



**ZONING  
REGULATIONS**

THE ZONING REGULATIONS OF THE CITY OF GREAT BEND

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ORDINANCE NO. 4114

AN ORDINANCE DIVIDING THE PLANNING AREA, INTO DISTRICTS: REGULATING AND RESTRICTING THE USE OF PREMISES, THE LOCATION OF TRADES, INDUSTRIES AND COMMERCIAL ENTERPRISES, AND THE LOCATION, ERECTION, ALTERATION AND REPAIR OF BUILDINGS AND STRUCTURES DESIGNED FOR SPECIFIC USES: REGULATING AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER OPEN SPACES ABOUT BUILDINGS, INCLUDING OFF-STREET PARKING: LIMITING AND RESTRICTING THE HEIGHT OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED: REGULATING AND LIMITING THE DENSITY OF POPULATION AND THE MAXIMUM NUMBER OF FAMILIES WHICH MAY BE HOUSED IN DWELLINGS HEREAFTER ERECTED OR ALTERED: PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL CONFLICTING ORDINANCES.

**PART I.**

**TITLE AND GENERAL PROVISIONS**

SECTION 1. SHORT TITLE: This ordinance shall be known, referred to and cited as "The Zoning Regulations" of the City of Great Bend, Kansas.

SECTION 2. JURISDICTION: These regulations shall apply to all land located within the City of Great Bend, Kansas, and to all unincorporated land outside of but within three (3) miles of the Corporate Limits of Great Bend, Kansas, as shown on the "Official Zoning Map".

SECTION 3. PURPOSE AND INTENT: These Regulations have been designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve and protect property values; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. These regulations have been made with reasonable consideration, among other things, to the character of the district, and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

**PART II.**

**DEFINITIONS**

SECTION 1. Definitions to be used for the interpretation of these regulations are as follows:

1. ACCESSORY USE: A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.
2. ACCESSORY BUILDING: Apart of the main building, or a separate building, devoted to an accessory use.
3. BOARD: The Board of Zoning Appeals of the City of Great Bend, Kansas.
4. BUILD: To erect, convert, enlarge, reconstruct or structurally alter a building or structure.
5. BUILDING: Any structure for the use, as shelter, support or enclosure, of persons, animals,

chattels, or property of any kind. "Structure" means anything built that requires a permanent location.

6. BUILDING WIDTH: The width of lot that can be built upon after providing the side yards.
7. CENTERLINE: A line halfway between the street lines.
8. CITY: The City of Great Bend, Kansas.
9. CLINIC: An establishment in which one or more doctors practice their profession.
10. COMMISSION: The City Planning Commission of Great Bend, Kansas.
11. COMMUNICATION TOWERS: Radio or television towers, microwave towers, wireless communication towers and similar towers more than 50 feet in height as measured from the ground to the highest point on the tower or antenna thereon.
12. COUNCIL: The Governing Body of the city of Great Bend, Kansas.
13. DWELLING: A building used entirely for residential purposes. A "single-family dwelling" is a building that contains only one living unit; a "two-family dwelling" is a building that contains only two living units; and a "multi-family dwelling" is a building that contains more than two living units.
14. FAMILY: One or more persons related by blood, marriage or adoption or not more than four, persons not related by blood, marriage or adoption occupying a living unit as an individual housekeeping organization.
15. FLOOR AREA: The square feet of floor space within the outside line of exterior walls and includes the total of space on all floors of a building. It does not include open porches, garages or space in a cellar.
16. FRONTAGE: The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead end street.
17. GROUP HOME: Any dwelling occupied by not more than ten persons, including eight or fewer persons with a disability 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, which dwelling is licensed by a regulatory agency of this state.
18. HOME OCCUPATION: An accessory use to the residential use of the property, which is an activity carried on by resident members of a family with not more than two persons employed from outside the resident family.
19. HOTEL/MOTEL: A building or portion thereof, or a group of buildings, which provides five (5) or more rooms of sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, motel, motor inn, motor lodge, or otherwise.
20. INSTITUTION: A non-profit establishment for public use.
21. LIVING UNIT: The room or rooms occupied by a family. The living unit must include a kitchen.
22. LODGING HOUSE: A dwelling consisting of not more than one living unit occupied by not more than twenty (20) persons not related by blood, marriage or adoption. This term includes rooming house, boardinghouse, and tourist home.
23. LOT: A parcel of land adequate for occupancy by a use herein permitted, providing the yards,

area and off-street parking and loading spaces herein required and fronting directly upon a street.

24. LOT WIDTH: The width of a lot at the front yard line.
25. MAIN BUILDING: The building occupied by the primary use.
26. MANUFACTURED HOME: A structure, designed to be a residence, built on or after June 15, 1976, which meets the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one (1) or more sections. (Does not include modular homes).
27. MANUFACTURED HOME LOT: A parcel of land, located in a Manufactured Home Park, designed for the placement of a manufactured home or a mobile home for single-family occupancy and the exclusive use of its occupants.
28. MANUFACTURED HOME PARK: A tract of real estate which has been developed, subdivided, planned and improved for the placement of manufactured and mobile homes for single family occupancy.
29. MOBILE HOME: A structure, designed to be a residence, built prior to June 15, 1976, which may or may not meet the National Manufactured Home Construction and Safety Standards (42 U.S.C. Sec. 5403) has a permanent chassis, and is transportable in one or more sections.
30. MODULAR HOME: A structure, designed to be used as a dwelling, which is constructed in accordance with the Regulations of the City of Great Bend, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is placed on a permanent foundation.
31. NON-CONFORMING USES: Those lawful uses of premises that do not conform with the requirements of the district in which they are located after the effective date of the ordinance or any amendment thereto.
32. NON-CONFORMING STRUCTURES: Those lawful structures that do not conform with the yard area, height regulations or yard requirements of the district in which they are located after the effective date of this ordinance or any amendments thereto.
33. PLANNING AREA: The area within the incorporated limits of the City of Great Bend, Kansas and that portion of the unincorporated area of Barton County, Kansas, located within three miles of the incorporated limits of the City of Great Bend, as illustrated on the Official Zoning Map adopted herein.
34. PREMISES: Any land together with any buildings or structures occupying it.
35. PRIVATE GARAGE OR CARPORT: An accessory building on a lot used for residential purposes, housing not more than four vehicles and used by occupants of the main building.
36. RESIDENTIAL DESIGN MANUFACTURED HOME: A manufacture home on a permanent foundation which has a minimum dimension of 22 body feet in width, a pitched roof and siding and roof materials which are customarily used on site-built homes.
37. SANITARIUM: A private hospital, whether or not such facility is operated for profit, and shall include a nursing home.
38. SEPARATE TRACT: A parcel of land that was under a single ownership and had other ownerships completely surrounding it on the effective date of this ordinance.

39. SIGN: Any outdoor advertising that is a structure or that is attached to or painted on a building that is leaned against a structure or displayed on the premises. A "banjo sign" is a sign having a total area of not more than 30 square feet, the advertising content of which is 10 feet or more above ground.
40. STORAGE GARAGE: A structure where more than four vehicles are housed or where the vehicles are used by persons other than occupants.
41. STREET: Any property dedicated for and accepted by the City or County for primary public access to lots. "Alley" means land devoted to secondary access to lots. Secondary access once established cannot be changed to primary access.
42. STREET LINE: A lot line dividing a lot from a street.
43. STRUCTURAL ALTERATION: 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 except that windows may be inserted or doors cut.
44. WIND ENERGY CONVERSION SYSTEM: Any device or combination of devices, including windmills and wind turbines, that converts wind energy into another usable form of energy; the term shall include all associated support structures and transmission lines.
45. YARD: An open space on the same lot as a building; except as provided herein, it is unoccupied and unobstructed by a structure, except for a back yard which may be used for an accessory building. "Yard width or depth" is the shortest horizontal distance from a lot line to the main building.
- a. Front Yard: The area from one side lot line to the other side lot line and between the main building and the street line.
  - b. Back Yard: The area from one side lot line to the other side lot line and from the main building to the rear lot line.
  - c. Side Yard: The area from the front yard line to the back yard line and from the main building to the side lot line.
46. ZONE OR DISTRICT: A part of the Planning Area wherein regulations of this ordinance are uniform. The words "zone" and "district" are synonymous.

**PART III**

**DISTRICTS, BOUNDARIES AND ZONING MAP**

SECTION 1. All property within the Planning Area shall be zoned as one or more of the following districts:

|       |  |
|-------|--|
| A     | Agricultural district                        |
| R-1   | Single-family residential district           |
| R-2   | Two-family residential district              |
| R-3   | Multi-family residential district            |
| R-4   | Manufactured home district                   |
| C-1   | Local commercial district                    |
| C-2   | General commercial district                  |
| C-3   | Central business district                    |
| LM-SC | Light industrial/Commercial service district |
| M-1   | Light industrial district                    |
| M-2   | Heavy industrial district                    |
| M-3   | Industrial park district                     |

SECTION 2. The boundaries of the districts are as shown on the "Official Zoning Map" properly certified by the City Clerk and, by reference, is made a part of this Ordinance. The Official Zoning Map shall be kept on file in the office of the City Clerk.

SECTION 3. District Boundaries are the property lines or the centerlines of roads, streets, or alleys unless otherwise indicated. Where boundaries do not coincide with property lines or the centerlines of roads, streets, or alleys, boundaries shall be determined by the use of the scale shown on the Official Zoning Map.

**PART IV**

**GENERAL REQUIREMENTS -- ALL ZONING DISTRICTS**

SECTION 1. Identified permitted land uses shall be allowed subject only to the further requirements of these regulations. Conditional uses shall be allowed only after approval pursuant to Part 7 of Article XIV. Uses not identified as permitted or conditional are prohibited.

SECTION 2. No structure, or part thereof, shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied, arranged or designed for use or occupancy, on a lot which is:

1. Smaller in area than the minimum lot area required in the zoning district in which the structure or land is located;
2. Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or
3. Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.

SECTION 3. No structure, or part thereof, shall hereafter be built, moved or remodeled nor shall structures or land hereafter be used, occupied or designed for use or occupancy:

1. So as to exceed the maximum structure height specified for the zoning district in which the structure is located;

2. So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.

SECTION 4. No use hereafter established, altered, modified or enlarged shall be allowed to conflict with the use limitations for the zoning district in which such use is located. No use already established on the effective date of these regulations shall be altered, modified or enlarged without complying with the use limitations for the zoning district in which such use is located.

SECTION 5. No accessory buildings or uses as defined in Part II, shall hereafter be built, moved, remodeled, established, altered or enlarged unless such accessory structures or uses comply with these regulations.

SECTION 6. No home occupation as defined by Part XII, shall hereafter be established, altered or enlarged in any residential district unless such home occupation:

1. Complies with the conditions and restrictions imposed by Section Part XII; and
2. Is not listed as a prohibited home occupation in Section Part XII.

SECTION 7. No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the restrictions imposed by this ordinance.

SECTION 8. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required herein are provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Article VII are provided for the whole structure or use as enlarged.

SECTION 9. Not more than one principal structure shall be located on a lot in the R-1 District,

SECTION 10. All territory which may be hereinafter included within the zoning jurisdiction of the City of Great Bend shall retain its Barton County zoning district designation. A rezoning shall be initiated immediately upon said inclusion by the property owner or the City of Great Bend.

Proposed "SECTION 11. All Wind Energy Conversion Systems (WECS) shall be prohibited in the corporate city limits of Great Bend."



**PART V.**

**DISTRICT REGULATIONS**

SECTION 1. A Agricultural District. The A District is designed for Agricultural land uses and single family dwellings at a density no greater than one dwelling per 3 acres, and compatible uses.

1. Permitted Uses.

Agricultural land uses including farm dwellings.  
Single-family detached dwellings.  
Group homes  
Residential design manufactured homes  
Public parks, public libraries, and schools.  
Churches.  
Golf courses - but not miniature golf courses or driving tees.  
Public Utilities, such as electrical or telephone substations, that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.  
Hunting Lodges and Gun Clubs.  
Bed and Breakfasts, guest ranches and dude Ranches.

Riding stables, riding arenas and rodeo arenas.  
Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way.  
Accessory Uses.

2. Conditional Uses.

Communication towers.  
Campgrounds and RV parks.  
Cemeteries.  
Oilfield supply and storage yards.  
Outdoor/Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf.  
Privately owned recreational trails.  
Recreational Vehicle Parks and Tourist Campgrounds.  
Excavation of sand and gravel.  
Mining and Quarrying.  
Oil and gas production.

3. Lot Size Requirements.

Minimum lot area: 3 acres.  
Minimum lot width: 250 feet.  
Minimum lot depth: 500 feet.  
Maximum depth to width ratio: Three to One.

4. Height Regulations.

The maximum structure height: none.

5. Yard requirements:

Minimum front yard: 50 feet on all sides abutting a street.  
Minimum side yard: Residential Buildings: 40 feet on each side of the lot. All other permitted and conditional uses: 50 feet on each side of the lot.  
Minimum rear yard: 50 feet.

6. Communication towers: The setback from all property lines must be equal to the height of the tower.

SECTION 2. R-1 Single-Family Residential District. The R-1 District is designed for single-family dwellings, and compatible uses.

1. Permitted Uses.

Single-family detached dwellings.  
Group homes  
Residential design manufactured homes  
Public parks, public libraries, and schools.  
Churches.  
Truck gardening.  
Accessory uses.

2. Conditional Uses.

Bed and breakfasts.  
Campgrounds and RV parks.  
Cemeteries.  
Excavation of sand and gravel.  
Golf courses, including accessory clubhouses and driving ranges.  
Group day care centers and nursery schools, provided that 100 square feet of open play area (not in the front yard) is provided for each child to be enrolled.  
Hospitals.  
Nursing homes and assisted living.  
~~Wind energy conversion systems.~~

3. Lot Size Requirements.

Minimum lot area: 7,000 square feet.  
Minimum lot width: 70 feet.  
Minimum lot depth: 100 feet.

4. Height Regulations.

The maximum structure height: Thirty-five 35 feet.

5. Yard requirements:

Minimum front yard: 30 feet on all sides abutting a street.  
Minimum side yard: Residential Buildings: 6 feet on each side of the lot. All other permitted and conditional uses: 15 feet on each side of the lot.  
Minimum rear yard: 30 feet.

SECTION 3. R-2 Two-Family Residential District. The R-2 District is designed for two family and single-family dwellings, and compatible uses.

1. Permitted Uses.

All uses permitted in the R-1 District.  
Two-family dwellings.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

3. Lot Size Requirements.

Minimum lot area: 7,000 square feet.  
Minimum lot width: 70 feet.  
Minimum lot depth: 100 feet.

4. Height Regulations.

The maximum structure height: 35 feet.

5. Yard requirements:

Minimum front yard: 25 feet on all sides abutting a street.

Minimum side yard: Residential Buildings: 6 feet on each side of the lot. All other permitted and conditional uses: 15 feet on each side of the lot.  
Minimum rear yard: 25 feet.

SECTION 4. R-3 Multi-Family Residential District. The R-3 District is designed for multi-family dwellings, and compatible uses.

1. Permitted Uses.

All uses permitted in the R-2 District.  
Multi-family dwellings.  
Lodging houses.  
Hospitals, clinics, nursing homes and sanitariums.  
Religious, educational and philanthropic institutions - but not penal or animal treatment facilities.  
Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

3. Lot Size Requirements.

Minimum lot area: 7,000 square feet.  
Minimum lot width: 70 feet.  
Minimum lot depth: 100 feet.

4. Height Regulations.

The maximum structure height: 45 feet.

5. Yard requirements:

Minimum front yard: 25 feet on all sides abutting a street.

Minimum side yard: Residential Buildings: 10 feet on each side of the lot. All other permitted and conditional uses: 6 feet on each side of the lot.

Minimum rear yard: 25 feet.

6. Density requirements:

Multi family dwellings may not be constructed at a density greater than one dwelling unit for each 2500 square feet of lot area.

SECTION 5. R-4 Manufactured Home District. The R-4 District is designed for Manufactured homes, and compatible uses.

1. Permitted Uses.

Manufactured homes.

Manufactured home parks, provided they comply with Part VIII of this ordinance.

Multi-family dwellings.

Lodging houses.

Hospitals, clinics, nursing homes and sanitariums.

Religious, educational and philanthropic institutions - but not penal or animal treatment facilities.

Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

3. Lot Size Requirements.

Minimum lot area: 7,000 square feet.

Minimum lot width: 70 feet.

Minimum lot depth: 100 feet.

4. Height Regulations.

The maximum structure height: 45 feet.

5. Yard requirements:

Minimum front yard: 20 feet on all sides abutting a street.

Minimum side yard: Residential Buildings: 10 feet on each side of the lot. All other permitted and conditional uses: 15 feet on each side of the lot.

Minimum rear yard: 20 feet.

6. Density requirements:

Multi family dwellings may not be constructed at a density greater than one dwelling unit for each 2500 square feet of lot area.

SECTION 6. C-1 Local Commercial District. The C-1 District is designed for retail and service commercial land uses which have a minimum impact upon adjacent land uses.

1. Permitted Uses.

Theaters.  
Sale of goods and products as retail, including restaurants but not including sale of used cars or mobile homes, cereal malt beverages or alcoholic liquors.  
Shops for repair and servicing of bicycles, electrical, radio and television appliances, keys and similar articles of where not more than five persons are employed on a premise at any one time.  
Dressmaking, millinery, tailoring, shoe repair, laundry, dry cleaning and similar trade where not more than eight persons are employed on the premises at any one time.  
Banks, offices, laboratories and studios.  
Personal service shops such as barbershops and beauty parlors.  
Private recreational facilities.  
Public or private schools.  
Undertaking establishments.  
Parking lots.  
Greenhouses.  
Multi-family dwellings.  
Lodging houses.  
Hospitals, clinics, nursing homes and sanitariums.  
Religious, educational and philanthropic institutions - but not penal or animal treatment facilities.  
Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

3. Lot Size Requirements.

There are no minimum lot size requirements in the C-1 district.

4. Height Regulations.

The maximum structure height: 35 feet.

5. Yard requirements:

Minimum front yard: 25 feet on all sides abutting a street.  
Minimum side yard: Where adjacent to residential land uses: 10 feet on each side of the lot. Where adjacent to all other uses: 0.  
Minimum rear yard: 20 feet.  
Multi-family dwellings shall comply with the Yard requirements set out in the R-3 District Regulations.

6. Density requirements:

Multi family dwellings may not be constructed at a density greater than one dwelling unit for each 2500 square feet of lot area.

SECTION 7. C-2 General Commercial District. The C-2 District is designed for general retail and service commercial land uses.

1. Permitted Uses.

All uses permitted in the C-1, local commercial district except multi-family dwellings.  
Automobile parts sales.  
Automobile repair and service.  
Automobile, truck and mobile home sales.  
Gasoline stations, retail.  
General retail stores.  
Grocery stores  
Hotels and motels.  
Print shops, copy shops, computer sales, plumbing and the sale and minor repair of tires.  
Retail sale of cereal malt beverages and alcoholic liquor.  
Restaurants  
Bus stations, taxicab stands, and other related uses.  
Warehouse or storage building where the stored material is entirely contained within the enclosed building, or is screened from public view by approved fencing or screening materials.  
Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.  
One above ground fuel storage tank not to exceed a1000-gallon capacity at any one location. Applicant must demonstrate a need for fuel storage used in its daily operations or processes, such as, diesel injector pump repair, large construction equipment rental; and those essential facilities that are legally required by code to have standby power generation and auxiliary heating fuel supply including, but not limited to, hospitals, nursing homes, and fire stations. No conditional use shall be allowed for retail sales and fleet vehicle dispensing. Tank installation shall comply with section 8.16.191, City of Great Bend, City Code of Ordinances. (added 2/21/05)  
Animal hospitals and clinics provided all facilities including new pens, kennels, stalls, and animal runs must be placed in an enclosed building. A properly screened and fenced animal walk-out area is permitted provided that screening is a minimum of six feet in height and made of solid material so as not to be visible from the street, highway or adjacent property. All fences and gates shall be kept in good and sightly condition. The type and design of any fence or wall shall be approved by the building inspector. (added 6/20/05)  
Outdoor/Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf (added 8/18/08)

3. Lot Size Requirements.

There are no minimum lot size requirements in the C-2 district.

4. Height Regulations.

The maximum structure height: 45 feet.

5. Yard requirements:

Minimum front yard: 25 feet on all sides abutting a street.

Minimum side yard: Where adjacent to residential land uses: 10 feet on each side of the lot. Where adjacent to all other uses: 0.

Minimum rear yard: 20 feet.

SECTION 8. C-3. Central Business District. The C-3 District is designed for downtown office, retail and service commercial land uses.

1. Permitted Uses.

All uses permitted in the C-1, local commercial district.

Automobile sales,

Bus stations, taxicab stands, and other related uses.

Department stores.

Financial institutions.

Garages.

Gasoline stations, retail.

General retail stores

Grocery Stores

Hotels and motels.

Offices.

Print, typewriter, plumbing and the sale and minor repair of tires.

Restaurants

Retail sale of cereal malt beverages and alcoholic liquor.

Warehouse or storage building where the stored material is entirely contained within the enclosed building.

Single-Family and Multi-Family Dwelling Units:

1. When dwelling unit(s) are located on floors other than the ground floor of a commercial structure. (added 3/2/09)
2. When dwelling unit(s) located on the ground floor of commercial structure, but do not exceed 50% of structures ground floor. The dwelling space must be maintained in the rear 50% of the ground floor. (added 3/2/09)
3. Adequate fire separation and suppression measures constructed in accordance with current City Building Codes are incorporated with both the dwelling unit and the commercial unit of the structure. (added 3/2/09)
4. All dwelling units shall meet minimum square footage requirements established in the current building code. (added 3/2/09)

Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

Outdoor/Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf (added 8/18/08)

3. Lot Size Requirements.

There are no minimum lot size requirements in the C-3 district.

4. Height Regulations.

The maximum structure height: 120 feet.

5. Yard requirements:

There are no minimum yard requirements in the C-3 district.

SECTION 9. LM-SC. Light Manufacturing-Service Commercial District. A district designed to permit the co-location of light industrial and highway service commercial activities.

1. Permitted Uses.

Any use specifically listed as a Permitted Use in the C-2, General Commercial District. Manufacturing or assembly of items or equipment such as electronics, appliances, machinery, or vehicles; newspaper and book publication; processing of food related products; production of clay, glass, leather, rubber, or wood materials or products; production or fabrication of metal products; production of signs; and production of textiles and apparel; woodworking to include cabinet and furniture makers, art work, precision equipment, computer assembly, plastic or fiberglass manufacture and assembly, and other similar activities.

Warehousing and Distribution.

Cold storage.

Food and hardware distributors.

Household moving and general freight storage.

Parcel services.

Public self-storage units.

Truck terminals.

Industrial Services: Firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products.

State or Municipally owned and operated public utilities and facilities.

Public utilities that are not owned or operated by a municipality; where employees are generally not present; and that are in or near the area they are designed to serve.

Outdoor/Open-Air Recreational Activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf.

2. Conditional Uses.

All conditional uses permitted in the R-1 District.

Animal hospitals or kennels, provided that all pens shall be in an enclosed building when located within 300 feet of a residential district. If located further than 300 feet from a residential district all outdoor pens shall be screened from any adjacent property or public right-of-way.

Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.

Recycling Center.

Expansion or modification of the following uses, provided they are legally non-conforming uses:

salvage storage yards

ready-mix plants

stone cutting and processing of quarried material

residential uses

3. Lot Size Requirements.

20,000 square feet for all lots that abut a limited access street, a railroad, or that obtain access exclusively from an alley; Other: 5,000 square feet in area for all other lots.

Minimum lot width: Fifty (50) feet.

Minimum lot depth: One hundred (100) feet.



4. Height Regulations.

The maximum structure height: 50 feet.

5. Yard requirements:

Minimum front yard: 25 feet, except that Gasoline pumps, air and water service and other fixtures used in connection with automobile service stations may be located as close as twelve (12) feet to the front lot line.

Minimum side yard: Where adjacent to residential land uses: 10 feet on each side of the lot. Where adjacent to all other uses: 0.

Minimum rear yard: 20 feet.

6. Density requirements:

Multi family dwellings may not be constructed at a density greater than one dwelling unit for each 2500 square feet of lot area.

7. Use Limitations.

Screening: Sight obscuring screening of not less than six (6) feet in height shall be provided along all lot lines that abut a residential district. Furthermore, all outdoor storage and/or display areas, except automobile sales lots, shall be enclosed by site obscuring screening of not less than six (6) feet in height.

There shall be no noise, smoke, dust, odor, or vibrations emanating from the property, which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of persons off of said property.

SECTION 10. M-1. Light Industrial District. The M-1 District is designed for light industrial, industrial service and warehousing land uses.

1. Permitted Uses:

Any use permitted in the LM-SC District.

Bakery.

Bookbindery.

Cellophane products manufacturing.

Ceramic products (previously pulverized clay kilns fired only by electricity or gas).

Clothing manufacturing.

Cold storage or refrigerating plant.

Distributing plant.

Animal hospitals and clinics (all pens and animal runs must be enclosed).

Drugs manufacturing.

Electric parts, assembly and manufacturing.

Fiber products manufacturing (previously prepared fiber).

Food products manufacturing (except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils).

Garment manufacturing (previously manufactured cloth).

Laundry.

Leather products manufacturing.

Lumber yards.

Machinery, farm sales, repairing and overhauling.

Parcel delivery service.

Pharmaceuticals establishment.

Sign painting shop.

Open storage of oil field equipment, building material, lumber and coal providing the storage yard is completely enclosed with a six (6) foot solid wall or fence, and that the material is stored on racks or platforms at least 18 inches off the ground.

Communication towers.

Toy manufacturing.

Truck terminals, truck and trailer services.

Warehousing.

Wholesale business.

Other uses which are similar to the listed uses in function, traffic generating capacity and effects on nearby properties, and are not listed in the permitted uses found in any other zoning district.

## 2. Conditional Uses.

All conditional uses permitted in the LM-SC District.

## 3. Lot Size Requirements.

There are no minimum lot size requirements in the M-1 district.

## 4. Height Regulations.

The maximum structure height: 45 feet.

## 5. Yard requirements:

Minimum front yard: 25 feet on all sides abutting a street.

Minimum side yard: Where adjacent to residential land uses: 10 feet on each side of the lot. Where adjacent to all other uses: 0.

Minimum rear yard: 20 feet.

SECTION 11. M-2. Heavy Industrial District and M-3 Industrial Park District. The M-2 District is designed for manufacturing, industrial service and warehousing land uses.

## 1. Permitted Uses: All uses are permitted uses except those listed as conditional uses, except that:

There shall be no building for residential use and no trailers or mobile homes except those that may be authorized by the Council by special temporary permit for use as construction office or residence for maintenance or watchman personnel on 24-hour duty for the city or private industry.

## 2. Conditional Uses:

Acid manufacture.

Cement, lime gypsum, or plaster of paris manufacture.

Distillation of bones.

Explosives manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Gas manufacture.

Garbage, offal, or dead animals, reduction or dumping.

Glue manufacture.

Petroleum, or its products, refining of.

Smelting of tin, copper, zinc, or iron ores.

Stockyards or slaughter of animals.

Wholesale storage of gasoline.

Extraction of sand and gravel.

3. No use shall be permitted which will result in\_nuisance will result with regard to:

- Smoke and other particulate matter.
- Noise.
- Noxious gases.
- Vibration.
- Fire or explosive hazard.
- Odor.
- Glare or heat.

2. Lot Size Requirements in the M-2 District.

There are no minimum lot size requirements in the M-2 district.

4. Height Regulations in the M-2 District.

There is no maximum structure height in the M-2 District.

5. Yard requirements in the M-2 District:

- Minimum front yard: 25 feet on all sides abutting a street.
- Minimum side yard: Where adjacent to residential land uses: 30 feet on each side of the lot. Where adjacent to all other uses: 5 feet.
- Minimum rear yard: Where adjacent to residential land uses: 30 feet. Where adjacent to all other uses 0.

6. Lot Size Requirements in the M-3 District.

There are no minimum lot size requirements in the M-3 district.

7. Height Regulations in the M-3 District.

The maximum structure height: Must comply with Federal Aviation Administration (FAA) Regulations.

8. Yard requirements in the M-3 District:

- Minimum front yard: 30 feet on all sides abutting a street.
- Minimum side yard: Where adjacent to residential land uses: 30 feet on each side of the lot. Where adjacent to all other uses: 10.
- Minimum rear yard: Where adjacent to residential land uses: 30 feet. Where adjacent to all other uses 10.

## **PART VI**

### **PLANNED UNIT DEVELOPMENT DISTRICTS**

SECTION 1. P Planned Unit Development District. The P District is established to accommodate mixed residential land uses and ancillary land uses in a manner that will provide for design flexibility and efficiency in the placement of buildings, open space and recreational facilities.

1. Permitted Uses.

- All uses permitted in the R-2 District.
- Multi-family dwellings

Nonresidential uses of a religious, cultural, educational, and recreational character to the extent that they are designed and intended to serve primarily the residents of the Planned Residential Development.

2. Density Requirement:

Maximum gross density shall not exceed 7 dwelling units per acre.

3. Lot Size Requirements.

Minimum area for a Planned Unit Development: 1 acre.  
Minimum lot area: 1,800 square feet.  
Minimum lot width: 30 feet.  
Minimum lot depth: 60 feet.

4. Height Regulations.

The maximum structure height: 35 feet.

5. Yard requirements:

Minimum front yard: none, however, there must be a perimeter setback of 25 feet on all sides of the Planned Unit Development.  
Minimum side yard: Residential Buildings: none, however, the separation between buildings must comply with building and fire codes. All other permitted and conditional uses: 15 feet on each side of the lot.  
Minimum rear yard: none, however, the separation between buildings must comply with building and fire codes. All other permitted and conditional uses: 25 feet.

6. Other requirements:

Each dwelling shall be located with direct access to a street, or other permanent open space, or common yard, or outer court not less than 25 feet wide. Such areas shall be unoccupied by any buildings or other structures except parking facilities, necessary utility facilities or street improvements.  
The landowner shall provide for a minimum of 20 percent of the land area devoted to residential use to be set aside and developed for recreation uses and other open space. This area may be dedicated to the City or owned and maintained by a homeowners association.

SECTION 2. Procedures: An application for rezoning to a planned unit development district shall be submitted and processed in the manner provided herein for a change in zoning. However, the application shall include a Development Plan and narrative, which, in the event of the approval of the change in zoning, will be adopted by the governing body, and will become binding upon the owner of the land and its heirs and successors to title.

SECTION 3. The development plan.

1. The Development Plan shall be prepared at a scale no smaller than one inch to 100 feet and shall include all of the area proposed to comprise the Planned Unit Development. The plan and supporting documents shall include the following information:
  - a. A legal description of the site;
  - b. The dimensions of all property boundaries;
  - c. The owners of record and any other parties having an interest in the proposed development;
  - d. A topographical survey of the site at an interval of not more than two feet or a more

- e. detailed plan if requested by the City Engineer;
- f. The location of all existing structures, easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site;
- g. The width, location and ownership of all proposed public and private streets and sidewalks in the area to be developed;
- h. The use, height, floor area, and location of all proposed buildings and other structures, including the location of the entrances to all structures proposed on the plan;
- i. The number of dwelling units to be contained in each building proposed for residential use;
- j. The location, dimension and capacity of all proposed off-street parking areas in the area to be developed;
- k. The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and non-encroachable areas;
- l. Dimensions and notes as deemed necessary to show compliance with the development standards of this article;
- m. A summary of the total dwelling units, the acreage devoted to all land uses, and the overall net density of the development;
- n. A statement as to the feasibility of proposals for the disposition of sanitary waste and storm water, and how all utilities are to be provided including sewerage, water, storm drainage, communication utilities, gas and electricity, and how completion of all improvements is to be guaranteed;
- o. The location and dimensions of all existing and proposed curb cuts, driveways and aisles, public and private streets, off-street parking and loading space areas, sidewalks and pedestrian ways, sanitary sewers, storm sewers and drainage ways, power lines, gas lines, and fire hydrants;
- p. The location, height and material of screening walls and fences;
- q. The type of surfacing and base course proposed for all private streets, driveways, off-street parking and loading space areas, and sidewalks and pedestrian ways;
- r. The proposed topography or grading of the area at a contour interval of not more than two feet;
- s. The location of each outdoor trash storage facility;
- t. A statement as to the form of ownership proposed to own and maintain the common areas and recreation facilities, and any other area within the area proposed to be developed that is to be retained primarily for the exclusive use and benefit of the residents, lessee and owners of the Planned Unit Development;
- u. A copy of proposed covenants, grants of easements or other restrictions to be imposed upon the use an ownership of the land; buildings and structures, including proposed easements or grants for public utilities;
- v. The landowner shall also submit a dedication clause including dedication of public utility and drainage easements, street rights-of-way and all other land to be dedicated to public ownership.
- w. The location, variety and size of all landscape materials proposed for the development.

### SECTION 3 Planning Commission and Governing Body Action.

1. The Planning Commission, after the public hearing, shall recommend to the city council: (1) approval of the plan as submitted, (2) approval subject to specified conditions not included in the plan submitted, or (3) denial of the application. If approval with conditions is recommended, the Planning Commission shall set forth said conditions.
2. The recommendation for the granting or denial of the development plan shall include findings of fact and shall set forth reasons for the recommendation.
3. The governing body shall approve or deny the application and plan, or return it to the Planning Commission pursuant to the procedures set out in K.S.A. 12-757.

#### SECTION 4. Modifications to the Planned Unit Development.

1. Modification of approved development plans may be initiated by the owners or residents of the property within the Planned Unit Development or by the Planning Commission.
2. Substantive modifications of the provisions of the Development Plan may be approved by the governing body following a public hearing and recommendation by the Planning Commission pursuant to K.S.A. 12-757(b).
3. Minor modifications to the Development Plan may be approved by the Secretary of the Planning Commission.

SECTION 5. Failure to maintain. In the event the agency established to own and maintain the common open space and open air recreation areas or its successor shall fail to fulfill any obligation imposed on such agency as a condition of approval of the Planned Unit Development, the city may serve written notice upon such agency or upon the residents and owners of the Planned Unit Development, setting forth the manner in which the agency has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified within the notice. If such deficiencies are not cured within the specified time, the city, in order to preserve the values of the properties within the Planned Unit Development and to prevent the common open space and open air recreation areas from becoming a public nuisance, may enter upon the common open space and open air recreation areas and maintain the same and perform the other duties of the agency until such agency shall again resume its obligations. All costs incurred by the city in carrying out the obligations of the agency shall be assessed against the properties within the Planned Unit Development and shall become a tax lien on the properties.

### **PART VII**

#### **CONDITIONAL USE PERMITS**

SECTION 1. Authorization. The governing body may grant the establishment of those conditional uses that are expressly authorized to be allowed as a conditional use in a particular zoning district. No conditional use shall be granted unless such grant complies with all of the applicable provisions of these regulations.

SECTION 2. Application for Conditional Use Permit. An application for a conditional use permit, together with a site plan and an application for a building permit when applicable, shall be filed with the Secretary of the Planning Commission. Application shall be made using the forms provided by the City, and shall contain in complete form all information requested on the forms, as well as such additional information as may be requested by the Secretary of the Planning Commission.

SECTION 3. Procedures, Hearing and Notice. Procedures, hearing and notice requirements for Conditional Use Permits shall be the same as specified in K.S.A. 12-757 for changes in zoning.

SECTION 4. Standards for Conditional Use Permits. A Conditional Use Permit shall not be granted unless all the following standards have been met:

1. The proposed conditional use complies with all applicable provisions of these regulations, including lot size requirements, bulk regulations, use limitations, and performance standards.
2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
3. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate area so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate

neighborhood, consideration shall be given to:

4. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
5. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
6. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

SECTION 5. Conditions and Restrictions. In granting a conditional use, the Planning Commission may recommend and the governing body may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary carry out the general purpose and intent of these regulations. Failure to comply with all of the conditions, safeguards and restrictions placed on a conditional use shall constitute a violation of these regulations, and may result in the revocation of the Conditional Use Permit. All plans and specifications approved by the Planning Commission and governing body during the review process shall be incorporated by reference in the resolution approving the Conditional Use Permit, and the use approved shall be conditioned upon adherence to said plans and specifications.

SECTION 6. Period of Validity. No conditional use permit granted by the City shall be valid for a period longer than 180 days from the date on which the governing body grants the conditional use, unless within such 180 day period: (1) a building permit is obtained and the erection or alteration of a structure is started, or (2) a use is commenced or continued pursuant to the conditional use. The governing body may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.

## **PART VIII**

### **MANUFACTURED HOME PARKS**

SECTION 1. Standards: Manufactured home parks developed enlarged or extended after the date of adoption of this ordinance shall meet the following standards:

1. The maximum gross density shall be no more than seven (7) manufactured home lots per gross acre remaining after deducting the recreational area.
2. Manufactured home lots shall be no less than four thousand (4,000) square feet in area.
3. Manufactured homes shall be separated from each other and from other buildings, and accessory structures by at least twenty (20) feet; provided that manufactured homes placed end to end may have a clearance of fifteen (15) feet when opposing rear walls are staggered. An accessory structure such as an awning, storage unit, carport, windbreak or porch, that is attached or separate from the manufactured home, shall be considered to be part of the manufactured home.
4. A minimum distance of fifteen (15) feet shall be maintained between a manufactured home and the abutting manufactured home park street.
5. In all manufactured home parks accommodating or designed to accommodate twenty-five (25) or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents on hard surfaced walks. A minimum of eight (8) percent of the gross site area shall be devoted to recreational areas. The topography of the recreation areas shall be suitable for recreational uses. Recreational areas shall be located so as to be free of traffic hazards and should, where topography permits, be centrally located.

6. Maintenance of recreational areas shall be the responsibility of the park management.
7. Exposed ground surfaces in areas not used for access, parking, circulation, buildings, manufactured home stands or utility service shall be landscaped according to an approved landscape plan. The landscape plan shall include trees and other vegetation that are consistent with landscaping found throughout the community. Park management shall maintain the entire site in good condition including all grounds, shrubs, trees or any other landscaping.
8. All surface areas of the manufactured home park shall be graded to drain all surface waters in a manner consistent with the recommendations of the City Engineer.
9. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways or other means. No individual manufactured home shall have direct access to a public street.
10. Park Entrance: Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of twenty-five (25) feet from the property line.
11. Internal Streets: Hard surfaced roadways shall be of adequate width to accommodate anticipated traffic and be designed according to the requirements of the City Engineer. Street names shall not duplicate existing street or road names so as to cause confusion or misunderstanding. Street name and addressing shall be done in a manner similar to a typical subdivision. The numbering system shall be shown on the site plan.
12. If a street name and addressing scheme is not feasible, then a master directory board showing each lot and number shall be placed at a convenient location near each entrance to the park. The directory map shall be easily read from a vehicle, and shall have automatically controlled night lighting on a 24 hour basis.
13. Each manufactured home lot shall abut an internal street.
14. A minimum of two off-street parking spaces shall be provided for each manufactured home lot.
15. Streets within the manufactured home park shall be illuminated to provide for the safe movement of pedestrians and vehicles. Street lights shall be illustrated on the site plan, and the design, spacing and intensity of street lights shall be approved by the City Engineer.
16. Sidewalks shall be provided in a manufactured home park, which shall be continuous on at least one side of a street, and be constructed of asphalt or concrete and shall have a minimum width of four (4) feet.
17. All manufactured home stands shall be connected to common walks, to internal streets, or to paved driveways or parking spaces connecting to a paved street. Individual walks shall have a minimum width of two feet.
18. Water supply, sewage disposal and utility distribution systems shall be provided in accordance with the regulations of the City of Great Bend.
19. Shelter, Every manufactured home park containing 10 or more Manufactured Home spaces which is constructed after the date of adoption of these Zoning Regulations shall be provided with above-grade or below-grade storm shelters which shall:
  - a. Have a minimum floor area of eight square feet for each Manufactured Home space.
  - b. Be designed and constructed in accordance with plans prepared by a licensed structural engineer or architect.



- c. If the shelter is within a floodway fringe, be designed and constructed in accordance with all requirements and guidelines of the Federal Emergency Management Agency (FEMA).
  - d. Be designed and constructed in accordance with all applicable requirements of the Americans with Disabilities Act (ADA).
  - e. Be located no further than 1320 feet from the furthest Manufactured Home space within the park.
20. Additions to Existing Manufactured Home Parks, Whenever a cumulative total of 10 or more Manufactured Home spaces will be added or have been added to a manufactured home park existing at the time of adoption of these Zoning Regulations, the owner must provide a storm shelter for the entire manufactured home park which complies with the requirements of paragraph 19. above. Each cumulative addition of 10 or more spaces shall constitute a new requirement.
21. Access to Shelters, The manufactured home park owner, or such owner's designated agent or representative shall be responsible for making the storm shelter accessible and useable in times of need. It shall be unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of persons below the requirements of paragraph 19. above.
22. Existing manufactured home parks with 20 or more spaces existing at the time of this regulation which do not have a storm shelter, shall be required to provide a storm shelter that meets the requirements of paragraph 19 above if the manufactured home park shall be expanded or enlarged beyond that which existed at the time of the adoption of this regulation.

SECTION 2. Site Plan, A site plan shall be submitted for review and approval by the Secretary of the Planning Commission prior to the issuance of any permits, and prior to the commencement of any construction, extension or expansion of a manufactured home park. A site plan shall be submitted for review and approval by the Secretary of the Planning Commission prior to any reconstruction or modification of an existing manufactured home park in which 50% or more of the acreage of said park requires the modification of facilities, streets and utilities serving the park.

## **PART IX**

### **NONCONFORMING LOTS, USES AND STRUCTURES**

SECTION 1. Any property which does not comply with all applicable provisions of these Zoning Regulations shall be deemed to be non-conforming. Any property that is non-conforming shall be required to comply with all such provisions, unless such property is legally non-conforming. Property is legally non-conforming if it has previously conformed to all applicable Zoning Regulations. Legally non-conforming properties may be continued or modified, subject to the remaining parts of this article.

SECTION 2. Non-conforming Lots, A structure may be erected, enlarged altered or improved on a lot that is legally non-conforming, because of lot area, width, depth, or any combination thereof, provided, that construction shall comply with all of the regulations (except lot area, width and depth) applicable to the zoning district in which the lot in question is located.

SECTION 3. Non-conforming Uses Any legally non-conforming use of part or all of a structure or any legally non-conforming use of land, not involving a structure or only involving a structure which is accessory to such use of land, may be continued, so long as otherwise lawful.

- 1. Expansion. A legally non-conforming use shall not be expanded, enlarged or increased in intensity beyond that which existed at the time it became legally non-conforming.
- 2. Change in Use. A legally non-conforming use shall not be changed or modified in any manner from what existed at the time it became legally non-conforming, without complying with all

applicable regulations.

3. Abandonment. No legally non-conforming use shall be reestablished or resumed after it has been voluntarily abandoned for a period of six 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.

SECTION 4. Non-conforming Structures, Any legal non-conforming structure, that is not also a non-conforming use, may be enlarged, altered or improved, provided, that construction shall comply with all of the regulations (except those regulations that have caused said structure to become non-conforming) applicable to the zoning district in which the lot in question is located, and provided further that said enlargement, alteration or improvement does not increase the non-conformity.

SECTION 5. Modifying Non-conforming uses, Any legal non-conforming use shall be deemed to be a conditional use of the zoning district in which it is located. The governing body is hereby authorized to grant such conditional use pursuant to part VII of this ordinance.

SECTION 6. Damage or Destruction. In the event that any non-conforming use or structure is damaged or destroyed, by any means, to the extent of 50 percent or more of its total market value, such improvement shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When any improvement is damaged to a total extent of 50 percent or less, it may be repaired or restored, if a building permit is obtained and repair or restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion; otherwise any such repairs or restoration must comply with the regulations of the Zoning District in which it is located.

## **PART X.**

### **EXCEPTIONS TO THE REGULATIONS**

SECTION 1. Height limits, Height limits may be exceeded in the following instances:

1. Public building, churches, hospitals, institutions and schools may exceed the height limitation in the district in which they are located, by two feet for each additional foot of setback in addition to the yard requirements of Part V, up to a limit of 70 feet.
2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary appurtenances, may be increased in height to a limit fifty percent (50%) higher than that of the district in which they are located.

SECTION 2. Front yard, Where on the effective date of this ordinance, forty percent of a block frontage was occupied by two or more buildings, then the front yard is the average of the front yard setbacks of the structures within the block frontage, but not greater than the standard set forth in part V hereof.

SECTION 3. Projections into required yards.

- 1.. Sills, belt courses, cornices and ornamental features may project only two feet into a required yard.
2. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet, when so placed as to not obstruct light and ventilation, may be permitted by the Building Inspector.

3. Terraces, patios, driveways, platforms and ornamental features which do not extend more than six inches above the finished grade may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot lines.
4. Uncovered porches, and decks which extend more than six inches above grade shall not be considered as part of the structure and shall not extend more than ten feet into the required rear yard.

## **PART XI**

### **PARKING AND LOADING REGULATIONS**

#### **SECTION 1. Required off-street parking spaces (including spaces in garages):**

1. Residential Uses: Two spaces per dwelling unit.
2. Churches: One space for each ten seats in the main auditorium.
4. Other places of public assembly, including auditoriums, and theaters: One space for each four seats.
5. Elementary schools: One space for each classroom.
6. High Schools: ten spaces for each classroom.
7. Colleges: five spaces for each classroom.
8. Hospitals: one space for each hospital bed.
9. Hotels and Motels: one space for each room.
10. Institutions, clubs Lodges and other public and semi-public buildings: one space for each 500 square feet of floor area.
11. Professional offices, medical offices and clinics: one space for each 400 square feet of floor area.
12. Restaurants: one space for each 200 square feet of floor area.
13. All other commercial, retail and service commercial areas: one space for each 400 square feet of floor area.
14. Industrial and warehouse uses: one space for each three employees.

**SECTION 2. Parking Requirements in the C-3 district may be waived or reduced from those required in Section 1, Part XI of this ordinance by majority vote of the governing body. (revised 3/2/09)**

**SECTION 3. In the C and M districts, parking space may be provided on a separate lot if within 300 feet of the building for which it is provided and two or more owners may join together in the provision of this parking space.**

**SECTION 4. In the R districts, no required parking space other than the driveway may be located in a front yard.**

**SECTION 5. Parking spaces may be provided in side and rear yards in the R districts and in any yard in C and M districts, except that in the C and M districts, no parking space may be provided in a front yard**

unless the building is set back at least 30 feet from the street line.

SECTION 6. In the R districts, no required off-street parking space provided for in a garage and/or carport may be converted to any other use for any reason, unless if the required off-street parking spaces are provided elsewhere on the lot.

## **PART XII.**

### **HOME OCCUPATIONS**

SECTION 1. Authorization. Home occupations as defined herein shall be permitted in any dwelling unit, in any residential or agricultural district.

SECTION 2. Use Limitations. In addition to all of the Use Limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
2. No more than twenty-five (25) percent of the dwelling unit shall be devoted to a home occupation.
3. There shall be no outdoor storage of equipment or materials used in the home occupation.
4. Not more than two persons, not residing in the dwelling unit, shall be employed on site by the home occupation.
5. The home occupation shall be conducted entirely within the principal residential building or in a permitted structure accessory thereto.
6. No sign shall be permitted other than a nameplate sign not greater than four square feet in area.
7. There shall be no noise, smoke, dust, odor or vibrations emanating from the property which unreasonably either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of persons off of said property.

SECTION 3. Examples of Home Occupations Permitted. The following are intended to be examples of home occupations that are permitted, and not intended to be an all inclusive list.

1. Dressmakers, seamstresses, tailors.
2. Dance music or art studios, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
3. Artists, sculptors and authors or composers.
4. Offices.
5. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.
6. Day care homes.
7. Barber shops and beauty salons, provided that only two work stations shall be permitted.

SECTION 4. Particular Home Occupations Prohibited. The following uses shall be prohibited as home occupations:

1. Animal hospitals, kennels, or stables.
2. Cleaning, maintenance, manufacturing, modification, repair, or restoration of motor vehicles.
3. Funeral homes.
4. Pest control business.
5. Restaurants.

## **PART XIII.**

### **ACCESSORY BUILDINGS**

#### **SECTION 1. Location.**

1. Accessory buildings may be located in a back yard, but may not occupy more than thirty percent of a back yard.
2. Any accessory building closer than five feet to a main building shall be considered to be part of the main building and shall provide the side and rear yards required for the main building
3. An accessory building more than ten feet from the main building may be erected within three feet of a side and rear lot line, but must be located at least sixty feet from the front street line.
4. When a garage is entered from an alley, it must be kept 15 feet from the alley line, except when the parking within the garage is parallel to the alley, or a garage is so constructed as to be a drive-through garage, then the garage may be within two feet of the alley line.

SECTION 2. Temporary Buildings, Temporary building for construction purposes are permitted in any district as accessory buildings during the course of construction. Basements and cellars may not be occupied for residential purposes until the building is completed.

## **PART XIV**

### **SIGNS**

SECTION 1. Churches, public and semipublic buildings, hospitals and institutions in R districts may have bulletin boards not more than ten square feet in area in a front yard.

SECTION 2. Only those signs not more than ten square feet in area, pertaining to lease, sale of premises, and name plates when not illuminated and not greater than one square foot in area are allowed in an R district, provided however, a sign not exceeding fifty square feet in area may be erected in connection with a multiple dwelling.

SECTION 3. In the C-1 district, the total area of signs on the premises in square feet may not exceed that number of lineal feet of street frontage; in the C-2 district, there may be two square feet of signs for each lineal foot of street frontage; and in the M-1 district, there may be three square feet of signs for each lineal foot of street frontage. In both C-1 and C-2 districts, all signs shall be attached to a building and not extend more than six feet into the front yard except that there may be one banjo sign in the front yard for each fifty feet of street frontage but not more than two banjo signs for each business.

SECTION 4. There are no sign regulations in the C-3 and M-2 districts.

## **PART XV.**

### **SITE PLAN REVIEW**

SECTION 1. An approved site plan shall be required prior to the issuance of a building permit, in each and all of the following instances:

1. For any development on unimproved real estate in zoning districts designated as an R3 (Multi-family) district, R4 (Manufactured Home) district, C-1 (Local commercial) district, C-2 (General Commercial) district, C-3 (Central Business) district, M-1 (Light industrial) district, M-2 (Heavy

industrial) district, M-3 (Industrial park) district, or for uses a Conditional Use Permit pursuant to this Zoning Ordinance;

2. For any significant alteration to existing development on improved real estate in the zoning districts set forth in subsection 1 above.
3. Single-family, duplex and triplex units are hereby expressly exempted. However, if such types of dwellings are so designed as to form a complex having an area of common usage, such as a parking area, interior court or private recreational area, and such complex contains a combined total of four units or more, the provisions of the sections shall be in effect.

SECTION 2. Procedure:

1. Filing Fee: A non-refundable fee of \$50.00 shall accompany the filing of each site plan. The site plan shall not be accepted for filing until the filing fee has been deposited by the applicant with the Secretary of the Planning Commission. The filing fee together with the legal description of the area to be developed, shall be submitted to the Secretary of the Planning Commission.
2. Number of Copies: The applicant shall submit to the Secretary of the Planning Commission six copies of the site plan.
3. Utility Letters: The applicant shall submit review copies of the site plan to utility companies including electric, gas, cable services and telephone. The applicant shall submit letters of review concerning the proposed plat from the above utility companies to the Secretary of the Planning Commission. Said letters are not required for City owned utilities, i.e.: sewer and water.
4. The city staff shall review the site plan for conformance with these regulations and shall approve the site plan, with or without conditions, or deny the site plan. In the event staff denies the site plan, the applicant may appeal staff decision to the planning commission for review at its next regular meeting.

SECTION 3. Site Plan Requirements: A Site Plan shall:

1. Be prepared by an architect, engineer, landscape architect, or other qualified professional at a scale of one inch equals 30 feet or larger for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres;
2. Be arranged so that the top of the plan represents north or, if otherwise oriented, is clearly and distinctly marked;
3. Show boundaries and dimensions graphically, and contain a written legal description of the property; and, show a written and graphic scale;
4. Show the location of existing utilities and easements on and adjacent to the site including power lines, telephone lines, & gas lines. Show the location of existing sanitary sewers, water mains, storm sewers and culverts within and adjacent to the site.
5. Show, by use of directional arrow, the proposed flow of storm drainage from the site.
6. Show the location of existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures;
7. Show the location and dimensions of existing and proposed curb cuts, access aisles, off-street parking, loading districts and walkways;
8. Indicate location, height, and material for screening walls and fences.
9. List the type of surfacing and the base course for all parking, loading and sidewalk areas.
10. Show the location and size for all landscape materials including turf, ground cover, trees and shrubs, which shall be no smaller or less dense than the following standards.

|                   |  |
|-------------------|--|
| Ground cover:     | 2" pots on 6-8" centers, or<br>6" pots on 10-12" centers |
| Shrubs:           | 18-24", 2 gallon size                                    |
| Ornamental trees: | 1" caliper   |
| Shade trees:      | 1 1/2" caliper   |
| Coniferous trees: | 6' - 8' in height  |

11. Show the proposed location and direction and of proposed lighting. Provide information on steps taken to prevent glare to adjacent properties.

12. Designation of a trash storage site on each site plan or a note explaining how refuse removal will be handled.

SECTION 4. Conditions of Approval: Before approving the site plan, the staff shall first find that the following conditions have been met;

1. That the proposed use is a permitted use in the district in which the property is located;
2. That the proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses;
3. That the vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well;
4. That the site plan provides for the safe movement of pedestrians within the site;
5. That there is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public right-of-way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public.
6. That all outdoor trash storage areas are screened.

SECTION 5. Landscaping shall be maintained in a healthy, disease-free and debris-free condition. Failure to do so shall be deemed a violation of the zoning ordinance and shall be subject to the penalty and violation sections of this chapter.

SECTION 6. An applicant who wishes to alter or revise an approved site plan must submit the revisions to the City Zoning Administrator for approval.

SECTION 7. Time Limitation: If no building permit is issued for the site within 180 days from the date of site plan approval by the city staff, the site plan shall be and become null and void.

## **PART XVI.**

### **ENFORCEMENT OF THE ORDINANCE**

SECTION 1. The Building Inspector shall enforce this ordinance; appeals from his decision shall be taken to the Zoning Board of Appeals.

SECTION 2. No building may be undertaken in the City without a building permit as required by the building code. Each application shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon as shown by a survey, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plans shall be kept in the office of the Building Inspector.

## **PART XVII.**

### **AMENDMENT OF THE ORDINANCE**

SECTION 1. The governing body may from time to time supplement, change, or generally revise the boundaries or regulations. All proposed amendments shall be governed by the procedures provided in K.S.A. 12-757, as amended.

SECTION 2. In the event a change in zoning is initiated by the owner of the property to be rezoned, the owner, at the time of making application for a change in the zoning regulations or zoning boundaries, shall deposit with the City Clerk the sum of one hundred dollars, which sum shall not be refunded. If said application is approved and a zoning ordinance is subsequently prepared for publication, then prior to publication, an additional sum of fifty dollars, which sum shall not be refunded, shall be deposited with the City Clerk.

**PART XVIII.**

**VIOLATION AND PENALTY**

SECTION 1. The owner or agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars. Each and every day that such violation continues may constitute a separate offense.

SECTION 2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this ordinance, the appropriate authorities of the City, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

**PART XIX.**

**GENERAL PROVISIONS**

SECTION 1. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 2. This ordinance shall be in full force and effect from and after its adoption, passage and publication in the Great Bend Daily Tribune, the official city newspaper.