations: One parking space for each employee plus two spaces for each service bay.
- (12) Theaters, auditoriums, and places of assembly with fixed seats: One space for each 5 seats. Only seats in the main auditorium are considered.
- (13) Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each five people, based upon the designed maximum capacity of the building.
- (14) Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
- (15) 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 five people, based upon the designed maximum capacity of the building.
- (2) Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.
- (3) 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.
- (4) Laundromats: One space for each two washing machines.
- (5) Nursery schools and day care centers, public or private: One parking space for each employee.
- (6) Public library, museum, art gallery, or community center: Five spaces per building, plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet.
- (7) Schools:
  - I. Elementary, junior high and equivalent parochial and private schools: One space per each 10 seats in the main assembly area, or one space per classroom, which ever is greater.
  - II. 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.
  - III. Trade and commercial schools: One parking space for each three students and employees.
- (8) Swimming pools and clubs: One parking spaces for each 50 square feet of water area.

5. Special Uses:

- A. District Permitted: In order to provide off-street parking areas, the Planning Commission may, after public notice and hearing, recommend granting 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.

6. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every building, 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-1” Business District, loading facilities shall be provided in accordance with the following table:

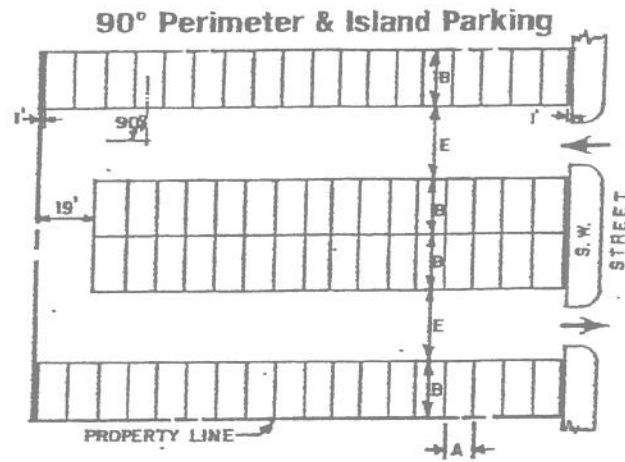
<u>Gross Floor Area of Establishments in Thousands of Sq. Ft.</u>	<u>Required Number and Size of Loading Berths</u>
1-10	1- (10' x 25')
10-25	2- (10' x 25' each)
25-40	2- (10' x 70' each)
40-100	3- (10' x 70'each)

- (2) For all uses in the “I-1” and Districts, loading facilities shall be provided in accordance with the following table:

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

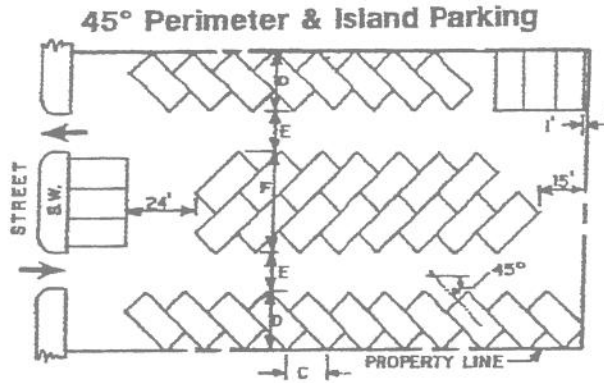
- (3) For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

Figure 4  
 Off Street Parking Standards  
 45° & 90° Perimeter & Island Parking



**90° Perimeter & Island Parking**

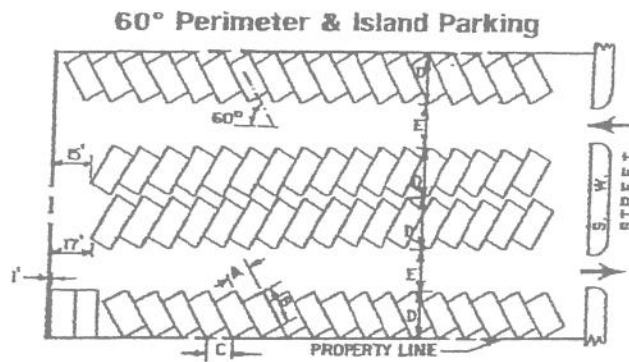
STALL WIDTH	A	<del>8.5'</del>	9'	9.5'	10'
STALL LENGTH	B	<del>9'</del>	19'	19'	19'
DR.-WAY WIDTH	E	<del>25'</del>	24'	24'	24'



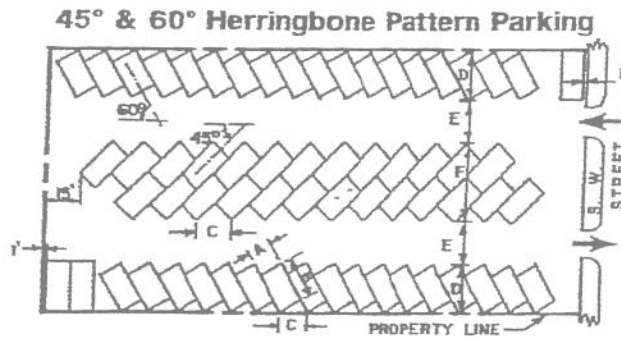
**45° Perimeter & Island Parking**

STALL WIDTH	A	<del>8.5'</del>	9'	9.5'	10'
STALL LENGTH	B	<del>19'</del>	19'	19'	19'
CURB LENGTH/CAR	C	<del>19'</del>	12.7'	13.5'	14'
STALL DEPTH	D	<del>19.5'</del>	20'	20'	20.5'
DRIVEWAY WIDTH	E	<del>33'</del>	13'	13'	13'
ISLAND WIDTH	F	<del>33'</del>	33'	33'	34'

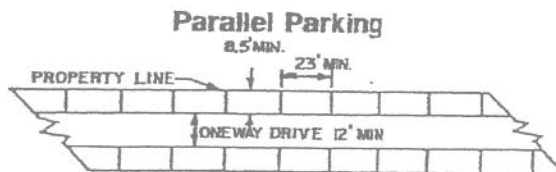
Figure 5  
 Off Street Parking Standards  
 45° & 60° Perimeter & Island, Herringbone Pattern and Parallel Parking



STALL WIDTH	A	8.5'	9'	9.5'	10'
STALL LENGTH	B	10'	15'	19'	19'
CURB LENGTH/ CAR	C	9'	10.5'	11'	11.5'
STALL DEPTH	D	21'	21'	21'	21.5'
DRIVEWAY WIDTH	E	18.5'	18'	18'	18'



STALL WIDTH		STALL LENGTH		CURB LENGTH PER CAR		STALL DEPTH		DRIVEWAY WIDTH		ISLAND WIDTH	
A	B	C/45°	C/60°	D/60°	E/60°	F					
8.5'	10'	12'	9.8'	21'	18.5'	33'					
9'	19'	12.7'	10.5'	21'	18'	33'					
9.5'	19'	13.5'	11'	21'	18'	33'					
10'	19'	14'	11.5'	21.5'	18'	34'					



## ARTICLE 8

### SIGN REGULATIONS

1. Applicability: Any sign shall, by definition, be a structure. No land or building or structure shall be used for sign purposes except as specified herein. All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated. After the effective date of this regulation, no sign shall be erected, enlarged, constructed or otherwise installed without first obtaining a zoning permit, and a zoning permit shall be legally issued only when in compliance with these sign regulations. All signs shall be constructed in such a manner and of such material that they shall be safe and substantial.
2. Classification of Signs:
  - A. Functional Types:
    - (1) Advertising Sign: (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 or 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) 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.
    - (5) Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or

partly devoted to a readily-recognized symbol.

- (6) Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status.
- (7) 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. 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.
- (2) Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property, where the bottom edge of the sign is less than six (6) feet above the ground.
- (3) Pole sign: Any sign placed upon, or supported by, the ground independent of the principal building or structure on the property where the bottom edge of the sign is six (6) feet or more above the ground level.
- (4) Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- (5) Wall Sign: A sign fastened to or painted on a wall of a building or 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 building.
- (6) Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the building.

3. 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 consists 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.
- D. Flashing or Moving Signs: Any illuminated sign on which the artificial light is not constant in intensity and color at all times. 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 flashing sign.
  - (1) Flashing signs shall not be permitted in any district.
  - (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. Accessway or Window: No sign shall block any required accessway or window.
- F. Signs on Trees or Utility Poles: No sign shall be attached to a tree or utility pole whether on public or private property.
- 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 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-2, Business - Central District, where signs may project over a sidewalk
  - (3) Under no circumstances shall any sign be placed in the sight triangle as

defined by these regulations.

H. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be computed as follows:

- (1) For those tracts or parcels located on major streets as designated in the Major Street Plan of the Comprehensive Plan, the lineal street frontage shall be the distance of that property line abutting the major street.
- (2) For those tracts or parcels not located on a major street, the lineal street frontage shall be one-half the sum of all the street frontages.

4. Exemptions:

A. Total Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 3(A) through 3(H) 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 three (3) 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.
- (5) Scoreboards in athletic stadiums.
- (6) Political signs, not exceeding a total of 20 square feet in area on a lot of record zoned for non-residential purposes, or which is vacant and unplatted, regardless of the zoning district classification; and not exceeding a total of ten (10) square feet on a lot of record in a residential zone district. Political signs shall be displayed for no more than a four-week period preceding and a one-week period following an election. Political signs shall not be placed on or otherwise affixed to any public building or sign, right-of-way, sidewalk, utility pole, street lamp post, 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 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 signs therefore present a potential hazard to persons and property; and that the City must impose reasonable time limits on the display of political signs for these reasons.

- (7) Temporary signs for the sale of household goods at a residence (garage sales) for a period not to exceed five (5) days.

B. Exemptions from Zoning Permit: The following signs are exempt from the requirement of a zoning permit, but shall comply with all of the other regulations imposed by this article:

- (1) Name plate signs not exceeding two (2) 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 area 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.
- (5) Construction signs not exceeding eight (8) square feet in area.

5. 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 upon approval of the Governing Body subject to any conditions the Governing Body may establish. 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. Flashing Signs: Flashing signs as described in the general standards of this article shall not be permitted.
- D. Off-Site Signs: Advertising signs or “Billboards” except as otherwise set forth in these regulations.

6. Temporary Signs - Portable Temporary Attraction Signs on Wheels: Portable temporary attraction signs, with or without wheels, shall be allowed for not more than 30 days in a twelve (12) month period.

7. Maintenance:

A. Existing Sign Maintenance: All signs shall be designed, constructed, and maintained in compliance with applicable provision of the City of Williamsburg 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, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. 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, with electrical lights and other electrical operations in operable condition, and with letters and other sign components in the equivalent condition as on the zoning permit or as approved.
- (2) Should the enforcement officer find a non-maintained sign as defined above, he or she shall cause the owner of said sign to be notified in the manner set forth elsewhere in this article as to the deficiency and the corrective action that needs to be taken.
- (3) Should the owner fail to exhibit evidence of compliance within thirty (10) days after the mailing of the letter of notification, the sign shall be deemed an unsafe or illegal sign, and the provisions in these regulations pertaining to unsafe or illegal signs shall apply.

8. Non-Conforming Signs: For the purpose of this Section, a non-conforming sign shall be defined as a sign existing at the effective date of this Regulation which could not be built under the terms of this Regulation or under the terms of other City regulations.

A. All non-conforming signs not otherwise prohibited by the provisions of this Regulation shall be removed or shall be altered to conform to the provisions of this Regulation (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend, or (b) when the name of the business changes and the sign is changed or modified either in shape, size, or legend.

Signs which are non-conforming, as provided in this Regulation shall not be altered or moved unless it be made to comply with the provisions of this Regulation. No alteration of non-conforming signs shall be undertaken without the issuance of a zoning permit. No fee will be charged for such zoning permit, provided the alterations do not substantially alter the basic design or concept of the sign.

Should any nonconforming sign be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Regulation.

9. District Regulations:

A. "A-1" Agricultural District:

(1) Functional Types Permitted:

- a. Bulletin board signs.
- b. Business signs, pertaining only to the sale of agricultural products produced on the premises and home occupations.
- c. Construction signs.
- d. Identification signs.
- e. Name plate signs.
- f. Real estate signs.

(2) Structural Types Permitted:

- a. Pole signs.
- b. Wall signs.
- c. Ground signs.

(3) Number of Signs Permitted: One sign per 660 feet of frontage.

- (4) Maximum Gross Area:
  - a. Bulletin board and identification signs: 24 square feet.
  - b. Business signs - home occupations: 4 square feet; agricultural: 20 square feet.
  - c. Construction signs: 20 square feet.
  - d. Identification signs: 4 square feet.
  - e. Name plate signs: 4 square feet.
  - f. Real estate signs: 12 square feet.
- (5) Maximum Height: 50 feet.
- (6) Required Setbacks: None, except that advertising signs shall observe any setback required by State or federal law.
- (7) Illumination: Advertising signs and bulletin board and identification signs that do not exceed 12 square feet on one face for churches, police stations, fire stations and other similar public facilities may be illuminated.

B. “R-S” Residential - Suburban, “R-1” Residential - Low Density, “R-2” Residential - Medium Density, “R-3” Residential - High Density, “M-P” Manufactured Home Park

- (1) Functional Types Permitted:
  - a. Business signs pertaining to a home occupation and subject to the sign requirements of the home occupation section of these regulations.
  - b. Bulletin board signs.
  - c. Construction signs.
  - d. Identification signs.
  - e. Name plate signs.
  - f. Real estate signs.
- (2) Structural Types Permitted:
  - a. Ground signs.
  - b. Wall signs.
- (3) Number of Signs Permitted: One sign per zoning lot.
- (4) Maximum Gross Area:

- a. Business signs - home occupations: 4 square feet.
- b. Bulletin board and identification signs: 50 square feet.
- c. Construction signs: 20 square feet.
- d. Name plate signs: 4 square feet.
- e. Real estate signs: 6 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 seventy-five (75) percent of the lots have been sold, whichever occurs sooner.

(5) Maximum Height: 15 feet.

(6) Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard.

(7) Illumination: Bulletin board signs may be indirectly illuminated with incandescent or fluorescent lighting.

C. “B-1” Business-General Districts:

(1) Functional Types Permitted:

- a. Bulletin board signs.
- b. Business signs.
- c. Construction signs.
- d. Identification signs.
- e. Name plate signs.
- f. Real estate signs.

(2) Structural Types Permitted:

- a. Awning, canopy or marquee signs.
- b. Ground signs.
- c. Pole signs.
- d. Projecting signs.
- e. Wall signs.

(3) Number of Signs Permitted:

- a. Awning, canopy or marquee signs and wall signs: No limitations.
- b. Ground, pole, and projecting signs: One per zoning lot.

- (4) 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.
- (5) Maximum Height: Same as 'B-2', except pole signs may not exceed 30 feet.
- (6) Required Setback None, except that ground signs shall maintain a setback of 10 feet.
- (7) Illumination: Illuminated signs shall be permitted.

D. "B-2" Business-Central Districts, and "O-I", Office & Institutional Districts:

(1) Functional Types Permitted:

- a. Bulletin board signs.
- b. Business signs.
- c. Construction signs.
- d. Identification signs.
- e. Name plate signs.
- f. Real estate signs.

(2) Structural Types Permitted:

- a. Awning, canopy or marquee signs.
- b. Ground signs.
- c. Wall signs.
- d. Projecting signs.

(3) Number of Signs Permitted:

- a. Awning, canopy or marquee signs and wall signs: No limitations.
- b. Ground signs and projecting signs: One per zoning lot.

(4) 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.

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

(6) Required Setback: None.

(7) Illumination: Illuminated signs shall be permitted.

E. "I-1" Light Industrial

(1) Functional Types Permitted: All.

(2) Structural Types Permitted: All.

(3) Number of Signs Permitted: Two per zoning lot.

(4) 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.

(5) Maximum Height:

a. Roof signs: 10 feet above the highest point of the structure on which the sign is located.

b. All other signs: 20 feet, except pole signs should not exceed 30 feet.

(6) Required Setback: None, except that advertising signs shall maintain the same setback that is required for principal structures.

(7) Illumination: Illuminated signs shall be permitted.

10. Removal of Unsafe or Illegal Signs: If the enforcing officer 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 these regulations, he or she shall give written notice to the permittee, owner, occupant, or agent in charge thereof. Such notice shall include the following:

- The permittee, owner, occupant, or agent in charge of the property is in violation of the City sign regulations.
- The permittee, owner, occupant, or agent in charge of the property is ordered to remove the sign within 10 days of the receipt of notice.
- The permittee, owner, occupant, or agent in charge of the property may make a request within 5 days of the receipt of notice for a hearing before the Governing Body or its designated representative.

- If the permittee, owner, occupant, or agent in charge of the property does not timely remove the sign or request a hearing, the City will cause the sign to be removed, at the expense of the permittee, owner, occupant, or agent in charge.
  - The permittee, owner, occupant, or agent in charge of the property may be subject to a fine not to exceed five hundred (\$500.00) for each offense, and each and every day that such violation continues shall constitute a separate offense.
  - The permittee, owner, occupant, or agent in charge of the property, or the property itself, may be subject to an action in the District Court.
  - That the enforcing officer should be contacted if there are any questions regarding the notice.
- A. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure may be removed or altered to comply by the enforcement officer or his or her designates at the expense of the permittee or owner of the property upon which it is located. The zoning administrator shall refuse to approve a zoning permit to any permittee or owner who refuses to pay costs so assessed. The enforcing officer may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.
- B. Following the abatement of a sign violation hereunder, the enforcing officer shall give notice to the owner, occupant, or agent in charge of the premises by certified mail, or by notice through publication per State statute if certified mail service cannot be obtained, of the costs of removal and disposition of the sign(s). The notice shall also state that payment of the fine and the cost of the removal and disposition is due and payable within 30 days following receipt of the notice.
- C. In addition to or in lieu of the sanctions and remedies set forth in this article, violators of the regulations pertaining to signs herein are also subject to fines as set forth elsewhere in these regulations upon complaint to Municipal Court, as well as the other sanctions and remedies set forth in Article 15, Penalties and Abatement, of these regulations.
- D. The enforcing officer or his or her designates are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of abating sign violations in a manner consistent with the provisions of these regulations.

## 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.

The casual, intermittent, temporary, or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

2. Nonconforming Lots of Record: The Zoning Administrator shall issue a zoning permit for any nonconforming lot of record provided that:
  - A. 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.
  - B. 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.
  - C. Said lot can meet all yard regulations for the district in which it is located.
  - D. Said lot can meet minimum standards for sewage treatment as required by the County Health Office.

3. 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 maintained, repaired or remodeled; provided, however, no such maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing manufactured home parks not meeting the requirements of these regulations shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of these regulations.
- C. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its appraised 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 fifty (50) percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.

- D. Mobile Homes, Manufactured Homes: Any mobile home or manufactured home that is destroyed or moved from its lot shall only be replaced by a dwelling as defined in these regulations, and no such replacement shall be made in a district where that type of dwelling would be a nonconforming structure unless a zoning permit is obtained and replacement is actually begun within one (1) year after the date of such destruction or removal, and such replacement 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.

4. 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 building or other 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 building or other 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 fifty (50) percent of its appraised 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 fifty (50) percent or less, no repairs or restoration shall be made

unless a zoning 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 these regulations. 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 twelve (12) 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: 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.
- K. Nonconforming Uses: All existing manufactured home parks not meeting the requirements of these regulations shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of these regulations.

5. Status of Special Uses:

- A. Status of Existing Special Uses: Where a use exists at 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 these regulations, 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 may recommend or the Governing Body may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use 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 insure that the conditions stipulated are being, and will be, fully complied with.

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 these regulations 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 and site plan of the subject property.
- B. Fees: Every application for a special use permit shall be subject to a filing fee of fifty dollars (\$50.00).
- C. Site Plan: All applicants for a special use permit shall submit with their application ten 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 buildings.
    - (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 buildings.
- 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 15 days prior to the date set for hearing. The Planning Commission shall submit a recommendation to the 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 standards and requirements 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 buildings, 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. Day care centers shall obtain a special use permit for the care of more than six children in zoning districts permitting residents, provided that:
  - (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) If located on an arterial or collector street, an off-street drop-off/pick-up area must be provided.
  - (3) The requirements for accessory uses for the proposed Day Care Home are met.
- B. Funeral, mortuary or crematory services shall be located on a collector or arterial street as shown on the Comprehensive Plan.
- C. 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 fifty (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 (10) feet above any accessible pedestrian area.
  - (3) The system and its component parts shall be totally surrounded by a fence at least six (6) feet and not more than eight (8) 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 braking 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 comply with the yard regulations in the zoning district.
- D. Travel trailer (or recreational vehicle) camps shall be permitted only in A-1 Districts, subject to the following conditions.
- (1) The site selected for travel trailer camp areas shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road on which it has frontage. Short-term occupancy shall not exceed thirty (30) days, except as approved by the Zoning Administrator.
  - (2) Minimum tract size shall be two (2) acres and be in one (1) ownership.
  - (3) The maximum number of travel trailer spaces allowed within the permitted districts shall not be more than twenty (20) per acre. Consideration shall be given to whether the camp and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type camp located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.
  - (4) Minimum width of a trailer space shall be twenty-eight (28) feet and the minimum depth shall be fifty (50) feet, and it shall be so designed to provide space for parking both the trailer and towing vehicle off the roadway. The corners of each trailer space shall be visibly marked by a permanent marker. No trailer unit shall be closer than twenty (20) feet to any other adjacent unit, structure or roadway. No part of a trailer or recreational vehicle shall extend closer than ten (10) feet to the boundaries of the individual space.
  - (5) Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual trailer space. Such parking spaces shall be located in a convenient location to the individual trailer space. All trailer spaces shall have direct access to the roadway.
  - (6) The travel trailer camp shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the travel trailer camp and

any adjoining residential area. The ten (10) feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.

- (7) The travel trailer camp shall provide play space. A central office or convenience establishment with an attendant shall be provided within the travel trailer camp to register guests and provide service and supervision to the camp for camps in excess of 5 acres. The travel trailer camp shall contain at least one (1) service building (which may be part of a central office or convenience establishment), and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
  - (a) Be of permanent construction;
  - (b) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower for females; and one (1) flush-type toilet, one (1) lavatory, and one (1) shower for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
  - (c) Have an accessible, adequate, safe, and potable supply of cold water;
  - (d) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air conditioning systems; and,
  - (e) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or will constitute a menace.
- (8) Every travel trailer camp shall provide a sewage dump station.
- (9) Proper provision shall be made for fire protection.
- (10) Proper provision shall be made for refuse collection.
- (11) The applicant for a travel trailer camp shall submit a development plan to the Planning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. Such plan shall conform to all State and or local laws and regulations. The applicant shall submit the information on a sheet size not to exceed 24" x 36" dimensions as a proposed developed plan showing:

- (a) General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
  - (b) Parking area location, sizes and capacity.
  - (c) Ingress and egress points for the project.
  - (d) Use of structures.
  - (b) General layout of typical travel trailer space showing size of space and proposed improvements.
  - (f) Layout of roadway within the camp.
  - (g) Net density of proposed project, expressed in terms of units per acre.
  - (h) General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.
  - (i) Plan and method of sewage disposal and water supply.
  - (j) Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.
  - (k) The development shall provide a general refuse storage area or areas which shall be provided with a paved concrete surface and shall be enclosed to screen it from view.
- (12) The travel trailer camps shall be planned and constructed in accordance with the minimum standards as established in this Section and as outlined below:
- (a) All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.
  - (b) All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.
  - (c) All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

- (13) Under no circumstances shall a mobile home or a manufactured home be parked in a recreational vehicle park or campground, except that a manufactured home may be used as a central office or convenience establishment. However, no mobile home or a manufactured home may be used as a service building.
  
- E. Feedlots or confined animal feeding operations shall be allowed only in the A-1 District under the following conditions:
  - (1) Operation:
    - (a) No operation shall be located closer than 5,000 feet from an existing residence.
    - (b) Manure shall be removed or disposed of in one of the following manners:
      - i. Spraying or spreading on land followed by discing or plowing.
      - ii. Grinding or dehydrating in properly designated dehydrators.
      - iii. Stockpiling in a compost plant in an isolated area in such a manner as to not create a water pollution problem.
    - (c) Insect and rodent control shall be performed through the use of chemical sprays and positions in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
  - (2) Drainage:
    - (a) All ground surfaces within pens shall be so graded and compacted to insure positive drainage.
    - (b) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed or create water pollution.
  
- F. Kennels-breeding and boarding.
  - (1) The minimum lot size shall not be less than two acres.

- (2) No kennel buildings or runs shall be located nearer than 200 feet to any property lines.
  - (3) All kennel runs or open areas shall be screened around such areas or at the property lines to reduce noise and prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chain link fence with aluminum strip intertwined or other equivalent fencing, providing a sight barrier to the dogs.
- G. Radio, telephone, or television broadcasting towers, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:
- (1) The location of every tower must be such that it is at least an equal distance from all property lines as it is in height.
  - (2) A plot plan shall be submitted with the application.
- H. Adult Entertainment Businesses shall operate in conformity with the Adult Entertainment Code of the City of Williamsburg then in effect and as amended.
5. Time Limit:
- A. Sunset: A special use permit shall expire, upon public hearing, unless a zoning permit is taken within 12 months to effectuate such specially permitted use; or if no zoning 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 12 months, the Special Use Permit shall expire upon public hearing; except that the Special Use Permit for a salvage yard shall automatically expire if the State license for operating the salvage yard lapses for a period of time more than six months.

## ARTICLE 11

### SITE PLAN REVIEW

- 1. Intent: The City of Williamsburg 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 Williamsburg, while retaining a unique atmosphere and small city image, capitalizing on the natural beauty and physical resources of the area. The City seeks to ensure that any location that has a potential for preserving natural resources, or that must accommodate intense urban uses, shall be subject to Site Plan Review by the Zoning Administrator and approval by the Planning Commission. 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, stormwater 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 enhancement of the natural environment by promoting urban development which is compatible with clearly identified natural resources.

2. Applicability: All applications for zoning permits in the multiple-family residential, commercial and industrial zoning districts shall be subject to Site Plan Review in accordance with these regulations. 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 sense of place in the City of Williamsburg. Site Plan Reviews shall be performed by the Zoning Administrator and presented to the Planning Commission for approval at the first regular commission meeting for which the application may be scheduled.

Site Plan Review shall also be required for the expansion of any existing use in the commercial and industrial districts. "Expansion" shall include an increase of floor space by 50% or more.

3. Authority: Zoning 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 Planning Commission and the Governing Body.
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 right-of-way. Include area in acres or square feet, abutting land uses and structures.
- E. The location and use of all existing and proposed buildings and 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 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. 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 or septic 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, endwalls, 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 City 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 building, a table containing the following information must be included:
- (1) Area of building 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) Large areas of paved parking shall be broken by appropriate landscaping.

5. 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 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.

6. Development Standards, Commercial and Industrial Districts: In zoning districts other than single-family and two-family residential, no building shall be erected that does not meet the following minimum standards:

- A. Rooftop Equipment Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the walls of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground.

Raised exterior walls or screen walls should be designed to enclose groups of equipment. Wall material should be compatible with or identical to the predominant opaque material on the exterior of the building.

- B. Form, Scale and Proportion: The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- C. Unusual Buildings Prohibited: The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed.

- D. Mass and Voids: The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.
- E. Long Facades: Where large structures are proposed with overly-long facades (walls), where one dimension exceeds the length of the perpendicular dimension, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features.

Over-long horizontal facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.

- F. Architectural Design: Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank is discouraged.
- G. Monotony: 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.
- H. Roofs: 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.
- I. Materials: Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces are discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.

Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.

- J. Design Uniformity: Architectural treatments (e.g., building materials, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the

requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment. The applicant will have the burden of demonstrating the reasons for differing treatment on different sides (e.g., the need for truck accesses on one side and pedestrian access on another).

Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

## ARTICLE 12

### BOARD OF ZONING APPEALS

1. Formation: The word "Board" when used in this article shall mean the City of Williamsburg Board of Zoning Appeals. Pursuant to K.S.A. 12-759(g), the Board shall be comprised of the same personnel who serve as the Williamsburg Planning Commission. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with these regulations, or other laws, regulations or enactments. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. 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 actions, all of which shall be filed in the office of the City Clerk and shall be public record. A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under these regulations, or to affect any variation in such regulation.
2. Powers and jurisdiction: The Board shall have the following powers and jurisdictions:
  - A. Appeals: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.
    - (1) Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be filed with the Zoning Administrator within 30 days of the decision which is being appealed. The Zoning Administrator shall forthwith transmit to the Secretary of the

Board all papers constituting the record upon which the action appealed from is taken.

- (2) 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 or her opinion, cause imminent 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 or notice to the Zoning Administrator.

- B. Variances: To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

- (1) The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reasons of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located.
- (2) The Board shall have the power to grant variances in the bulk requirements in any zoning district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional practical difficulties to, or exceptional hardship upon the owner of such property. Such variance shall comply, as nearly as possible, in every respect with the spirit, intent, and purpose of these regulations; it being the purpose of this provision to authorize the granting of variance only for reasons demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of

convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured, and substantial justice done.

- (3) A request for a variance may be granted, upon a finding of the board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
  - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
  - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners represented in the application.
  - c. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
  - e. The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- (4) In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefitted by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

C. Granting a Substitution of a Nonconforming Use: The Board may grant such substitutions as provided in Article 9, Nonconformities.

D. Special Exceptions: The following buildings and uses are permitted as special exceptions if the Board finds that, in its opinion, as a matter of fact, such exceptions will not adversely affect the uses of adjacent and neighboring property permitted by these regulations:

- (1) Placing a manufactured home as a second home on a lot under instances of extreme hardship or necessity as determined by the Board, provided:

- The applicant shall clearly state the hardship or reason of necessity for requesting the Special Exception.
- At such time as the hardship or reason of necessity shall cease to exist, the Special Exception shall become null and void and said manufactured home shall be removed within three months.
- Such manufactured home shall be maintained in a safe and sanitary condition and shall comply with the Franklin County Sanitary Code and with all other applicable codes and procedures of the City, County, and State.

E. Conditions of Determinations: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a zoning permit.

3. Applications:

A. The procedure for requesting a hearing before the Board shall be as follows:

- (1) All applications to the Board shall be in writing on forms provided by the Board. Said application shall be submitted within 30 days of the action requiring said variance, special exception, or appeal.
- (2) The Board shall fix a reasonable time for the hearing of an application, and notice of the time, place and subject of each hearing shall be published in the official newspaper (as designated by the Governing Body) at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest and each person on the ownership list. Said ownership list shall be obtained from county records, listing the legal description and the name and address of the owners of all property located within 200 feet of the boundaries of the property included in the application.

B. In addition to the above requirements, certain applications require additional information as follows:

- (1) Appeals:

- a. A copy of the order, requirement, decision or determination of the Zoning Administrator which the applicant believes to be in error shall be submitted.
- b. A clear and accurate written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.
- c. Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

(2) Variances:

- a. The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions as set out in Section 2(B)(3) of this article.
- b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the application should be included.

4. Performance: In making any decision varying or modifying any provision of the zoning regulations or in granting a variance from the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, screening, and other appropriate safeguards as needed to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the Governing Body in the sum equal to the cost of constructing the required improvements.

A Special Exception or variance granted shall lapse after the expiration of one (1) year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of these regulations shall govern.

5. Who May Appeal From the Board Decision: Any person, persons, department or departments of the government, jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within thirty (30) days after the date of filing the decision of the Board in the office of the City Clerk.

## ARTICLE 13

### AMENDMENTS

1. Amendments to Change Zoning District Boundaries: The Governing Body from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the Governing Body or the Planning Commission. 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 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.

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 enactment; (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 enactment 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 enactment or resolution.

5. Applications: Any party with legal standing under State statute who desires any change in zoning district boundaries or regulations contained in these zoning regulations, as to any lot, tract or area of land, shall file with the City Clerk 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, shall pay to the City Clerk a fee in the amount of \$125.00. 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. 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 enactments of the City of Williamsburg.
  - 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 land owners nearby relative to the public gain.
8. 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 City Clerk 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 by State statute to be notified of the proposed rezoning, excluding public streets and ways, located within or without the corporate limits of the City of Williamsburg, the enactment adopting such amendment shall not be passed except by at least three-fourths (3/4) vote of the members of the Governing Body.
9. Publication: If the Governing Body approves an application, it shall adopt an enactment to that effect, but said request shall not become effective until its publication in the official City newspaper.
10. Official Zoning Map: If the official zoning map has been adopted by reference, the

amending enactment 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 these regulations incorporating the same and shall reincorporate such map as amended.

## ARTICLE 14

### ADMINISTRATION

1. Office of the Zoning Administrator:
  - A. Authorization: A Zoning Administrator shall be appointed by the City Council upon recommendation by the Mayor 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 permits and make and maintain records thereof.
    - (2) Conduct inspections of buildings, 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.
2. Zoning Permits:
  - A. Zoning permits: Unless a zoning permit shall first have been obtained from the Office of the Zoning Administrator:
    - (1) The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;

- (2) The improvement of land preliminary to any use of such land shall not be commenced;
- (3) No land vacant on the effective date of these regulations shall be used for any other purpose;
- (4) No use of any land or structure shall be changed to any other use.

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

B. Application for Zoning permit: Every application for a zoning permit shall be on forms provided by the Zoning Administrator and shall include at least the following:

- (1) The legal description of the real estate involved.
- (2) A plat, in duplicate, of the piece of 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, lots, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- (3) 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 building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, grades and elevations, location and specifications of all signs, lighting, fencing, screening, landscaping, and other such site improvements, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.
- (4) Such fee as shall be officially specified by resolution by the Governing Body from time to time.

One copy of the application, the plat, and the plot plan shall be retained by the Zoning Administrator as a public record.

C. Issuance of Zoning permit: A zoning permit shall be either issued or refused by the Zoning Administrator within twenty (20) working days after the receipt of an application or within such further period as may be agreed to by the applicant. No zoning permit shall be issued unless all the zoning requirements of these regulations are met. When the Zoning Administrator refuses to issue a zoning

permit, the applicant shall be advised of the reasons for the refusal in writing.

D. A zoning permit issued in accordance with the provisions of these regulations may be revoked by the Zoning Administrator if he or she finds prior to the completion of the structure for which the permit was issued there has been a departure from the approved plans, specifications, and or requirements and/or conditions required under the terms of the zoning permit, or the zoning permit was issued under false representation, or that any other provisions of these regulations are being violated.

E. **Period of Validity:** Except where otherwise set forth in these regulations, a zoning permit shall become null and void ninety (90) days after the date on which it is issued unless within such period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced. A zoning permit shall expire upon issuance of an occupancy permit as specified herein, or within one (1) year from the date of issuance of the zoning permit, regardless of the state of completion of the construction authorized by said permit, except as otherwise set forth in these regulations. Any construction not completed when a zoning permit expires shall cease, and no new construction may commence until such time as a newly issued zoning permit is issued in conformance with this article and these regulations.

3. **Occupancy Permits:** No building or structure that has been constructed, moved, remodeled or reconstructed since the effective date of these regulations shall be occupied or used, and no change in the character or use of land, of a building, or of a structure shall occur until an occupancy permit has been issued by the Zoning Administrator certifying that such building or use complies with all requirements of these regulations and other applicable city, county, and State rules and regulations. When the Zoning Administrator refuses to issue an occupancy permit, the applicant shall be advised of the reasons for the refusal in writing.

## ARTICLE 15

### PENALTIES & ABATEMENT

1. **Violation, Penalties & Abatement:** The permittee, owner, occupant, or agent in charge of a building or premises in or upon which a violation of any provision of these regulations has been committed or shall exist shall be punished by a fine not to exceed five hundred (\$500.00) for each offense. Each and every day that such violation continues shall constitute a separate offense. Such fines may be in addition to or in lieu of sanctions found elsewhere in these regulations upon complaint to Municipal Court.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or

maintained, or any structure or land is used in violation of these regulations, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

Where construction, building, moving, remodeling, reconstruction, or occupancy has proceeded without filing for and receiving a valid zoning permit, the fee for the issuance of a subsequent zoning permit shall be quadrupled.

If the enforcing officer shall find that any building, structure, or land regulated in herein has been constructed, erected, or maintained, or is being used or occupied in violation of the provisions of these regulations, he or she shall give written notice to the permittee, owner, occupant, or agent in charge thereof. Such notice shall include the following:

- The permittee, owner, occupant, or agent in charge of the property is in violation of these regulations.
- The permittee, owner, occupant, or agent in charge of the property is ordered to come into compliance with these regulations within 10 days of the receipt of notice.
- The permittee, owner, occupant, or agent in charge of the property may request a hearing before the Governing Body or its designated representative within 5 days of the receipt of notice.
- If the permittee, owner, occupant, or agent in charge of the property does not come into compliance or request a hearing, the City will cause the condition to be corrected, at the expense of the permittee, owner, occupant, or agent in charge.
- The permittee, owner, occupant, or agent in charge of the property may be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense, and each and every day that such violation continues shall constitute a separate offense.
- The permittee, owner, occupant, or agent in charge of the property, or the property itself, may be subject to an action in the District Court.
- That the enforcing officer should be contacted if there are any questions regarding the notice.

If the permittee fails to come into compliance with the standards herein set forth

within ten (10) days after such notice, such conditions may be corrected by the enforcement officer or his or her designates at the expense of the permittee or owner of the property upon which it is located. The zoning administrator shall refuse to approve a zoning permit to any permittee or owner who refuses to pay costs so assessed.

Following the abatement of a violation hereunder, the enforcing officer shall give notice to the owner, occupant, or agent in charge of the premises by certified mail, or by notice through publication per State statute if certified mail service cannot be obtained, of the costs of removal and disposition of the sign(s). The notice shall also state that payment of the fine and the cost of the removal and disposition is due and payable within 30 days following receipt of the notice.

In addition to or in lieu of the sanctions and remedies set forth in this article, violators of these regulations are also subject to fines upon complaint to Municipal Court.

The enforcing officer or his or her designates are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of correcting violations in a manner consistent with the provisions of these regulations.

## ARTICLE 16

### APPROVAL AND EFFECTIVE DATE

1. APPROVAL AND EFFECTIVE DATE:

- A. This is to certify that the Williamsburg Zoning Regulations and District Zoning Map referred to in this zoning regulation were duly approved by the Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary

- B. These regulations shall become effective upon publication of the adopting enactment in the official City newspaper.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_ by the Governing  
Body of the City of Williamsburg, Kansas.

\_\_\_\_\_  
Charles R. Gilkey, Mayor

ATTEST:

\_\_\_\_\_  
Patti Piersol, City Clerk

**APPENDIX**

**City of Williamsburg, Kansas Zoning Regulations - Appendix A  
Listing of Uses By Zoning District**

P = Permitted, C = Conditionally Permitted, S = Special Use Permit, N = Not Permitted

ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Adult Entertainment Business	N	N	N	N	N	N	N	N	N	C
Advertising	N	N	N	N	N	N	N	P	P	S
Agricultural Chemicals	N	N	N	N	N	N	N	N	N	S
Aircraft & Parts	N	N	N	N	N	N	N	N	N	P
Airports, Flying Fields & Services	S	N	N	N	N	N	N	N	N	S
Amusement Parks	N	N	N	N	N	N	N	S	N	N
Animal Services, Kennels	S	N	N	N	N	N	N	N	N	S
Antique Shops	N	N	N	N	N	N	P	P	P	N
Appliance Store and/or Repair Shops	N	N	N	N	N	N	S	P	P	N
Apparel, Piece Goods & Notions Manufacturing	N	N	N	N	N	N	N	S	N	P
Apparel & Other Textile Products Manufacturing	N	N	N	N	N	N	N	S	N	S
Asphalt Paving & Roofing Materials	N	N	N	N	N	N	N	S	N	S
Art School, Gallery or Museum	N	N	N	N	N	N	N	P	P	N
Automobile Parking	N	N	S	S	S	N	P	P	P	S
Automotive Dealers	N	N	N	N	N	N	N	P	P	S
Automotive Rentals, No Drivers	N	N	N	N	N	N	N	P	P	S
Automotive Repair Shops	N	N	N	N	N	N	N	P	P	P
Automotive Services	N	N	N	N	N	N	N	P	P	S
Automotive Supply Stores	N	N	N	N	N	N	S	P	P	N
Bakery Products	N	N	N	N	N	N	N	P	P	S
Barber Shops	N	N	N	N	N	N	P	P	P	S
Beauty Shops	N	N	N	N	N	N	P	P	P	S
Beer, Wine & Distilled Beverages	N	N	N	N	N	N	N	S	S	S
Beverages Distribution	N	N	N	N	N	N	N	N	N	S
Bowling & Skating Centers	N	N	N	N	N	N	S	P	S	N
Building Contractors	N	N	N	N	N	N	N	N	N	P
Bus Service Terminal	N	N	N	N	N	N	S	S	S	P
Cable & Other Pay TV Services	N	N	N	N	N	N	S	S	S	S
Camps & Recreational Vehicle Parks	C	N	N	N	N	N	N	S	N	N
Carpentry & Floor Work	N	N	N	N	N	N	N	P	S	P
Carwashes	N	N	N	N	N	N	N	S	S	S

P = Permitted, C = Conditionally Permitted, S = Special Use Permit, N = Not Permitted

ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Catering Establishment	N	N	N	N	N	N	N	P	P	N
Cattle and Equine	S	N	N	N	N	N	N	N	N	N
Cement, Hydraulic	N	N	N	N	N	N	N	N	N	S
Cemeteries and Mausoleums	S	N	N	N	N	N	N	N	N	N
Chemicals, Fertilizer Minerals & Allied Products (warehouse & manufacturing)	N	N	N	N	N	N	N	N	N	S
Chemicals, Fertilizer Minerals & Allied Products (retail)	N	N	N	N	N	N	N	S	S	S
Civic & Social Organizations	N	N	N	N	N	N	P	P	P	N
Clay, Ceramic & Refractory Minerals	N	N	N	N	N	N	N	S	S	S
Clothing and Apparel Store	N	N	N	N	N	N	P	P	P	N
Coal Mining	N	N	N	N	N	N	N	N	N	S
Colleges & Universities	S	N	N	N	N	N	S	S	S	N
Combination Utility Services	S	N	N	N	N	N	N	N	N	P
Commercial Banks, Branch Offices	N	N	N	N	N	N	P	P	P	N
Commercial Banks, Main Office	N	N	N	N	N	N	P	P	P	N
Commercial Fishing	P	N	N	N	N	N	N	N	N	N
Commercial Printing	N	N	N	N	N	N	N	S	N	S
Commercial Sports Facilities	N	N	N	N	N	N	S	S	S	N
Communication Equipment	S	N	N	N	N	N	N	S	N	S
Computer & Data Processing Services	N	N	N	N	N	N	P	P	P	S
Computer & Office Equipment	N	N	N	N	N	N	P	P	P	P
Concrete, Gypsum, & Plaster Products	N	N	N	N	N	N	N	N	N	S
Concrete Work	N	N	N	N	N	N	N	N	N	S
Construction & Related Machinery (construction companies)	N	N	N	N	N	N	N	S	S	P
Correctional Institutions	S	N	N	N	N	N	N	N	N	S
Courts	N	N	N	N	N	N	P	P	P	N
Credit Reporting & Collecting	N	N	N	N	N	N	P	P	P	N
Credit Unions	N	N	N	N	N	N	P	P	P	S
Crude Petroleum & Natural Gas	S	N	N	N	N	N	N	N	N	S
Crushed & Broken Stone	N	N	N	N	N	N	N	N	N	S
Curio or Gift Shop	N	N	N	N	N	N	P	P	P	N
Cut Stone & Stone Products	N	N	N	N	N	N	N	S	S	S
Dairy Products	S	N	N	N	N	N	N	N	N	S
Dance Studios, Schools & Halls	N	N	N	N	N	N	P	P	P	N
Day Care Center	C	C	C	C	C	C	P	P	P	C
Day Care Home	C	C	C	C	C	C	N	N	N	N
Department Stores	N	N	N	N	N	N	P	P	P	N

P = Permitted, C = Conditionally Permitted, S = Special Use Permit, N = Not Permitted

ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Depository Institutions	N	N	N	N	N	N	P	P	P	N
Drinking Establishments	N	N	N	N	N	N	S	S	S	S
Drug Stores & Proprietary Stores	N	N	N	N	N	N	P	P	P	N
Drugs	N	N	N	N	N	N	N	N	N	S
Dry Goods Store	N	N	N	N	N	N	P	P	P	N
Dry Cleaning Establishments	N	N	N	N	N	N	P	P	P	N
Eating Places	N	N	N	N	N	N	P	P	P	S
Eating Places, Drive-In	N	N	N	N	N	N	N	P	S	N
Electric Services	N	N	N	N	N	N	N	N	N	P
Electrical Goods	N	N	N	N	N	N	N	P	P	P
Electrical Repair Shops	N	N	N	N	N	N	N	P	P	P
Electrical Work	N	N	N	N	N	N	N	S	S	P
Electronics Stores	N	N	N	N	N	N	P	P	P	N
Elementary & Secondary Schools	S	S	S	S	S	S	S	N	S	N
Engines & Turbines	N	N	N	N	N	N	N	N	N	S
Equipment Rental & Leasing	N	N	N	N	N	N	N	S	S	S
Executive, Legislative & General	S	N	N	N	N	N	P	P	P	N
Fabricated Rubber Products	N	N	N	N	N	N	N	N	N	S
Farm Labor & Management Services	S	N	N	N	N	N	S	P	P	N
Farm & Garden Machinery	N	N	N	N	N	N	N	P	S	S
Fats & Oils	N	N	N	N	N	N	N	N	N	S
Feedlots, Commercial	C	N	N	N	N	N	N	N	N	N
Fire Protection	S	S	S	S	S	S	S	S	S	S
Fish Hatcheries & Preserves	P	N	N	N	N	N	N	N	N	S
Flat Glass	N	N	N	N	N	N	N	S	S	S
Footwear, Except Rubber	N	N	N	N	N	N	N	S	S	P
Footwear Cut Stock	N	N	N	N	N	N	N	S	S	P
Forest Products	S	N	N	N	N	N	N	N	N	S
Forestry Services	N	N	N	N	N	N	N	N	N	P
Freight Transportation Arrangement	N	N	N	N	N	N	S	S	S	P
Fruit & Vegetable Market	S	N	N	N	N	N	N	P	P	N
Fruits & Tree Nuts	P	S	N	N	N	N	N	N	N	S
Functions Closely Related to Banking	N	N	N	N	N	N	P	P	P	N
Funeral, Mortuary, & Crematory Services	N	N	N	N	N	N	N	C	N	N
Furniture & Home Furnishings	N	N	N	N	N	N	P	P	P	N
Furniture & Home Furnishings Manufacturing	N	N	N	N	N	N	N	N	N	P
Gas Production & Distribution	N	N	N	N	N	N	N	N	N	P

P = Permitted, C = Conditionally Permitted, S = Special Use Permit, N = Not Permitted

ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Gasoline Stations	N	N	N	N	N	N	P	P	P	S
General Industrial Machinery	N	N	N	N	N	N	N	N	N	P
Glass & Glassware	N	N	N	N	N	N	N	N	N	S
Grain Elevators	S	N	N	N	N	N	N	S	S	S
Grain, Field Beans & Hay	S	N	N	N	N	N	N	S	N	P
Grain Mill Products	S	N	N	N	N	N	N	S	S	S
Groceries & Related Products Wholesale	N	N	N	N	N	N	N	S	N	P
Grocery Stores	N	N	N	N	N	N	P	P	P	N
Guided Missiles, Space Vehicles & Parts	N	N	N	N	N	N	N	N	N	S
Handbags & Personal Leather Goods (manufacturing)	N	N	N	N	N	N	N	N	N	P
Hardware, Plumbing & Heating Equipment	N	N	N	N	N	N	P	P	P	P
Hardware Stores	N	N	N	N	N	N	P	P	P	N
Health & Allied Services	N	N	N	N	N	N	S	S	S	N
Heavy Construction, Ex. Building	N	N	N	N	N	N	N	N	N	P
Heavy Construction Equipment Rental	N	N	N	N	N	N	N	N	N	P
Holding & Other Investment Offices	N	N	N	N	N	N	P	P	P	N
Home Health Care Services	N	N	N	N	N	N	P	P	P	N
Horticultural Specialties	P	S	N	N	N	N	N	N	N	S
Hose, Belting, Gaskets & Packing	N	N	N	N	N	N	N	N	N	S
Hospitals	N	N	N	N	N	N	P	P	S	N
Hotels & Motels	S	N	N	N	N	N	N	P	S	N
Hunting, Trapping, Game Propagation	P	N	N	N	N	N	N	N	N	N
Industrial Inorganic Chemicals	N	N	N	N	N	N	N	N	N	S
Industrial Organic Chemicals	N	N	N	N	N	N	N	N	N	S
Insurance Agents, Brokers & Service	N	N	N	N	N	N	P	P	P	N
Irrigation Systems	N	N	N	N	N	N	N	N	N	P
Justice, Public Order & Safety	S	N	N	N	N	N	N	S	S	S
Kennels – breeding & boarding	C	N	N	N	N	N	N	N	N	N
Labor Organizations	N	N	N	N	N	N	P	P	P	P
Landscape & Horticultural Services	S	N	N	N	N	N	N	P	S	S
Laundry, Cleaning & Garment Services	N	N	N	N	N	N	P	P	P	S
Leather Gloves & Mittens (manufacturing)	N	N	N	N	N	N	N	N	N	P
Leather Tanning & Finishing	N	N	N	N	N	N	N	N	N	S
Legal Counsel & Prosecution	N	N	N	N	N	N	P	P	P	N
Legal Services	N	N	N	N	N	N	P	P	P	N
Libraries	N	N	N	N	S	N	P	P	P	N
Liquor Stores	N	N	N	N	N	N	S	S	S	N

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ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Livestock & Other Farm Products	S	N	N	N	N	N	N	N	N	S
Logging	N	N	N	N	N	N	N	N	N	S
Lumber & Construction Materials	N	N	N	N	N	N	N	P	S	P
Lumber & Other Building Materials	N	N	N	N	N	N	N	P	S	P
Machinery, Equipment & Supplies (retail)	N	N	N	N	N	N	N	P	S	P
Mailing, Reproduction, Stenographic	N	N	N	N	N	N	P	P	P	S
Manufactured Home Dealers	N	N	N	N	N	N	N	P	N	P
Masonry, Stonework & Plastering	N	N	N	N	N	N	N	N	N	P
Measuring & Controlling Devices	N	N	N	N	N	N	N	S	S	P
Meat Market	N	N	N	N	N	N	P	P	P	N
Meat Products Processing	N	N	N	N	N	N	N	N	N	S
Medical Equipment Rental	N	N	N	N	N	N	N	P	S	S
Medical Instruments & Supplies	N	N	N	N	N	N	N	P	P	P
Medical & Dental Laboratories	N	N	N	N	N	N	P	P	P	S
Medical Clinics	N	N	N	N	N	N	P	P	P	N
Membership Organizations	N	N	N	N	N	N	S	S	S	N
Membership Sports & Recreation Clubs	S	N	N	N	N	N	P	S	P	N
Metal Forgings & Stampings	N	N	N	N	N	N	N	N	N	S
Metal Mining	N	N	N	N	N	N	N	N	N	S
Metal Services	N	N	N	N	N	N	N	N	N	S
Metals & Minerals, Except Petroleum	N	N	N	N	N	N	N	S	N	P
Miscellaneous Business Services	N	N	N	N	N	N	N	S	N	N
Miscellaneous Chemical Products	N	N	N	N	N	N	N	N	N	S
Miscellaneous Communications Services	N	N	N	N	N	N	S	S	S	S
Miscellaneous Durable Goods	N	N	N	N	N	N	N	P	P	P
Miscellaneous Merchandise Stores	N	N	N	N	N	N	P	P	P	N
Miscellaneous Personal Services	N	N	N	N	N	N	P	P	P	N
Miscellaneous Plastics Products	N	N	N	N	N	N	N	N	N	S
Miscellaneous Publishing	N	N	N	N	N	N	N	S	S	P
Miscellaneous Shopping Goods Stores	N	N	N	N	N	N	S	P	S	N
Miscellaneous Transportation Equipment	N	N	N	N	N	N	N	N	N	P
Miscellaneous Transportation Services	N	N	N	N	N	N	N	S	S	P
Miscellaneous Wood Products	N	N	N	N	N	N	N	N	N	P
Misc. Electrical Equipment & Supplies	N	N	N	N	N	N	N	S	S	P
Misc. Fabricated Metal Products	N	N	N	N	N	N	N	S	S	S
Misc. Leather Goods	N	N	N	N	N	N	N	S	S	S
Misc. Nondurable Goods (raw materials)	N	N	N	N	N	N	N	S	N	P

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ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Misc. Nonmetallic Mineral Products	N	N	N	N	N	N	N	N	N	S
Misc. Petroleum & Coal Products	N	N	N	N	N	N	N	N	N	S
Motion Picture Theaters (non-adult oriented)	N	N	N	N	N	N	P	P	P	N
Motor Vehicles, Parts & Supplies (non-salvage)	N	N	N	N	N	N	N	P	S	P
Museums & Art Galleries	N	N	N	N	N	N	P	P	P	N
Natural Gas Liquids	P	N	N	N	N	N	N	N	N	S
Nonmetallic Minerals, Miscellaneous	N	N	N	N	N	N	N	N	N	S
Nonmetallic Minerals Services	N	N	N	N	N	N	N	N	N	S
Nonstore Retailers	N	N	N	N	N	N	S	S	S	N
Nursing & Personal Care Facilities	S	N	N	N	N	N	P	P	P	N
Oil & Gas Field Services	S	N	N	N	N	N	N	N	N	S
Ordnance & Accessories	N	N	N	N	N	N	N	N	N	S
Paint, Glass & Wallpaper Stores	N	N	N	N	N	N	S	P	P	N
Painting & Paper Hanging	N	N	N	N	N	N	N	P	P	P
Paints & Allied Products	N	N	N	N	N	N	N	N	N	S
Paper & Paper Products	N	N	N	N	N	N	N	S	N	P
Parking Lots Operated as a Business	N	N	N	N	N	N	P	P	P	P
Parks	P	P	P	P	P	P	P	P	P	S
Personnel Supply Services	N	N	N	N	N	N	P	P	P	N
Petroleum Refining	N	N	N	N	N	N	N	N	N	S
Petroleum & Petroleum Products	N	N	N	N	N	N	N	S	N	P
Photographic Studios	N	N	N	N	N	N	P	P	P	N
Physical Fitness Facilities	N	N	N	N	N	N	S	S	S	S
Pipelines, Except Natural Gas	S	S	S	S	S	S	S	S	S	S
Plastics Materials & Synthetics	N	N	N	N	N	N	N	N	N	S
Plumbing, Heating, Air-Conditioning	N	N	N	N	N	N	N	P	P	P
Police Protection	S	S	S	S	S	S	S	S	S	S
Pottery & Related Products	S	N	N	N	N	N	N	S	S	S
Printing Trade Services	N	N	N	N	N	N	N	S	S	P
Professional & Commercial Equipment	N	N	N	N	N	N	N	P	S	P
Psychiatric Hospital	N	N	N	N	N	N	P	P	N	N
Public Golf Courses	P	P	N	N	N	N	N	N	N	N
Public Order & Safety	S	S	S	S	S	S	S	S	S	S
Public Warehousing & Storage	N	N	N	N	N	N	N	N	N	P
Radio & Television Broadcasting Stations	N	N	N	N	N	N	S	S	S	S
Radio, Telephone, & Television Broadcasting Towers, etc.	C	N	N	N	N	N	C	C	C	C
Railroad, Switching & Terminal Services	N	N	N	N	N	N	N	N	N	S

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ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	I	1	2	1
Real Estate Agents & Managers	N	N	N	N	N	N	P	P	P	N
Real Estate Operators & Lessors	N	N	N	N	N	N	P	P	P	N
Religious Organizations	S	S	S	S	N	S	S	S	S	N
Repair Services	N	N	N	N	N	N	N	P	S	S
Residential Care, Group Homes	S	S	S	S	S	S	N	N	N	N
Res--Single-family	P	P	P	P	P	P	S	S	S	N
Res--Two-family	N	N	N	P	P	S	S	S	S	N
Res--Multi-family	N	N	N	S	P	N	S	S	S	N
Res--Manufactured Homes	N	N	N	N	N	P	N	N	N	N
Res—Mobile Homes	N	N	N	N	N	N	N	N	N	N
Res--Modular Homes	P	P	P	P	P	P	N	N	N	N
Residential-design, Manufactured Home	P	P	P	P	P	P	N	N	N	N
Restaurants	N	N	N	N	N	N	P	P	P	S
Retail Bakeries	N	N	N	N	N	N	P	P	P	N
Retail Nurseries & Garden Stores	P	N	N	N	N	N	N	P	N	N
Retail Stores	N	N	N	N	N	N	N	S	S	N
Roofing, Siding & Sheet Metal Work	N	N	N	N	N	N	N	N	N	P
Rooming & Boarding Houses	S	S	S	S	S	N	S	S	S	N
Rubber & Plastics Footwear	N	N	N	N	N	N	N	N	N	S
Salvage Yard	N	N	N	N	N	N	N	N	N	N
Sand & Gravel	S	N	N	N	N	N	N	N	N	S
Sanitary Landfill	N	N	N	N	N	N	N	N	N	N
Savings Institutions	N	N	N	N	N	N	P	P	P	N
Sawmills & Planing Mills	N	N	N	N	N	N	N	N	N	S
Schools & Educational Services (private)	N	N	N	N	N	N	S	P	S	N
Services	N	N	N	N	N	N	S	S	S	N
Services to Buildings	N	N	N	N	N	N	N	P	N	S
Sewerage Systems (not septic tanks)	S	S	S	S	S	S	S	S	S	S
Sewing Machine Sales, Services, and or Instruction	N	N	N	N	N	N	P	P	P	N
Shoe Repair & Shoe Shine Parlors	N	N	N	N	N	N	P	P	P	S
Soap, Cleaners, & Toilet Goods	N	N	N	N	N	N	N	N	N	S
Social Services	N	N	N	N	N	N	P	P	P	N
Special Trade Contractors, Misc.	N	N	N	N	N	N	N	N	N	S
Sporting Goods Stores	N	N	N	N	N	N	P	P	P	N
Steam & Air-Conditioning Supply	N	N	N	N	N	N	N	N	N	P
Structural Clay Products	N	N	N	N	N	N	N	N	N	S
Subdividers & Developers	N	N	N	N	N	N	P	P	P	N

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ZONING DISTRICTS

USE DESCRIPTION	A	R	R	R	R	M	O	B	B	I
	1	S	1	2	3	P	1	1	2	1
Sugar & Confectionery Products	N	N	N	N	N	N	N	N	N	S
Taxi Cab Terminal Services	N	N	N	N	N	N	N	S	N	P
Telegraph & Other Communications	N	N	N	N	N	N	S	S	S	S
Telephone Communications	N	N	N	N	N	N	S	S	S	S
Textile Mill Products	N	N	N	N	N	N	N	N	N	P
Timber Tracts	S	N	N	N	N	N	N	N	N	N
Tire Sales & Service Including Vulcanizing (Retail)	N	N	N	N	N	N	S	P	S	P
Tires & Inner Tubes Wholesale & Manufacturing	N	N	N	N	N	N	N	N	N	S
Title Abstract Offices	N	N	N	N	N	N	P	P	P	N
Toy Store	N	N	N	N	N	N	S	P	P	N
Travel Agencies & Tour Operators	N	N	N	N	N	N	P	P	P	N
Travel Trailer Camps	C	N	N	N	N	N	N	N	N	N
Truck Stops	N	N	N	N	N	N	N	S	N	S
Trucking Terminal Services	N	N	N	N	N	N	N	N	N	P
Trucking & Courier Services	N	N	N	N	N	N	N	N	N	P
U.S. Postal Service	N	N	N	N	N	N	P	P	P	P
Utility Buildings & Structures	S	S	S	S	S	S	S	S	S	S
Variety Stores	N	N	N	N	N	N	S	P	P	N
Veterinary Services	S	N	N	N	N	N	S	S	S	S
Video Tape Rental	N	N	N	N	N	N	N	P	P	N
Vocational Schools	N	N	N	N	N	N	S	P	S	N
Warehousing not exceeding 20,000 square feet	N	N	N	N	N	N	N	S	S	P
Warehousing exceeding 20,000 square feet	N	N	N	N	N	N	N	N	N	P
Water Supply	S	S	S	S	S	S	S	S	S	P
Water Well Drilling	N	N	N	N	N	N	N	N	N	P
Wind-Powered Generating Systems	C	C	C	C	C	C	C	C	C	C
Wood Buildings & Mobile Homes	N	N	N	N	N	N	N	N	N	P

**City of Williamsburg, Kansas Zoning Regulations - Appendix B**

**Zoning Districts Map**