

ARTICLE 9

COMMERCIAL ZONED DISTRICTS (C-1:C-3)

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SECTION 9-1 INTENT

9-101. It is the intent of the commercial zoning districts to provide for areas of compatible commercial and service businesses.

SECTION 9-2 COMMERCIAL ZONING DISTRICTS

9-201. The following commercial zoning districts are hereby created: C-1, Office and Service Business District; C-2, Restricted General Commercial District; and C-3, General Commercial District. The C-4 Central Business District regulations are set out in Article 10.

SECTION 9-3 PERMITTED USES

9-301. In the commercial zoning districts the uses listed in Table 9-1 within the designated zoning districts are permitted when so designated. No building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses indicated in the following Tables 9-1.

Table 9-1

✓ - Permitted Uses

✓() - Permitted Use with Conditions

Use		C-1	C-2	C-3
1.	Ambulance service			✓
2.	Amusement places, indoor			✓
3.	Animal hospitals			✓(1)
4.	Artists, authors, composers, studios and galleries	✓	✓	✓
5.	Assembly		✓(7)	✓(7)
6.	Auditoriums			✓
7.	Automobile parking lots			✓
8.	Automobile wash services			✓
9.	Banks and other financial institutions	✓	✓	✓
10.	Barber-beauty shops	✓	✓	✓
11.	Bowling alleys			✓
12.	Business, special training schools	✓	✓	✓
13.	Bus passenger terminals			✓
14.	Churches, similar places of worship	✓	✓	✓
15.	Construction equipment sales			✓
16.	Convenience stores		✓(2)	✓
17.	Day care facilities: child care centers, day care homes, family day care homes, group day care homes and preschools	✓	✓	✓
18.	Dry cleaners-laundries, commercial			✓
19.	Dwelling, single or multiple-family, other than on ground floor of structure			✓(3)
20.	Electric-telephone substations		✓	✓
21.	Equipment rental-leasing			✓

22.	Exhibition halls			✓
23.	Fairgrounds			✓
24.	Field house			✓
25.	Food catering service			✓
26.	Food lockers-storage			✓
27.	Fraternal-civic-social organizations	✓	✓	✓
28.	Funeral, crematory and mortuary services	✓	✓	✓
29.	Furniture repair, upholstery			✓
30.	Garden supplies-nurseries			✓
31.	Greenhouse-nurseries			✓
32.	Gymnasium-athletic clubs			✓
33.	Health and exercise spas	✓	✓	✓
34.	Hospitals	✓	✓	✓
35.	Hotels-motels			✓
36.	Libraries	✓	✓	✓
37.	Liquor stores		✓	✓
38.	Locker plants			✓
39.	Medical-dental offices, clinics, laboratories	✓	✓	✓
40.	Miniature golf		✓	✓
41.	Mobile home sales			✓
42.	Monument sales			✓
43.	Motion picture studios-distribution centers			✓
44.	Motor vehicle and automobile repair			✓(4)
45.	Museums	✓	✓	✓
46.	Newspaper publishing, printing			✓
47.	News syndicate service			✓

48.	Offices-professional-business-industrial-religious-public	✓(5)	✓	✓
49.	Printing, commercial			✓
50.	Private clubs		✓(6)	✓
51.	Radio or television broadcasting studios (with transmission towers)		✓	✓
52.	Radio and television broadcasting studios (without transmission towers)	✓	✓	✓
53.	Railroad passenger terminals			✓
54.	Recreation centers			✓
55.	Recreational vehicles-trailers, equipment sales			✓
56.	Recycling Center / metal dealer			✓(8)
57.	Research-development-testing			✓
58.	Restaurants		✓	✓
59.	Retail sales and rental of goods and merchandise including, but not limited to: antiques; apparel; appliances; bakeries; bicycles; books and stationery; building materials; carpet and other floor coverings; cigarettes; clocks; farm machinery and supplies; food and groceries; furniture; hardware; heating, plumbing, gas and air conditioning equipment; jewelry; liquor; musical instruments; motor vehicles and parts, and supplies; pet shops; pharmacies photographic supplies and cameras; office equipment and supplies; and services stations		✓	✓
60.	Retail sales of services including but not limited to the following: building contractors, including air-conditioning, heating, plumbing and electrical; cleaning and repair; diaper services; dry cleaners and self-service laundries, interior decorating; locksmith; message service; outdoor advertising services; pet grooming; photocopying and blueprinting; repair of office equipment and household or electronic appliances, stenographic, duplicating and mailing services; and veterinarian.	✓	✓	✓
61.	Stadiums			✓
62.	Taverns, bars and drinking establishments, provided not located within 200' of a church, school or hospital			✓
63.	Taxicab dispatch station		✓	✓

64.	Taxicab garage-maintenance			✓
65.	Tennis clubs			✓
66.	Theaters, indoor		✓	✓
67.	University, college and junior college	✓	✓	✓
68.	Zoo, private			✓

Restrictions upon use:

- (1) Providing all services, runs and pens are within an enclosed building.
- (2) Including the self-service dispensing of gasoline and related petroleum products, providing there is no motor vehicle repair or service.
- (3) In commercial structures.
- (4) Provided all work shall be performed within a building.
- (5) Provided that no goods, wares or merchandise shall be prepared for sale or sold on the premises.
- (6) Except when located within 200' of a church, school or hospital.
- (7) Refers to light assembly of parts into finished or semi-finished products. Excludes manufacturing and fabrication involving stamping or cutting. Use must be related to a job skills or work therapy program.
- (8) Provided that all materials be on the Approved Materials List of Recycling Centers adopted by the Recycling Advisory Board and all receiving and processing be conducted within an enclosed building and all materials be handled in accordance with existing regulations.

SECTION 9-4 CONDITIONAL USES

9-401. In the commercial districts the uses listed in Table 9-2 within the designated zoning districts are allowed upon the issuance of a Conditional Use Permit in accordance with the provisions of Article 26.

Table 9-2

✓ - Permitted Uses

✓() - Permitted Use with Conditions

Use		C-1	C-2	C-3
1.	Auction Sales, excluding livestock sales			✓
2.	Bowling alleys		✓	✓
3.	Carpentry and cabinet shops employing five (5) or fewer persons			✓
4.	Disinfecting and exterminating services			✓

5.	Golf driving ranges			✓
6.	Heliports when located at a hospital or other medical facility	✓	✓	✓
7.	Homeless Shelter	✓	✓	✓
8.	Hotels-motels		✓	
9.	Industrial laundry and linen supply services			✓
10.	Kennels-boarding and breeding			✓
11.	Landscaping services-lawn care services			✓
12.	Magazine-books-newspaper distributing, wholesale			✓
13.	Motor vehicle body shop			✓(2)
14.	Motor vehicle body shop as above and having the additional right to salvage a maximum of four (4) wrecked, scrapped or inoperable motor vehicles on the premises for sale or reuse.			✓
15.	Public or private schools-elementary through high school	✓	✓	✓
16.	Public parks and public recreation areas	✓	✓	✓
17.	Race track and courses-vehicle and animal			✓
18.	Radio, television or telephone transmitting station or towers, subject to further regulations set out in Article 20		✓	✓
19.	Schools – business, technical, trade or vocational	✓	✓	✓
20.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature			✓
21.	Telephone exchanges, electrical substations, cable T.V. or similar public utility uses	✓	✓	✓
22.	Theaters, outdoor			✓
23.	Travel trailer parks			✓(1)
24.	Truck wash services			✓
25.	Wholesale establishment			✓
26.	Any public building or land use by any department of the City, County, State or Federal government.	✓	✓	✓

Restrictions upon use:

- (1) See Section 9-12 for requirements for travel trailer parks.
- (2) Provided all work shall be performed and all materials shall be stored within an enclosed building; and provided that all operable or inoperable vehicles determined by the zoning administrator to be a visual blight shall be screened from public view and access by a fence at least six (6) feet in height and having a visual density determined by the zoning administrator

SECTION 9-5 INTENSITY OF USE

9-501.

- a. No new commercial zone shall be created unless such tract proposed to be so zoned is an extension of an adjacent commercial zone or contains at least ten thousand (10,000) square feet of area.
- b. Structures shall not cover more than forty (40) percent of the lot area in the C-1, or C-2 zoning districts or more than fifty (50) percent of the lot area in the C-3 zoning district.

SECTION 9-6 HEIGHT AND YARD REGULATIONS

9-601.

- a. Height: Except as otherwise provided in Article 20, no building or structure shall exceed forty (40) feet in height in the C-1 zoning districts nor more than seventy-five (75) feet in the C-2 or C-3 zoning districts.
- b. Yard: Front, side and rear yards shall comply with Table 9-3. Additional yard regulations are set out in Section 20-3.

Table 9-3

<i>District</i>	<i>Front Yard (1)</i>	<i>Side Yard</i>	<i>Rear Yard (2)</i>
C-1	25 ft.	5 ft. - 1 or 2 stories 8 ft. - 3 stories	The lesser of 25 ft. or 20 percent of depth of lot.
C-2	0	0	The lesser of 25 ft. or 20 percent of depth of lot.
C-3	0	0	The lesser of 25 ft. or 20 percent of depth of lot if abutting other than a commercial zone.

- (1) Front yards adjacent to arterial or collector streets shall comply with Article 24.
- (2) There shall be a thirty (30) foot rear yard for structures of three (3) stories or more in all zones.

SECTION 9-7 DEVELOPMENT STANDARDS

9-701.

- a. C-1 zoning district: All business, storage, service of goods shall be located completely within an enclosed structure.
- b. C-2, C-3 zoning districts: All outdoor storage shall be screened from public view by at least eighty (80) percent density screening, unless such goods are for resale to the public.
- c. All commercial zones.
 1. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, may be located not less than twelve (12) feet from any property line if at least forty (40) feet from the center of any street.
 2. Exterior lighting shall be shaded to avoid casting direct light on any residential property and so no glare is visible to traffic on a public street.

SECTION 9-8 SIGN REGULATIONS

9-801. Sign regulations for the commercial districts are set out in Article 27.

SECTION 9-9 PARKING REGULATIONS

9-901. Parking regulations for the commercial districts are set out in Article 22.

SECTION 9-10 OFF-STREET LOADING AND UNLOADING REGULATIONS

9-1001. Off-street loading and unloading regulations for the commercial districts are set out in Article 23.

SECTION 9-11 SUPPLEMENTAL REGULATIONS

9-1101. Supplemental regulations for the commercial districts are set out in Article 20.

SECTION 9-12 TRAVEL TRAILER PARKS

9-1201. Definition: As used in this article, the term travel trailer park means a campground for travel trailers, motor homes, camping trailers, recreational vehicles, camping tents and accessory service buildings and facilities for campgrounds.

9-1202. Where Permitted: A travel trailer park shall be allowed to locate only in the C-3 District and only upon issuance of a Conditional Use Permit issued in accordance with the provisions of this Article and Article 26.

9-1203. General Requirements.

- a. Any tract of land permitted as a travel trailer park after the effective date of these regulations shall not be less than five (5) acres in area.
- b. The applicant for a conditional use permit for a travel trailer park shall prepare and submit a schedule of construction, which shall provide for commencement of construction within a period of one (1) year following the approval of the permit by the governing body, and which shall provide that construction shall be completed within a period of two (2) years.
- c. The applicant shall prepare or cause to be prepared a development plan and shall present five (5) copies of said plan for review by the planning commission and governing body. This plot plan shall show the proposed development and shall conform with the following requirements:
 1. The travel trailer park shall be located on a well-drained site that is not subject to objectionable noise, smoke, odors, or other objectionable influences including unpredictable or sudden flooding. Exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing and eliminating dust.
 2. Travel trailer parks shall have a maximum density of twenty (20) trailer spaces per acre. A minimum of one thousand two hundred fifty (1,250) square feet shall be provided for each trailer space.
 3. Each travel trailer space shall be at least twenty (20) feet wide and fifty (50) feet deep and shall have a clearly defined or marked border.
 4. Trailers shall be placed on each space so that there is at least a ten (10) foot clearance between trailers. No trailer or other structure shall be located closer than twenty (20) feet from any building within the park or from any property line surrounding the park, except where such property line is a public street. No trailer or other structure shall be located closer than twenty-five (25) feet from any public street.
 5. All parks shall be provided with safe and convenient vehicular access to each trailer space. Surfacing and maintenance shall provide a smooth, hard and dense surface which should be well drained and shall meet the following requirements:
 - (a) One-way, no parking, 15-foot width.
 - (b) One-way, parking on one side only, 20-foot width.
 - (c) Two-way, no parking, 24-foot width.
 - (d) Two-way, parking on one side only, 27-foot width.
 - (e) Two-way, parking on both sides, 30-foot width.
 6. All roadways and walkways within the travel trailer park shall be hard-surfaced and

adequately lighted at night with electric lamps.

7. A recreation area shall be provided at a central location in the park. The size of such recreation area shall be no less than two hundred (200) square feet for each trailer space in the park.
8. A solid or semi-solid fence, wall, or evergreen hedge six (6) feet in height and having a visual density of at least eighty (80) percent shall be installed and maintained by the owner when the district abuts a residential, or mobile home subdivision zoning district except that said fence, wall, or hedge shall be reduced to forty-two (42) inches in height when located in a front yard. A district shall not be considered as abutting if it is separated by a street or alley right-of-way.
9. One dwelling unit which may be a mobile home may be permitted on the site for the park operator.
10. Travel trailer spaces shall be rented by the day or week only, and the occupant of a travel trailer space shall remain in the same travel trailer park area no more than thirty (30) days.
11. A centrally located storm shelter shall be provided within the park. Such storm shelter shall be located underground unless engineered drawings are approved by the building official for above ground installations. Space within the shelter shall be provided at a rate determined by the zoning administrator to be adequate to accommodate all occupants of the park.

9-1204. Water Supply. An accessible, adequate, safe and potable supply of water shall be provided in each travel trailer park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively. The appropriate health authority shall approve all private sources of water.

9-1205. Sewage Systems. An approved sewage system shall be provided within each travel trailer park. Where a public sewage system is located within 500 feet of the boundary of the park, connection shall be made thereto. The appropriate health authority shall approve all private sewage systems. A sanitary disposal station shall be provided at the rate of one such station for every hundred (100) trailer spaces and shall be approved by the zoning administrator. Such stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any trailer or adjoining property by a distance of at least fifty (50) feet.

9-1206. Electrical. Electrical wiring systems shall be installed in accordance with applicable City of Emporia or Lyon County electrical codes. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum of eight (8) feet of vertical clearance between any trailer and the overhead wiring.

9-1207. Service Buildings. a. A central service building containing the necessary toilet and other

plumbing fixtures specified below shall be provided in travel trailer parks having camping spaces for units which do not have self-contained water and sewage systems. Such service buildings shall be located within a three hundred (300) foot radius of the spaces to be served.

<i>Number of Spaces</i>	<i>Toilets</i>		<i>Urinals</i>	<i>Lavatories</i>		<i>Showers</i>		<i>Service Sink</i>
	<i>M</i>	<i>F</i>	<i>M</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	
<i>1 - 15</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>16 - 30</i>	<i>1</i>	<i>2</i>	<i>1</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>31 - 45</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>1</i>	<i>1</i>
<i>46 - 60</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>2</i>	<i>2</i>	<i>1</i>
<i>61 - 80</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>2</i>	<i>2</i>	<i>1</i>
<i>81 - 100</i>	<i>3</i>	<i>4</i>	<i>2</i>	<i>4</i>	<i>4</i>	<i>3</i>	<i>3</i>	<i>1</i>

b. Parks having more than one hundred (100) travel trailer spaces shall also provide: One additional toilet and lavatory for each sex for each additional forty (40) travel trailer spaces or fraction thereof; and one (1) additional men's urinal for each additional one hundred (100) travel trailer spaces or fraction thereof.

c. Where a travel trailer park is designed for and exclusively limited to use by camping units with self-contained water and sewage systems, only the following minimum sanitary facilities shall be required: For each one hundred (100) trailer spaces or fractional part thereof, there shall be one (1) flush toilet, one (1) lavatory, and one (1) shower for each sex.

9-1208. Solid Waste. The storage, collection and disposal of refuse in the travel trailer park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any trailer space. All refuse shall be collected at least twice weekly.

9-1209. Open Fires. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring properties. No open fire shall be permitted, except in facilities provided by the park operator. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

9-1210. Register of Occupants. It shall be the duty of the park operator to keep a register containing a current record of all trailer owners and occupants located within the park. The

register shall contain the following information:

1. The name and address of each trailer owner or tenant.
2. The name and address of each owner of a motor vehicle.
3. The date of arrival and departure of each trailer.
4. The license tag number of each motor vehicle.

The park owner, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

SECTION 9-13 SITE PLANS

9-1301. Site plan approval may be required of commercial development prior to the issuance of a building permit. Requirements for such site plans and the procedure for site plan review and approval are set out in Article 28.