

**City of Silver Lake, Kansas
Planning Commission**

Agenda

Wednesday, May 22, 2024

5:30 PM

1. Call to Order
2. Election of Meeting Chairman
3. Appointment of Meeting Secretary
4. Current Business
 - a. To review and give recommendation on draft ordinance updating 16-2511 of the City of Silver Lake Code (updated portion (4) In District "C-2" Central Business District)

City of Silver Lake



ORDINANCE NO.

AN ORDINANCE RELATING TO ZONING AND PLANNING, AMENDING CITY CODE SECTION 16-2511 AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SILVER LAKE, KANSAS:

SECTION 1. That the City Code of the City of Silver Lake, Section 16-2511, be amended to state as follows:

§ 16-2511 EXCEPTIONS TO THIS ZONING ORDINANCE.

(a) Exceptions to this zoning ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.

(b) Prior to review of the request of an exception, by the Board of Zoning Appeals, the applicant shall:

- (1) File an application on forms provided by the city;
- (2) File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he or she has the lawful right to receive a conveyance thereof if the application is granted; and
- (3) File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. The restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

(c) A plot plan shall be filed with the application showing:

- (1) Legal dimension of the tract to be used;
- (2) Location of all proposed improvements including curb-curb access, off-street parking and other such facilities as the applicant proposes to install;
- (3) Grade elevations;
- (4) Building setback from all property lines;
- (5) Front, side and rear elevations of all improvements to be erected;
- (6) Such perspective drawings of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed;
- (7) Location and type of planting, screening or walls; and
- (8) Such other items as the Board shall deem reasonably necessary to properly process the application.

(d) In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan of the city, and the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

- (1) The stability and integrity of the various zoning districts;

- (2) Conservation of property values;
- (3) Protection against fire and casualties;
- (4) Observation of general police regulations;
- (5) Prevention of traffic congestion;
- (6) Promotion of traffic safety and the orderly parking of motor vehicles;
- (7) Promotion of the safety of individuals and property;
- (8) Provision for adequate light and air;
- (9) Prevention of overcrowding and excessive intensity of land uses;
- (10) Provision for public utilities and schools;
- (11) Invasion by inappropriate uses;
- (12) Value, type and character of existing or authorized improvements and land uses;
- (13) Encouragement of improvements and land uses in keeping with overall planning; and
- (14) Provision for orderly and proper urban renewal, development and growth.

(e) Exceptions which may be authorized by the Board of Zoning Appeals are as follows:

(1) *In Districts "R", "R-1", "R-2" and "R-3".*

- (A) Any public building erected on land used by any department of the city, county, state or federal government;
- (B) Cemetery and crematory;
- (C) Telephone exchange, electric substations and regulator stations or other public utilities; and
- (D) Nursing homes and care homes for the aged or a tract of land three acres or larger.

(2) *In District "R-3".* Public and private parking lots on land adjoining a residential, university or commercial zone or a public or semi-public use, providing all of such land lies within 300 feet of the boundary of the zone, and further providing:

- (A) The parking area is paved with concrete, asphalt or similar dust-free surface;
- (B) The parking area is enclosed with a fence, wall or landscaped buffer area, as determined by the Board of Zoning Appeals, having a height of not less than four feet nor more than five feet. Such fence, wall or other enclosure shall be maintained in good condition by the owners and shall observe the front and side yard regulations of the district in which it is located;
- (C) Any lights used to illuminate the parking area shall be so arranged as to reflect light away from adjoining residential district or districts; and
- (D) A bond as specified in § 16-2512 shall be filed with the city to guarantee to the city that all improvements will be installed. The bond shall be enforceable by or payable to the city in a sum equal to the cost of constructing the off-street parking area, as estimated by the city.

(3) *In District "I-1"*

(A) Automobile wrecking yards, junkyards and scrap processing yards subject to the following:

- (i) Located on a tract of land at least 300 feet from a residential district zone;
- (ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence,

wall or hedge. The fence, wall or hedge shall be of uniform height (at least six feet high) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard;

(iii) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge, fence or within the public right-of-way; and

(iv) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done during daylight hours only.

(B) Stockyards and slaughter houses;

(C) Meat packing plants;

(D) Ready-mix concrete and asphalt mix plants;

(E) Storage of bulk oil and gasoline provided that such establishments meet the requirements of Fire Department regulations or any other safeguards required by the Fire Department; and

(F) Other uses which are not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

(4) *In District "C-2" Central Business District.*

(A) Trailer or large vehicle/equipment storage yards, subject to the following:

(i) Located on a tract of land not directly adjoining a residential district zone or established residence, excluding properties separated by roads;

(ii) The operation shall be conducted wholly within an area screened from public view by a fence, wall or similar opaque structure. The fence, wall or structure shall be of uniform height (at least eight feet high, or higher as the City may direct) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or enclosure shall be installed in such a manner as to prevent any material or debris from moving onto public rights of way, roads or public property;

(iii) No semitrailer, travel trailer, trailer, special mobile equipment, farm equipment, construction equipment or similar item of property (as defined in the City's Standard Traffic Ordinance) shall be parked or otherwise placed, either temporarily or permanently, outside the property enclosure delineated by fencing, building walls, structural elements that screen property and/or any other enclosure;

(iv) No semitrailer, travel trailer, trailer, special mobile equipment, farm equipment, construction equipment or similar item of property shall be placed on, or partly within, any public right-of-way;

(v) That any lighting of the property shall be directed away from any nearby residential property and appropriately limited to the boundaries of the property itself;

(vi) The property owner shall agree to and manifest compliance with any and all other requirements of the City Code, and shall discontinue the use at any time the operation is found to be in violation of the City Code;

update

(vii) The property owner shall insure that entry and exit of vehicles and trailers on the property shall be provided at a location with appropriate access to roads or streets capable of safely handling truck and trailer traffic;

(viii) No trailer or other equipment stored shall be taller than 14 feet in height;

(ix) All drives, parking areas or storage areas shall be composed of concrete, asphalt or other hard surface, including, but not limited to, asphalt millings or similar materials, so as to limit dust from the property; and

(x) The special use permit granted to the owner shall be reviewed for compliance every Five (5) years by the City Zoning Administrator and said permit and use shall cease within Sixty (60) days' notice by the Zoning Administrator that the use does not comply with these requirements or any other requirement of the City Code. The owner may appeal any such determination to the Board of Zoning Appeals.

(f) In no instance may an exception or special use be allowed that grants a continuance of a nonconforming use.

SECTION 2. All Ordinances in conflict with this amendment are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and publication in the official City newspaper.

PASSED AND APPROVED, by the Governing Body of the City of Silver Lake, Kansas this ___th day of June, 2024.

JONAH BISHOP, Mayor

Attest:

Marie Beam, Interim City Clerk

(2) Ten feet in height may be allowed for each one foot of building setback in addition to the setback required by the district regulation in which the property is located.

(c) In granting a variance, the Board of Zoning Appeals must satisfy itself, from the evidence heard before it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the owner. The Board shall also find that the variance, if granted, is in harmony with the intended spirit and purpose of this zoning ordinance and does not constitute a direct and obvious amendment to the district regulations or district boundaries.

(d) In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination appealed from the building official. The Board may make such order, requirement, decision or determination as ought to be made, and to that end shall have the same powers as the building official from whom the appeal is taken. If the Board approves the variance, they shall notify the building official of their decision and shall instruct him or her to issue a permit. A time limit may be specified as a condition for granting the appeal.

(e) Every variation granted or denied by the Board shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the City Clerk, to be available for public inspection.

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(6) Such perspective drawings of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed;

(7) Location and type of planting, screening or walls; and

(8) Such other items as the Board shall deem reasonably necessary to properly process the application.

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(1) The stability and integrity of the various zoning districts;

(2) Conservation of property values;

(3) Protection against fire and casualties;

(4) Observation of general police regulations;

(5) Prevention of traffic congestion;

(6) Promotion of traffic safety and the orderly parking of motor vehicles;

(7) Promotion of the safety of individuals and property;

(8) Provision for adequate light and air;

(9) Prevention of overcrowding and excessive intensity of land uses;

(10) Provision for public utilities and schools;

(11) Invasion by inappropriate uses;

(12) Value, type and character of existing or authorized improvements and land uses;

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- (13) Encouragement of improvements and land uses in keeping with overall planning; and
- (14) Provision for orderly and proper urban renewal, development and growth.

(e) Exceptions which may be authorized by the Board of Zoning Appeals are as follows:

(1) *In Districts "R", "R-1", "R-2" and "R-3".*

(A) Any public building erected on land used by any department of the city, county, state or federal government;

(B) Cemetery and crematory;

(C) Telephone exchange, electric substations and regulator stations or other public utilities;
and

(D) Nursing homes and care homes for the aged or a tract of land three acres or larger.

(2) *In District "R-3".* Public and private parking lots on land adjoining a residential, university or commercial zone or a public or semi-public use, providing all of such land lies within 300 feet of the boundary of the zone, and further providing:

(A) The parking area is paved with concrete, asphalt or similar dust-free surface;

(B) The parking area is enclosed with a fence, wall or landscaped buffer area, as determined by the Board of Zoning Appeals, having a height of not less than four feet nor more than five feet. Such fence, wall or other enclosure shall be maintained in good condition by the owners and shall observe the front and side yard regulations of the district in which it is located;

(C) Any lights used to illuminate the parking area shall be so arranged as to reflect light away from adjoining residential district or districts; and

(D) A bond as specified in § 16-2512 shall be filed with the city to guarantee to the city that all improvements will be installed. The bond shall be enforceable by or payable to the city in a sum equal to the cost of constructing the off-street parking area, as estimated by the city.

(3) *In District "I-1".*

(A) Automobile wrecking yards, junkyards and scrap processing yards subject to the following:

(i) Located on a tract of land at least 300 feet from a residential district zone;

(ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall or hedge. The fence, wall or hedge

shall be of uniform height (at least six feet high) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard;

(iii) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge, fence or within the public right-of-way; and

(iv) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done during daylight hours only.

(B) Stockyards and slaughter houses;

(C) Meat packing plants;

(D) Ready-mix concrete and asphalt mix plants;

(E) Storage of bulk oil and gasoline provided that such establishments meet the requirements of Fire Department regulations or any other safeguards required by the Fire Department; and

(F) Other uses which are not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

Insert update → (f) In no instance may an exception or special use be allowed that grants a continuance of a nonconforming use.

§ 16-2512 PERFORMANCE.

(a) In making any decision varying or modifying any provisions of this zoning ordinance or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.

(b) In lieu of actual construction of an approved off-street parking lot, the Board of Zoning Appeals may accept, in the name of the city, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the city and conditioned upon actual completion of such improvement, within a specified time, and the governing body may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

ARTICLE 15: "C-1" NEIGHBORHOOD SHOPPING DISTRICT

Section

16-1501	Intent and purpose of district
16-1502	District regulations
16-1503	Use regulations
16-1504	Intensity of use regulations
16-1505	Height regulations
16-1506	Yard regulations
16-1507	Sign regulations
16-1508	Parking and loading regulation
16-1509	Additional height, area and use regulations

§ 16-1501 INTENT AND PURPOSE OF DISTRICT.

It is the intent of the "C-1" Neighborhood Shopping District to permit retail sale of convenience goods and services. This district is established for the purpose of providing services to existing and future neighborhoods.

§ 16-1502 DISTRICT REGULATIONS.

In District "C-1", no building 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 listed in § 16-1503.

§ 16-1503 USE REGULATIONS.

The following uses are allowed:

- (a) Banks and other savings and lending institutions;
- (b) Barber shops;
- (c) Beauty shops;
- (d) Candy and ice cream stores (except drive-ins);
- (e) Cleaning and laundry pick-up stations;

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- (f) Custom dressmaking, furrier, millinery, tailor shops (employing less than five persons);
- (g) Drug stores;
- (h) Electric and telephone substations;
- (i) Fix-it shops, (radio, television and small appliances);
- (j) Flower and gift shops;
- (k) Grocery stores (meat and delicatessen);
- (l) Hardware stores;
- (m) Laundry (self-service);
- (n) Key shops;
- (o) Medical, dental and health clinics (for people only);
- (p) Messenger and telegraph stations;
- (q) Newsstands;
- (r) Non-profit religious, educational and philanthropic institutions;
- (s) Offices - business, professional and public;
- (t) Parks, playgrounds and community buildings;
- (u) Parking lots (customer and private);
- (v) Photographers studio;
- (w) Restaurants and tea rooms (except for drive-ins);
- (x) Service stations;
- (y) Shoe repair and shoe shine shops;
- (z) Small animal hospital or clinic;
- (aa) Automobile sales and service;

(bb) Used car lots;

(cc) Garage and automobile repair shops, but not including automobile body and fender work and automobile painting; and

(dd) Taverns and private clubs, but no such use shall be made where any structure to be used as a tavern or private club is located within 200 feet of any structure used as a single family residence and zoned as “R”, “R-1” or “R-2”.

(Ord. 1227, passed 9-6-1983; Ord. 1786, passed 6-23-1999; Ord. 1851, passed 5-21-2001; Ord. 1934, passed 1-21-2004)

§ 16-1504 INTENSITY OF USE REGULATIONS.

Area occupied by buildings in this district shall not exceed 40% of the ground area on which the building is located.

§ 16-1505 HEIGHT REGULATIONS.

No building shall exceed 40 feet in height.

§ 16-1506 YARD REGULATIONS.

(a) *Front yard.*

(1) There shall be a front yard having a depth of not less than 25 feet except as required in the additional height, area and use regulations of this article for arterial and collector streets.

(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 lot.

(4) No accessory building shall project beyond the front yard line on either street.

(b) *Side yard.* There shall be a side yard on each side of a building and the yard shall not be less than ten feet.

(c) *Rear yard.* Except as otherwise provided in the additional height, area and use regulations of this article, there shall be a rear yard for buildings in this district which rear yard shall have a depth of not less than 25 feet.

§ 16-1507 SIGN REGULATIONS.

See Article 20.

§ 16-1508 PARKING AND LOADING REGULATION.

See Article 21.

§ 16-1509 ADDITIONAL HEIGHT, AREA AND USE REGULATIONS.

See Article 22.

ARTICLE 16: "C-2" CENTRAL BUSINESS DISTRICT

Section

16-1601	Intent and purpose of district
16-1602	District regulations
16-1603	Use regulations
16-1604	Intensity of use regulations
16-1605	Height regulations
16-1606	Yard regulations
16-1607	Sign regulations
16-1608	Parking regulations
16-1609	Parking and loading regulations

§ 16-1601 INTENT AND PURPOSE OF DISTRICT.

The "C-2" Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the business level of the central business activity. This district is intended for no other area than the Central Business District.

§ 16-1602 DISTRICT REGULATIONS.

In District "C-2" no building shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed in § 16-1603.

§ 16-1603 USE REGULATIONS.

All uses allowed in the "C-1" District are as follows:

- (a) Small business machine repair, sales and service;
- (b) Amusement places;
- (c) Antique shops and stores, providing all merchandise is displayed and sold inside a building;
- (d) Apparel and accessory stores;

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- (e) Apartments on floors other than the ground floor;
- (f) Appliance stores;
- (g) Art, art supply stores, arts and crafts shops;
- (h) Artist studios;
- (i) Auditoriums and similar places of public assembly;
- (j) Automobile accessory and supply stores;
- (k) Automobile parking lots and garages;
- (l) Bakery and pastry shops (retail only);
- (m) Banks and other saving and lending institutions;
- (n) Barber shops, beauty shops and chiropody, massage or similar personal services;
- (o) Bicycle and motorcycle shops;
- (p) Books and stationery stores;
- (q) Bowling alleys and recreational buildings;
- (r) Building material sales and storage;
- (s) Business and technical schools including schools for photography, dancing and music;
- (t) Cigar and tobacco stores;
- (u) Clothing stores;
- (v) Clothing and costume rental shops;
- (w) Commercial recreational uses;
- (x) Custom dressmaking, millinery, tailoring and similar trades;
- (y) Delicatessens and catering establishments;
- (z) Department stores;

- (aa) Drug stores and prescription shops;
- (bb) Dry goods and notion stores (including coin shops and fabric shops);
- (cc) Electric appliance sales and repair shops;
- (dd) Electric substations, telephone exchange and utility regulator stations;
- (ee) Fire stations, police stations, jails;
- (ff) Fix-it shops (radio, television and small household appliances);
- (gg) Florist shops and garden shops, retail only;
- (hh) Funeral homes and mortuaries;
- (ii) Furniture and home furnishing stores;
- (jj) Government buildings;
- (kk) Grocery, fruit and vegetable stores (retail only);
- (ll) Hardware stores;
- (mm) Heating and air conditioning shops, providing all merchandise is located in a building;
- (nn) Hobby, stamp and coin shops;
- (oo) Hotels and motels;
- (pp) Household appliance stores;
- (qq) Interior decorator's shop;
- (rr) Jewelry and metal craft stores and shops;
- (ss) Laundries and dry cleaning establishments;
- (tt) Leather goods and luggage stores;
- (uu) Libraries and museums (public);
- (vv) Liquor stores;
- (ww) Lock and key shops;

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- (xx) Mail order catalog stores;
- (yy) Medical, dental and health clinics;
- (zz) Medical and orthopedic appliance stores;
- (aaa) Meeting halls and auditoriums (including union halls, Elk's Lodge, American Legion Home, VFW, Masons and the like);
- (bbb) Music instrument sales and repair shops;
- (ccc) Music stores and studios;
- (ddd) Newspaper offices;
- (eee) Printing shops and printing supply stores;
- (fff) Offices and office buildings;
- (ggg) Office supply and office equipment sales and service stores;
- (hhh) Optician and optometrist shops;
- (iii) Paint and glass stores;
- (jjj) Parking lots and garages;
- (kkk) Parks and open spaces;
- (lll) Pawn shops;
- (mmm) Pet shops;
- (nnn) Photographic equipment sales and supply stores;
- (ooo) Photographic studios;
- (ppp) Picture framing shops;
- (qqq) Prescription shops;
- (rrr) Printing and publishing houses (including newspaper);
- (sss) Public buildings, including post office, city offices, county offices, state offices;

- (ttt) Radio and television studios;
- (uuu) Railway, taxi and bus passenger stations;
- (vvv) Restaurants and tea rooms;
- (www) Real estate and insurance offices;
- (xxx) Self-service laundries and self-service dry cleaning establishments;
- (yyy) Sewing machine shops and stores;
- (zzz) Shoe stores;
- (aaaa) Shoe repair and shoeshine shops;
- (bbbb) Sporting and athletic goods stores;
- (cccc) Tailor shops;
- (dddd) Taverns;
- (eeee) Television and radio sales and service establishments;
- (ffff) Theaters;
- (gggg) Thrift shops;
- (hhhh) Toy stores;
- (iiii) Travel bureaus;
- (jjjj) Utility company offices;
- kkkk) Variety stores;
- (llll) Wallpaper and paint stores;
- (mmmm) Watch and watch repair shops; and
- (nnnn) Accessory uses customarily incident to the above uses.
(Ord. 1226, passed - -; Ord. 1851, passed 5-21-2001)

§ 16-1604 INTENSITY OF USE REGULATIONS.

No requirements except those to meet fire regulations.

§ 16-1605 HEIGHT REGULATIONS.

No building shall exceed 60 feet in height except as otherwise provided in the additional height, area and use regulations of this article.

§ 16-1606 YARD REGULATIONS.

- (a) *Front yard.* No front yard is required for any building in the "C-2" Central Business District.
- (b) *Side yard.* No side yard is required for any building in the "C-2" Central Business District.
- (c) *Rear yard.* No rear yard is required for any building in the "C-2" Central Business District.

§ 16-1607 SIGN REGULATIONS.

See Article 20.

§ 16-1608 PARKING REGULATIONS.

No parking required.

§ 16-1609 PARKING AND LOADING REGULATIONS.

See Article 21.