



# Zoning Regulations

**Title 17**

**Adopted August 7, 2023**



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# Title 17

## **ZONING**

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**CHAPTER 17.04. IN GENERAL****Sec. 17.04.010. Jurisdiction; applicability.**

This title applies to all land located within the city and to all unincorporated land outside of but within three miles of the corporate limits of the city as shown on the official zoning map of the city.

(Ord. No. 4114, pt. I, § 2)

**Sec. 17.04.020. Purpose and intent.**

(a) This title has 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.

(b) The regulations of this title 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.

(Ord. No. 4114, pt. I, § 3)

**Sec. 17.04.030. Definitions.**

The following words and phrases, when used in this title, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

*Accessory building* means a part of the main building, or a separate building, devoted to an accessory use.

*Accessory use* means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

*Agriculture* means the use of a tract of ground for growing crops in the open, pasturage, dairy animals, poultry, livestock, fruits and vegetables, plant nurseries including commercial greenhouses, and horticulture, including the structures necessary for carrying out such operations and the residence of the person or family who owns or operates such operation.

*Banjo sign* means a sign having a total area of not more than 30 square feet, the advertising content of which is ten feet or more above ground.

*Board* means the city board of zoning appeals.

*Boarding kennel* means a kennel where dogs or cats, or both, are maintained solely for boarding or training.

*Build* means to erect, convert, enlarge, reconstruct, or structurally alter a building or structure.

*Building* means any structure for the use, as shelter, support, or enclosure, of persons, animals, three chattels, or property of any kind.

*Building width* means the width of lot that can be built upon after providing the side yards.

*Campground* means a place used for camping that may or may not be equipped with cooking grills, water, and toilets.

*Centerline* means a line halfway between the street lines.

*Childcare facility* means a facility that is not owner occupied in which day care is provided to children not related to the operator by blood, marriage, or legal adoption and pursuant to Stat of Kansas regulations.

*Clinic* means an establishment in which one or more doctors practice their profession.

*Commission* means the city planning commission.

*Communication towers* means 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.

*Comprehensive plan* means the plan adopted pursuant to **K.S.A. 12-747**

*Corner lot* means a lot which adjoins the point of intersection of two (2) or more streets.

*Day care home* means an owner occupied, home occupation in which care is provided to children, not related to the operator by blood, marriage, or legal adoption and pursuant to State of Kansas regulation.

*Double frontage lot* means a lot having a frontage on two non-intersection streets.

*Dwelling* means a building used entirely for residential purposes.

*Multifamily dwelling* means a building that contains more than two living units.

*Single-family dwelling* means a building that contains only one living unit.

*Two-family dwelling* means a building that contains only two living units.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more person, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Family* means 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.

*Floor area* means 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. The term "floor area" does not include open porches, garages, or space in a cellar.

*Frontage* means 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.

*Group home* means 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 the state.

*Home occupation* means 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.

*Hotel/motel* means a building or portion thereof, or a group of buildings, which provides five 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.

*Institution* means a nonprofit establishment for public use.

*Junkyard* (see salvage yards).

*Kennel* means any place, area, lot, building or structure where dogs or cats, or both, are bred, boarded, housed, cared for, fed, or trained commercially or by a person other than the owner, for a fee or other compensation.

*Living unit* means the room or rooms occupied by a family. The living unit must include a kitchen.

*Lodging house* means a dwelling consisting of not more than one living unit occupied by not more than 20 persons not related by blood, marriage, or adoption. The term "lodging house" includes rooming house, boardinghouse, and tourist home.

*Lot* means a parcel of land adequate for occupancy by a use herein permitted, providing the yards, area, off-street parking and loading spaces herein required are fronting directly upon a street.

*Lot width* means the width of a lot at the front yard line.

*Main building* means the building occupied by the primary use.

*Manufactured home* means 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 USC 5403 et seq., has a permanent chassis, and is transportable in one or more sections. The term "manufactured home" does not include modular homes.

*Manufactured home lot* means 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.

*Manufactured home park* means 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.

*Mobile home* means 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 USC 5403 et seq., has a permanent chassis, and is transportable in one or more sections.

*Modular home* means a structure designed to be used as a dwelling which is constructed in accordance with city regulations, which is transportable in one or more sections but is not constructed on a permanent chassis, and which is placed on a permanent foundation.

*Nonconforming structures* means 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 the ordinance from which this title is derived or any amendments thereto.

*Nonconforming uses* means 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 from which this title is derived or any amendment thereto.

*Planning area* means the area within the incorporated limits of the city and that portion of the unincorporated area of the county located within three miles of the incorporated limits of the city, as illustrated on the official zoning map adopted herein.

*Premises* means any land together with any buildings or structures occupying it.

*Principal structure* means a structure in which is conducted the principal use of the lot on which it is located.

*Principal use* means a structure in which is conducted the principal use of the lot on which it is located.

*Private garage or carport* means an accessory building on a lot used for residential purposes, housing not more than four vehicles and used by occupants of the main building.

*Residential design manufactured home* means 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.

*Recreational Vehicle (RV) Park* means a parcel of land upon which two or more recreational vehicles are occupied for dwelling or sleeping purposes, regardless of whether a charge is made for such accommodations.

*Salvage yard* means an open area where inoperable motor vehicles, used vehicle parts, tires, appliances and scrap metals are bought, sold, stored, processed, and handled.

*Sanitarium* means a private hospital, whether or not such facility is operated for profit, and shall include a nursing home.

*Screening* means walls, fences, hedges, berms, evergreen trees, or any combination thereof that is designed to obstruct land uses from view.

*Separate tract* means a parcel of land that was under single ownership and had other ownerships completely surrounding it on the effective date of the ordinance from which this title is derived.

*Setback* means the required minimum distance between the building line and the related front, side, and rear property lines.

*Sleeping unit* means a room or space in which people sleep. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

*Sign* means 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.

*Storage garage* means a structure where more than four vehicles are housed or where the vehicles are used by persons other than occupants.

*Street* means any property dedicated for and accepted by the city or county for primary public access to lots and does not include the term "alley," which means land devoted to secondary access to lots. Secondary access once established cannot be changed to primary access.

*Street line* means a lot line dividing a lot from a street.

*Structural alteration* means 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.

*Structure* means anything built that requires a permanent location.

*Temporary use* means uses permitted in each zoning district unless restricted to particular zoning districts, subject to specific regulations and time limits and the other applicable regulations of the district in which the use is permitted.

*Truck gardening* means the use of land for growing edible vegetables, fruits, and crops for resale and commercial purposes.

*Yard* means an open space on the same lot as a building. Except as otherwise provided herein, the yard is unoccupied and unobstructed by a structure except for a back yard which may be used for an accessory building.

*Back yard* means the area from one side lot line to the other side lot line and from the main building to the rear lot line.

*Front yard* means the area from one side lot line to the other side lot line and between the main building and the street line.

*Side yard* means the area from the front yard line to the back yard line and from the main building to the side lot line.

*Yard* means an open space on the same lot as a building. Except as otherwise provided herein, the yard is unoccupied and unobstructed by a structure except for a rear yard or side yard, if setbacks are met, which may be used for an accessory building.

a: Yard width or depth is the shortest horizontal distance from a lot line to the main building.

b: Front yard means the area from one side lot line to the other lot line and between the main building line and street line. In the case of a corner lot or a double frontage lot, each yard that abuts a street line shall be considered a front yard.

c: Rear yard means the area from one side lot line to the other side lot line and from the main building line to the rear lot line. In the case of a corner lot, there shall be no rear yard as defined, and in such case the sides opposite the street sides shall be considered as side yards for setback purposes.

d: Side yard means the area from the front yard line to the rear yard line and from the main building to the side lot line.

*Zone* or *district* means a part of the planning area wherein regulations of this title are uniform. The terms "zone" and "district" are synonymous.

(Ord. No. 4114, pt. II, § 1; Ord. No. 4395, § 1, 10-17-2022)

**Sec. 17.04.040. Districts, boundaries, and zoning map.**

(a) 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	Multifamily 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 Manufacturing-Service Commercial District
M-1	Light Industrial District
M-2	Heavy Industrial District
M-3	Industrial Park District
P	Planned Unit Development District

(b) The boundaries of the districts are as shown on the official zoning map properly certified by the city clerk and which, by reference, is made a part of this title. The official zoning map shall be kept on file in the office of the building inspector.

(c) 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.

(Ord. No. 4114, pt. III, §§ 1, 2, 3)

## CHAPTER 17.08. REQUIREMENTS FOR ALL DISTRICTS

### Sec. 17.08.010. Uses established; compliance required.

- (a) *Generally.* 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 this title. Uses not identified as permitted or conditional are prohibited.
- (b) *District-specific uses.* 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.
- (c) *Changes in pre-existing uses.* No use already established on the effective date of the ordinance from which these regulations are derived shall be altered, modified, or enlarged without complying with the use limitations for the zoning district in which such use is located.
- (d) *Accessory uses.* No accessory buildings or uses shall hereafter be built, moved, remodeled, established, altered, or enlarged unless such accessory structures or uses comply with these regulations.

(Ord. No. 4114, pt. IV, §§ 1, 4, 5)

### Sec. 17.08.020. Minimum lot size and dimensions.

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.

(Ord. No. 4114, pt. IV, § 2)

**Sec. 17.08.030. Maximum height and minimum setback restrictions.**

(a) *Generally.* 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.

(b) *Height limit exceptions.* Height limits may be exceeded in the following instances:

- (1) Public buildings, 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, 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 50 percent higher than that of the district in which they are located.

(c) *Front yard setback exceptions.*

- When on the effective date of the title is derived, 40 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 this title. (Ord. No. 4114, pt. IV, § 3, pt. X, §§ 1, 2)
- In the case of a corner lot which is a platted lot of record that is fifty (50) feet in width or less, the front yard setback not adjacent to the street abutting the principal entrance, which shall be identified as the official address assigned to the property, may be reduced to no less than fifteen (15) feet.

**Sec. 17.08.040. Projections into required yards.**

- (a) Sills, belt courses, cornices and ornamental features may project only two feet into a required yard.
- (b) Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into a rear yard for a distance of not more than 3.5 feet, when so placed as to not obstruct light and ventilation.
- (c) 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, up to the property line on the side lot lines.
- (d) Uncovered porches, egress windows, 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 10 feet into the required rear yard.
- (e) In all yards. Steps thirty-six inches or less above grade which are necessary for access to a permanent structure or for access to a lot from a street or alley; arbors, and trellises; flagpoles; and signs, when otherwise permitted, may project into a required yard.

**Sec. 17.08.050. Accessory building location.**

- (a) Accessory buildings may be located in a back yard but may not occupy more than thirty percent of the rear yard.
- (b) Any accessory building closer than ten 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.
- (c) An accessory building more than ten feet from the main building may be erected within three feet of a side and rear lot line, subject to location of utility easements, but must be located at least sixty feet from the front street line.

(Ord. No. 4114, pt. XIII, § 1)

**Sec. 17.08.060. Garage setback from alley line.**

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.

(Ord. No. 4114, pt. XIII, § 1)

**Sec. 17.08.070. Temporary building for construction purposes.**

Temporary buildings for construction purposes are permitted in any district as accessory buildings during the course of construction; provided, however, that basements and cellars may not be occupied for residential purposes until the building is completed.

(Ord. No. 4114, pt. XIII, § 2)

**Sec. 17.08.080. Home occupations.**

No home occupation as defined by section 17.12.420 shall hereafter be established, altered, or enlarged in any residential district unless such home occupation:

- (1) Complies with the conditions and restrictions imposed by 17.12.420.
- (2) Is not listed as a prohibited home occupation in section 17.12.420(d).

(Ord. No. 4114, pt. IV, § 6)

**Sec. 17.08.090. Signs.**

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.

(Ord. No. 4114, pt. IV, § 7)

**Sec. 17.08.100. Off-street parking and loading spaces required.**

(a) 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.

(b) No structure or use already established on the effective date of the ordinance from which these regulations are derived shall be enlarged unless the minimum off-street parking and loading spaces which would be required by section 17.12.2410 are provided for the whole structure or use as enlarged.

(Ord. No. 4114, pt. IV, § 8)

**Sec. 17.08.110. Annexed property; rezoning requirements.**

All territory which may be hereinafter included within the zoning jurisdiction of the city shall retain its county zoning district designation. A rezoning shall be initiated immediately upon the inclusion by the property owner or the city.

(Ord. No. 4114, pt. IV, § 10)

**CHAPTER 17.12. DISTRICT-SPECIFIC REGULATIONS****ARTICLE I. IN GENERAL****Sec. 17.12.010. Agricultural District (A).**

(a) *Generally.* The A district is designed for agricultural land uses and single-family dwellings at a density no greater than one dwelling per three acres and compatible uses.

(b) *Permitted uses.*

- (1) Agricultural land uses, including farm dwellings.
- (2) Single-family detached dwellings.
- (3) Group homes.
- (4) Residential design manufactured homes,
- (5) Public parks, public libraries, and schools.
- (6) Churches.
- (7) Golf courses excluding miniature golf courses or driving tees.
- (8) 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.
- (9) Hunting lodges and gun clubs.
- (10) Lodging homes, guest ranches and dude ranches.
- (11) Riding stables, riding arenas and rodeo arenas.
- (12) 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.
- (13) Accessory uses.

(c) *Conditional uses.*

- (1) Communication towers.
- (2) Campgrounds and recreational vehicle parks.
- (3) Cemeteries.
- (4) Oilfield supply and storage yards.
- (5) Outdoor/open-air recreational activities (open-air uses generally of a commercial nature including amusement parks and miniature golf).
- (6) Privately owned recreational trails.
- (7) Excavation of sand and gravel.
- (8) Mining and quarrying.
- (9) Oil and gas production.

(d) *Lot size requirements.*

- (1) Minimum lot area: three acres.
- (2) Minimum lot width: 250 feet.
- (3) Minimum lot depth: 500 feet.
- (4) Maximum depth to width ratio: 3 to 1.

(e) *Height regulations.* There is no maximum structure height applicable in A districts.

(f) *Yard requirements.*

- (1) Minimum front yard: 50 feet on all sides abutting a street.
- (2) Minimum side yard—Residential buildings: 6 feet on each side of the lot.
- (3) Minimum side yard—All other permitted and conditional uses: 6 feet on each side of the lot.
- (4) Minimum rear yard: 50 feet.

(g) *Communication towers.* The setback from all property lines must be equal to the height of the tower.

(Ord. No. 4114, pt. V, § 1)

**Sec. 17.12.020. Single-Family Residential District (R-1).**

- (a) *Generally.* The R-1 district is designed for single-family dwellings and compatible uses.
- (b) *Permitted uses.*
  - (1) Single-family detached dwellings.
  - (2) Group homes.
  - (3) Residential design manufactured homes.
  - (4) Public parks, public libraries, and schools.
  - (5) Churches.
  - (6) Truck gardening.
  - (7) Accessory uses.
- (c) *Conditional uses.*
  - (1) Lodging houses.
  - (2) Campgrounds and recreational vehicle parks.
  - (3) Cemeteries.
  - (4) Excavation of sand and gravel.
  - (5) Golf courses, including accessory clubhouses and driving ranges.
  - (6) Childcare facilities 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.
  - (7) Hospitals.
  - (8) Nursing homes and assisted living.
- (d) *Lot size requirements.*
  - (1) Minimum lot area: 7,000 square feet.

- (2) Minimum lot width: 70 feet.
  - (3) Minimum lot depth: 100 feet.
  - (e) *One principal structure per lot.* No more than one principal structure shall be located on a lot in the R-1 district.
  - (f) *Height regulations.* The maximum structure height in R-1 districts is 35 feet.
  - (g) *Yard requirements.*
    - (1) Minimum front yard: 30 feet on all sides abutting a street.
    - (2) Minimum side yard—Residential buildings: six feet on each side of the lot.
    - (3) Minimum side yard—All other permitted and conditional uses: 15 feet on each side of the lot.
    - (4) Minimum rear yard: 30 feet.
- (Ord. No. 4114, pt. IV, § 9, pt. V, § 2; Ord. No. 4395, § 2, 10-17-2022)

**Sec. 17.12.030. Two-Family Residential District (R-2).**

- (a) *Generally.* The R-2 district is designed for two-family and single-family dwellings, and compatible uses.
- (b) *Permitted uses.* All uses permitted in the R-1 district and two-family dwellings.
- (c) *Conditional uses.* All conditional uses permitted in the R-1 district.
- (d) *Lot size requirements.* The following are lot size requirements in R-2 districts:
  - (1) Minimum lot area: 7,000 square feet.
  - (2) Minimum lot width: 70 feet.
  - (3) Minimum lot depth: 100 feet.
- (e) *Height regulations.* The maximum structure height 35 feet.
- (f) *Yard requirements.*
  - (1) Minimum front yard: 25 feet on all sides abutting a street.
  - (2) Minimum side yard—Residential buildings: 6 feet on each side of the lot.
  - (3) Minimum side yard—All other permitted and conditional uses: 15 feet on each side of the lot.

- (4) Minimum rear yard: 25 feet.  
(Ord. No. 4114, pt. V, § 3)

**Sec. 17.12.040. Multifamily Residential District (R-3).**

(a) *Generally.* The R-3 district is designed for multifamily dwellings, and compatible uses.

(b) *Permitted uses.*

- (1) All uses permitted in the R-2 district are permitted in R-3 districts.
- (2) Multifamily dwellings.
- (3) Lodging houses.
- (4) Hospitals, clinics, nursing homes and sanitariums.
- (5) Religious, educational, and philanthropic institutions excluding penal or animal treatment facilities.
- (6) Other uses 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.

(c) *Conditional uses.* All conditional uses permitted in the R-1 district are permitted in R-3 districts.

(d) *Lot size requirements.*

- (1) Minimum lot area: 7,000 square feet.
- (2) Minimum lot width: 70 feet.
- (3) Minimum lot depth: 100 feet.

(e) *Height regulations.* The maximum structure height in R-3 districts is 45 feet.

(f) *Yard requirements.*

- (1) Minimum front yard: 25 feet on all sides abutting a street.
- (2) Minimum side yard—Residential buildings: ten feet on each side of the lot.
- (3) Minimum side yard—All other permitted and conditional uses: six feet on each side of the lot.
- (4) Minimum rear yard: 25 feet.

(g) *Density requirements.* Multifamily dwellings may not be constructed at a density greater than one dwelling unit for each 2,500 square feet of lot area.  
(Ord. No. 4114, pt. V, § 4)

**Sec. 17.12.050. Manufactured Home District (R-4).**

(a) *Generally.* The R-4 district is designed for manufactured homes and compatible uses.

(b) *Permitted uses.*

- (1) Manufactured homes.
- (2) Manufactured home parks, provided they comply with this title.
- (3) Multifamily dwellings.
- (4) Lodging houses.
- (5) Hospitals, clinics, nursing homes and sanitariums.
- (6) Religious, educational, and philanthropic institutions excluding penal or animal treatment facilities.
- (7) 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.

(c) *Conditional uses.* All conditional uses permitted in the R-1 district.

(d) *Lot size requirements.*

- (1) Minimum lot area: 7,000 square feet.
- (2) Minimum lot width: 70 feet.
- (3) Minimum lot depth: 100 feet.

(e) *Height regulations.* The maximum structure height in R-4 districts is 45 feet.

(f) *Yard requirements.*

- (1) Minimum front yard: 20 feet on all sides abutting a street.
- (2) Minimum side yard—Residential buildings: ten feet on each side of the lot.
- (3) Minimum side yard—All other permitted and conditional uses: 15 feet on each side of the lot.

- (4) Minimum rear yard: 20 feet.  
(Ord. No. 4114, pt. V, § 5)

**Sec. 17.12.060. Local Commercial District (C-1).**

- (a) *Generally.* The C-1 district is designed for retail and service commercial land uses which have a minimum impact upon adjacent land uses.
- (b) *Permitted uses.*
- (1) Theaters.
  - (2) 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.
  - (3) Shops for repairing and servicing bicycles, electrical, radio and television appliances, keys, and similar articles of where not more than five persons are employed on the premises at any one time.
  - (4) 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.
  - (5) Banks, offices, laboratories, and studios.
  - (6) Personal service shops such as barbershops and beauty parlors.
  - (7) Private recreational facilities.
  - (8) Public or private schools.
  - (9) Undertaking establishments.
  - (10) Parking lots.
  - (11) Greenhouses.
  - (12) Multifamily dwellings.
  - (13) Lodging houses.
  - (14) Hospitals, clinics, nursing homes and sanitariums.
  - (15) Religious, educational, and philanthropic institutions excluding penal or animal treatment facilities.
  - (16) Childcare facilities.
  - (17) 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.

(c) *Conditional uses.* All conditional uses permitted in the R-1 district are permitted in C-1 districts, except childcare facilities.

(d) *Lot size requirements.* There are no minimum lot size requirements in the C-1 district.

(e) *Height regulations.* The maximum structure height in C-1 districts is 35 feet.

(f) *Yard requirements.*

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

(2) Minimum side yard—When adjacent to residential land uses: ten feet on each side of the lot.

(3) Minimum side yard—When adjacent to all other uses: zero feet.

(4) Minimum rear yard: 20 feet.

(5) Multifamily dwellings shall comply with the yard requirements set out in the R-3 district regulations.

(Ord. No. 4114, pt. V, § 6)

#### **Sec. 17.12.070. General Commercial District (C-2).**

(a) *Generally.* The C-2 district is designed for general retail and service commercial land uses.

(b) *Permitted uses.*

(1) All uses permitted in the C-1 district, except multifamily dwellings, are permitted in C-2 districts.

(2) Automobile parts sales.

(3) Automobile repair and service.

(4) Automobile, truck, and mobile home sales.

(5) Gasoline stations, retail.

(6) General retail stores.

(7) Grocery stores, hotels, and motels.

(8) Print shops, copy shops, computer sales, plumbing and the sale and minor repair of tires.

(9) Retail sale of cereal malt beverages and alcoholic liquor.

(10) Restaurants.

- (11) Bus stations, taxicab stands, and other related uses.
  - (12) Warehouse or storage buildings where the stored material is entirely contained within the enclosed building or is screened from public view by approved fencing or screening materials.
  - (13) 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.
- (c) *Conditional uses.*
- (1) All conditional uses permitted in the R-1 district, except childcare facilities.
  - (2) One above-ground propane tank not to exceed 1,000-gallon capacity at any one location. Tank installation shall comply with section 8.16.191.
  - (3) Animal hospitals and clinics, provided that:
    - a. All facilities including new pens, kennels, stalls, and animal runs must be placed in an enclosed building.
    - b. 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.
    - c. All fences and gates shall be kept in good and sightly condition.
    - d. The type and design of any fence or wall shall be approved by the building inspector.
  - (4) Outdoor/open-air recreational activities: Open-air uses generally of a commercial nature including amusement parks and miniature golf.
- (d) *Lot size requirements.* There are no minimum lot size requirements in the C-2 district.
- (e) *Height regulations.* The maximum structure height 45 feet.
- (f) *Yard requirements.*
- (1) Minimum front yard: 25 feet on all sides abutting a street.
  - (2) Minimum side yard—When adjacent to residential land uses: ten feet on each side of the lot.

- (3) Minimum side yard—Adjacent to all other uses: zero feet.
  - (4) Minimum rear yard: 20 feet. (Ord. No. 4114, pt. V, § 7)
  - (5) Minimum side yard—Adjacent to all other uses: zero feet.
  - (6) Minimum rear yard: 20 feet.
- (Ord. No. 4114, pt. V, § 7)

**Sec. 17.12.080. Central Business District (C-3).**

- (a) *Generally.* The C-3 district is designed for downtown office, retail, and service commercial land uses.
- (b) *Permitted uses.*
  - (1) All uses permitted in the C-1, local commercial district are permitted in C-3 districts.
  - (2) Automobile sales.
  - (3) Bus stations, taxicab stands, and other related uses.
  - (4) Department stores.
  - (5) Financial institutions.
  - (6) Garages.
  - (7) Gasoline stations, retail.
  - (8) General retail stores and grocery stores.
  - (9) Hotels and motels.
  - (10) Offices.
  - (11) Print, typewriter, plumbing and the sale and minor repair of tires.
  - (12) Restaurants.
  - (13) Retail sale of cereal malt beverages and alcoholic liquor.
  - (14) Warehouse or storage building where the stored material is entirely contained within the enclosed building.
- (7)

- (1) Single-family and multifamily dwelling units, provided that:
    - a. When dwelling units are located on floors other than the ground floor of a commercial structure.
    - b. When dwelling units are located on the ground floor of commercial structures, but do not exceed 50 percent of structures ground floor. The dwelling space must be maintained in the rear 50 percent of the ground floor.
    - c. 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.
    - d. All dwelling units shall meet minimum square footage requirements established in the current building code.
  - (2) 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.
- (b) *Conditional uses.*
- (1) All conditional uses permitted in the R-1 district except childcare facilities.
  - (2) Outdoor/open-air recreational activities: open-air uses generally of a including amusement parks and miniature golf.
- (c) *Lot size requirements.* There are no minimum lot size requirements in the C-3 district.
- (d) *Height regulations.* The maximum structure height in C-3 districts is 120 feet.
- (e) *Yard requirements.* There are no minimum yard requirements in the C-3 district.

(Ord. No. 4114, pt. V, § 8)

**Sec. 17.12.090. Light Manufacturing-Service Commercial District (LM-SC).**

- (a) *Generally.* The LM-SC district is designed to permit the co-location of light industrial and highway service commercial activities.
- (b) *Permitted uses.*
- (1) Any use specifically listed as a permitted use in the C-2 district is permitted in LM-SC districts.
  - (2) Manufacturing or assembly of items or equipment such as electronics, but not limited to:
    - a. Newspaper and book publication.

- b. Processing of food-related products.
  - c. Production of clay, glass, leather, rubber, or wood materials or products.
  - d. Production or fabrication of metal products.
  - e. Production of signs.
  - f. Production of textiles and apparel.
  - g. Woodworking to include cabinet and furniture makers.
  - h. Artwork.
  - i. Precision equipment, computer assembly, plastic or fiberglass manufacture and assembly; and
  - j. Other similar activities.
- (3) Warehousing and distribution.
  - (4) Cold storage.
  - (5) Food and hardware distributors.
  - (6) Household moving and general freight storage.
  - (7) Parcel services.
  - (8) Public self-storage units.
  - (9) Truck terminals.
- (10) Industrial services such as firms engaged in the repair or servicing of industrial, business or consumer machinery, equipment, or products.
  - (11) State or municipally owned and operated public utilities and facilities.
  - (12) 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.
  - (13) Outdoor/open-air recreational activities, including, but not limited to, open-air uses generally of a commercial nature including amusement parks and miniature golf.
- (c) *Conditional uses.*
    - (1) All conditional uses permitted in the R-1 district.

- (2) Animal hospitals or kennels, provided that:
    - a. All pens shall be in an enclosed building when located within 300 feet of a residential district.
    - b. 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.
  - (3) Above-ground bulk storage of chemicals, petroleum products and other hazardous materials.
  - (4) Recycling centers.
  - (5) Expansion or modification of the following uses, provided they are legally nonconforming uses:
    - a. Salvage storage yards.
    - b. Ready-mix plants.
    - c. Stone cutting and processing of quarried material.
    - d. Residential uses.
- (d) *Lot size requirements.*
- (1) 20,000 square feet for all lots that abut a limited access street, a railroad, or that obtain access exclusively from an alley.
  - (2) 5,000 square feet in area for all other lots.
  - (3) Minimum lot width: 50 feet.
  - (4) Minimum lot depth: 100 feet.
- (e) *Height regulations.* The maximum structure height in LM-SC districts is 50 feet.
- (f) *Yard requirements.*
- (1) 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 12 feet to the front lot line.
  - (2) Minimum side yard—When adjacent to residential land uses: ten feet on each side of the lot.
  - (3) Minimum side yard—Where adjacent to all other uses: zero feet.
  - (4) Minimum rear yard: 20 feet.
- (g) *Density requirements.* Multifamily dwellings may not be constructed at a density greater than one dwelling unit for each 2,500 square feet of lot area.

(h) *Other use limitations.*

- (1) Screening: Sight-obscurring screening of not less than six feet in height shall be provided along all lot lines that abut a residential district. Furthermore, all outdoor storage or display areas, except automobile sales lots, shall be enclosed by sight-obscurring screening of not less than six feet in height.
- (2) 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 the property.

(Ord. No. 4114, pt. V, § 9)

**Sec. 17.12.100. Light Industrial District (M-1).**

(a) *Generally.* The M-1 district is designed for light industrial, industrial service and warehousing land uses.

(b) *Permitted uses.*

- (1) Any use permitted in the LM-SC district is permitted in M-1 districts.
- (2) Bakeries.
- (3) Book binderies.
- (4) Cellophane products manufacturing.
- (5) Ceramic products (previously pulverized clay kilns fired only by electricity or gas).
- (6) Clothing manufacturing.
- (7) Cold storage or refrigerating plant.
- (8) Distributing plant.
- (9) Animal hospitals and clinics provided that all pens and animal runs are enclosed.
- (10) Drugs manufacturing.
- (11) Electric parts, assembly, and manufacturing.
- (12) Fiber products manufacturing (previously prepared fiber).
- (13) Food products manufacturing (except fish and meat products, sauerkraut, vinegar, yeast and rendering or refining of fats and oils).
- (14) Garment manufacturing (previously manufactured cloth).
- (15) Laundries.

- (16) Leather products manufacturing.
  - (17) Lumber yards.
  - (18) Machinery, farm sales, repairing and overhauling.
  - (19) Parcel delivery service.
  - (20) Pharmaceuticals establishment.
  - (21) Sign painting shop.
  - (22) Open storage of oil field equipment, building material, lumber, and coal, provided that:
    - a. The storage yard is completely enclosed with a six-foot solid wall or fence; and
    - b. The material is stored on racks or platforms at least 18 inches off the ground.
  - (23) Communication towers.
  - (24) Toy manufacturing.
  - (25) Truck terminals, truck, and trailer services.
  - (26) Warehousing.
  - (27) Wholesale business.
  - (28) 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.
- (c) *Conditional uses.* All conditional uses permitted in the LM-SC district.
- (d) *Lot size requirements.* There are no minimum lot size requirements in the M-1 district.
- (e) *Height regulations.* The maximum structure height in M-1 districts is 45 feet.
- (f) *Yard requirements.*
- (1) Minimum front yard: 25 feet on all sides abutting a street.
  - (2) Minimum side yard—When adjacent to residential land uses: ten feet on each side of the lot.
  - (3) Minimum side yard—When adjacent to all other uses: zero feet.

- (4) Minimum rear yard: 20 feet.  
(Ord. No. 4114, pt. V, § 10)

**Sec. 17.12.110. Heavy Industrial District (M-2).**

- (a) *Generally.* The M-2 district is designed for manufacturing, industrial service, and warehousing land uses.
- (b) *Permitted uses.* All uses are permitted uses except those listed as conditional uses, provided 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 watch personnel on 24-hour duty for the city or private industry.
- (c) *Conditional uses.*
- (1) Acid manufacture.
  - (2) Cement, lime gypsum, or plaster of Paris manufacture.
  - (3) Distillation of bones.
  - (4) Explosives manufacture or storage.
  - (5) Fat rendering.
  - (6) Fertilizer manufacture.
  - (7) Gas manufacture.
  - (8) Garbage, offal, or dead animals, reduction or dumping.
  - (9) Glue manufacture.
  - (10) Petroleum or petroleum product refining.
  - (11) Smelting of tin, copper, zinc, or iron ores.
  - (12) Stockyards or slaughter of animals.
  - (13) Wholesale storage of gasoline.
  - (14) Extraction of sand and gravel.
- (d) *Prohibited uses.* No use shall be permitted which will result in a nuisance with regard to:
- (1) Smoke and other particulate matter.
  - (2) Noise.
  - (3) Noxious gases.

- (4) Vibration.
- (5) Fire or explosive hazard.
- (6) Odor.
- (7) Glare or heat.

(e) *Lot size requirements.* There are no minimum lot size requirements in the M-2 district.

(f) *Height regulations.* There is no maximum structure height in the M-2 district.

(g) *Yard requirements.*

- (1) Minimum front yard: 25 feet on all sides abutting a street.
- (2) Minimum side yard—When adjacent to residential land uses: 30 feet on each side of the lot.
- (3) Minimum side yard—When adjacent to all other uses: five feet.
- (4) Minimum rear yard—When adjacent to residential land uses: 30 feet.
- (5) Minimum rear yard—When adjacent to all other uses: zero feet.

(Ord. No. 4114, pt. V, § 11)

#### **Sec. 17.12.120. Industrial Park District (M-3).**

(a) *Lot size requirements.* There are no minimum lot size requirements in the M-3 district.

(b) *Height regulations.* The maximum structure height shall comply with the Federal Aviation Administration regulations.

(c) *Yard requirements.*

- (1) Minimum front yard: 30 feet on all sides abutting a street.
- (2) Minimum side yard—When adjacent to residential land uses: 30 feet on each side of the lot.
- (3) Minimum side yard—When adjacent to all other uses: ten feet.
- (4) Minimum rear yard—When adjacent to residential land uses: 30 feet.
- (5) Minimum rear yard—When adjacent to all other uses: ten feet.

(Ord. No. 4114, pt. V, § 11)

**Secs. 17.12.130—17.12.230. Reserved.**

## ARTICLE II. PLANNED UNIT DEVELOPMENT DISTRICTS

### Sec. 17.12.240. Purpose and intent; general standards and specifications.

(a) *Purpose and intent.* The P district is established to accommodate mixed residential land uses and ancillary land uses in a manner that will provide design flexibility and efficiency in the placement of buildings, open space, and recreational facilities.

(b) *Permitted uses.*

- (1) All uses permitted in the R-2 district are permitted in P districts.
- (2) Multifamily dwellings.
- (3) 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.

(c) *Density requirement.* Maximum gross shall not exceed seven dwelling units per acre.

(d) *Area and lot size requirements.*

- (1) Minimum area: One acre.
- (2) Minimum lot area: 1,800 square feet.
- (3) Minimum lot width: 30 feet.
- (4) Minimum lot depth: 60 feet.

(e) *Height regulations.* The maximum structure height in P districts is 35 feet.

(f) *Yard requirements.* The following are yard requirements in P districts:

- (1) Minimum front yard: none; however, there must be a perimeter setback of 25 feet on all sides of the planned unit development.
- (2) Minimum side yard—Residential buildings: none; however, the separation between buildings must comply with building and fire codes.
- (3) Minimum side yard—All other permitted and conditional uses: 15 feet on each side of the lot.

- (4) Minimum rear yard: none; however, the separation between buildings must comply with building and fire codes. For all other permitted and conditional uses: 25 feet.

(g) *Other requirements.* The following are other requirements in P districts:

- (1) 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.
- (2) 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.

(Ord. No. 4114, pt. VI, § 1)

**Sec. 17.12.250. Rezoning application; supporting documents and data.**

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 city council, and will become binding upon the owner of the land and its heirs and successors to title.

(Ord. No. 4114, pt. VI, § 2)

**Sec. 17.12.260. Development plan.**

The development plan shall be prepared at a scale no smaller than one inch to 100 feet and shall include all the area proposed to comprise the planned unit development. The plan and supporting documents shall include the following information:

- (1) A legal description of the site.
- (2) The dimensions of all property boundaries.
- (3) The owners of record and any other parties having an interest in the proposed development.
- (4) A topographical survey of the site at an interval of not more than two feet or a more detailed plan if requested by the city engineer.
- (5) Detailed plan if requested by the city engineer.
- (6) The location of all existing structures, easements, utilities, proposed utilities, and public dedication either through, adjacent to or on the site.

- (7) The width, location and ownership of all proposed public and private streets and sidewalks in the area to be developed.
- (8) 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.
- (9) The number of dwelling units to be contained in each building proposed for residential use.
- (10) The location, dimensions, and capacity of all proposed off-street parking areas in the area to be developed.
- (11) The location, dimension, acreage, and ownership of all proposed public and private recreation areas, open space and non-encroachable areas.
- (12) Dimensions and notes as deemed necessary to show compliance with the development standards of this article.
- (13) A summary of the total dwelling units, the acreage devoted to all land uses, and the overall net density of the development.
- (14) A statement as to the feasibility of proposals for the disposition of sanitary waste and stormwater, 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.
- (15) 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.
- (16) The location, height and material of screening walls and fences.
- (17) 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.
- (18) The proposed topography or grading of the area at a contour interval of not more than two feet.
- (19) The location of each outdoor trash storage facility.
- (20) 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.

- (21) A copy of proposed covenants, grants of easements or other restrictions to be imposed upon the use and ownership of the land; buildings and structures, including proposed easements or grants for public utilities.
- (22) 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.
- (23) The location, variety and size of all landscape materials proposed for the development.

(Ord. No. 4114, pt. VI, § 2)

**Sec. 17.12.270. Review and approval or denial.**

(a) *Planning commission review and recommendation.* The planning commission, after the public hearing, shall recommend to the city council approval of the plan as submitted, or approval subject to specified conditions not included in the plan submitted, or denial of the application. If approval with conditions is recommended, the planning commission shall set forth the conditions. The recommendation for the granting or denial of the development plan shall include findings of fact and shall set forth reasons for the recommendation.

(b) *Review and action by city council.* The city council 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.

(Ord. No. 4114, pt. VI, § 3)

**Sec. 17.12.280. Modifications to approved plans.**

(a) 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.

(b) Substantive modifications of the provisions of the development plan may be approved by the city council following a public hearing and recommendation by the planning commission pursuant to K.S.A. 12-757(b).

(c) Minor modifications to the development plan may be approved by the secretary of the planning commission.

(Ord. No. 4114, pt. VI, § 4)

**Sec. 17.12.290. Failure to maintain common open space and open-air recreation areas.**

- (a) 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 in the notice.
- (b) 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.
- (c) 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.

(Ord. No. 4114, pt. VI, § 5)

**Secs. 17.12.300—17.12.400. Reserved.**

### ARTICLE III. OTHER REGULATIONS

**Sec. 17.12.410. Parking and loading.**

- (a) Off-street parking spaces (including spaces in garages) are required as follows:
  - (1) Residential uses: two spaces per dwelling unit.
  - (2) Churches: one space for each ten seats in the main auditorium.
  - (3) Other places of public assembly, including auditoriums, and theaters: one space for each four seats.
  - (4) Elementary schools: one space for each classroom.
  - (5) High schools: ten spaces for each classroom.
  - (6) Colleges: five spaces for each classroom.
  - (7) Hospitals: one space for each hospital bed.

- (8) Hotels and motels: one space for each room.
  - (9) Institutions, clubs, lodges, and other public and semi-public buildings: one space for each 500 square feet of floor area.
  - (10) Professional offices, medical offices, and clinics: one space for each 400 square feet of floor area.
  - (11) Restaurants: one space for each 200 square feet of floor area.
  - (12) All other commercial, retail and service commercial areas: one space for each 400 square feet of floor area.
  - (13) Industrial and warehouse uses: one space for each three employees.
- (b) *C-3 district exception.* Parking requirements in the C-3 district may be waived or reduced by majority vote of the city council.
- (c) *C and M district exceptions.* 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. Parking spaces may also be provided in any yard provided that no parking space may be provided in the front yard unless the building is set back at least 30 feet from the street line.
- (d) *R district exceptions.* In the R districts, no required parking space other than the driveway may be located in the front yard but parking spaces may be provided inside rear yards. No required off-street parking space provided in a garage or carport may be converted to any other use for any reason, unless the required off-street parking spaces are provided elsewhere on the lot.
- (Ord. No. 4114, pt. XI, §§ 1—6)

**Sec. 17.12.420. Home occupations.**

- (a) *Authorization.* Home occupations shall be permitted in any dwelling unit, in any residential or agricultural district.
- (b) *Use limitations.* In addition to all 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 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 the property.
- (c) *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) Barbershops and beauty salons, provided that only two workstations shall be permitted.

(d) *Prohibited home occupations.* 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 businesses.

## (5) Restaurants.

(Ord. No. 4114, pt. XII, §§ 1—4)

**Sec. 17.12.430. Sign restrictions.**

(a) Residential districts. Permitted. The following signs are permitted in R districts.

(1) Churches, public and semipublic buildings, hospitals, and institutions may have ground signs not more than ten square feet in area in a front yard.

(2) Display 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, provided, however, a sign not exceeding 50 square feet in area may be erected in connection with a multiple dwelling.

(3) Display signs not more than five square feet in area, pertaining to the advertisement of a company or business, are allowed pursuant to the following conditions:

a. The company or business advertising on a property must have a signed contract for work to be performed at said property.

b. The company or business advertising on a property must remove their sign within 30 days of the contracted work being completed.

c. No more than one sign is allowed per property, except in the case of corner lots and double frontage lots, where one sign is allowed along each street frontage.

d. No sign shall be placed in the public right-of-way or be placed in a manner that hinders or blocks or blocks visibility related to the operation of vehicles on public streets and alleys.

(b) Commercial districts. Permitted. The following signs are permitted in C districts:

(1) 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 and in the C-2 district, there may be two square feet of signs for each lineal foot of street frontage.

(2) 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.

(3) There are no sign regulations in the C-3 districts.

(c) Prohibited signs. Any sign placed or installed in the right-of-way, unless otherwise permitted, will be deemed an unlawful and abandoned sign and will be subject to immediate removal by the City, without compensation to the owner.

## CHAPTER 17.16. MANUFACTURED HOME PARKS

### Sec. 17.16.010. Standards and specifications.

(a) *Compliance required.* Manufactured home parks developed, enlarged or extended after the date of adoption of the ordinance from which this title is derived shall meet standards and specifications of this section.

(b) *Maximum gross density.* The maximum gross density shall be no more than seven manufactured home lots per gross acre remaining after deducting the recreational area.

(c) *Minimum area.* Manufactured home lots shall be no less than 4,000 square feet in area.

*Minimum setbacks from other homes and structures.* Manufactured homes shall be separated from each other and from other buildings and accessory structures by at least 20 feet, provided that manufactured homes placed end to end may have a clearance of 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.

(d) *Minimum setback from streets.* A minimum distance of 15 feet shall be maintained between a manufactured home and the abutting manufactured home park street.

(e) *Grading and drainage.* 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.

(f) *Park entrance design.* 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 25 feet from the property line.

(g) *Master directory board may be required, board standards.* 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.

(h) *Vehicular access.* 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.

(i) *Internal streets required, design standards.*

- (1) Each manufactured home lot shall abut an internal street.
- (2) Hard-surfaced roadways shall be of adequate width to accommodate anticipated traffic and be designed according to the requirements of the city engineer.
- (3) 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.

(j) *Street lighting.* Streets within the manufactured home park shall be illuminated to provide for the safe movement of pedestrians and vehicles. Streetlights shall be illustrated on the site plan, and the design, spacing and intensity of streetlights shall be approved by the city engineer.

(k) *Parking spaces.* A minimum of two off-street parking spaces shall be provided for each manufactured home lot.

(l) *Sidewalks.* 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 feet.

(m) *Individual home walkways.* 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.

(n) *Recreation areas.*

- (1) In all manufactured home parks accommodating or designed to accommodate 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.
- (2) A minimum of eight percent of the gross site area shall be devoted to recreational areas.
- (3) The topography of the recreation areas shall be suitable for recreational uses.
- (4) Recreational areas shall be located so as to be free of traffic hazards and should, where topography permits, be centrally located.
- (5) Maintenance of recreational areas shall be the responsibility of the park management.

(o) *Landscaping design and maintenance.* 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.

(p) *Utilities.* Water supply, sewage disposal and utility distribution systems shall be provided in accordance with the applicable city regulations.

(q) *Storm shelters.* Every manufactured home park containing ten or more manufactured home spaces which is constructed after the date of adoption of the ordinance from which this title is derived shall be provided with above-grade or below-grade storm shelters, in compliance with the following:

(1) The shelter 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 within a floodway fringe, be designed and constructed in accordance with all requirements and guidelines of the Federal Emergency Management Agency.
  - d. Be designed and constructed in accordance with all applicable requirements of the Americans with Disabilities Act.
  - e. Be located no further than 1,320 feet from the furthest manufactured home space within the park.
- (2) Additions to existing manufactured home parks, whenever a cumulative total of ten or more manufactured home spaces will be added or have been added to a manufactured home park existing at the time of adoption of the ordinance from which these zoning regulations are derived, the owner must provide a storm shelter for the entire manufactured home park which complies with the requirements of this section.
- (3) Each cumulative addition of ten or more spaces shall constitute a new requirement.
- (4) 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.
- (5) It is 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 this subsection (r).
- (6) Existing manufactured home parks with 20 or more spaces existing at the time of the adoption of the ordinance from which this regulation is derived which do not have a storm shelter shall be required to provide a storm shelter that meets the requirements of this subsection (r) if the manufactured home park shall be expanded or enlarged beyond that which existed at the time of the adoption of the ordinance from which this regulation is derived.

(Ord. No. 4114, pt. VIII, § 1)

**Sec. 17.16.020. Site plan required.**

- (a) 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.

(b) 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 percent or more of the acreage of the park requires the modification of facilities, streets and utilities serving the park.

(Ord. No. 4114, pt. VIII, § 2)

## CHAPTER 17.20. CONDITIONAL USE PERMITS

### Sec. 17.20.010. Authorization.

The city council 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 the applicable provisions of these regulations.

(Ord. No. 4114, pt. VII, § 1)

### Sec. 17.20.020. 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.

(Ord. No. 4114, pt. VII, § 2)

### Sec. 17.20.030. 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.

(Ord. No. 4114, pt. VII, § 3)

### Sec. 17.20.040. Standards for issuance of 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 the following:
  - a. 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.
  - b. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
  - c. 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.

(Ord. No. 4114, pt. VII, § 4)

#### **Sec. 17.20.050. Conditions and restrictions.**

In granting a conditional use, the planning commission may recommend, and the city council 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 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 city council 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.

(Ord. No. 4114, pt. VII, § 5)

#### **Sec. 17.20.060. Period of validity; extensions.**

No conditional use permit granted by the city shall be valid for a period longer than 180 days from the date on which the city council grants the conditional use, unless

within such a 180-day period a building permit is obtained, and the erection or alteration of a structure is started, or a use is commenced or continued pursuant to the conditional use. The city council may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.

(Ord. No. 4114, pt. VII, § 6)

## **CHAPTER 17.24. NONCONFORMING LOTS, STRUCTURES AND USES**

### **Sec. 17.24.010. Defined; authorized.**

Any property which does not comply with all applicable provisions of these zoning regulations shall be deemed to be nonconforming. Any property that is nonconforming shall be required to comply with all such provisions, unless such property is legally nonconforming. Property is legally nonconforming if it has previously conformed to all applicable zoning regulations. Legally nonconforming properties may be continued or modified, subject to the remaining parts of this chapter.

(Ord. No. 4114, pt. IX, § 1)

### **Sec. 17.24.020. Lots and structures.**

(a) *Nonconforming lots.* A structure may be erected, enlarged altered or improved on a lot that is legally nonconforming, 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.

(b) *Nonconforming structures.* Any legal nonconforming structure that is not also a nonconforming use may be enlarged, altered or improved, provided that construction shall comply with all of the regulations (except those regulations that have caused the structure to become nonconforming) applicable to the zoning district in which the lot in question is located, and provided further that the enlargement, alteration or improvement does not increase the nonconformity.

(Ord. No. 4114, pt. IX, §§ 2, 4)

### **Sec. 17.24.030. Uses.**

Any legally nonconforming use of part or all a structure or any legally nonconforming 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, subject to the following:

(1) *Expansion.* A legally nonconforming use shall not be expanded, enlarged, or increased in intensity beyond that which existed at the time it became legally nonconforming.

- (2) *Change in use.* A legally nonconforming use shall not be changed or modified in any manner from what existed at the time it became legally nonconforming, without complying with all applicable regulations.
- (3) *Abandonment.* No legally nonconforming 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.
- (4) *Modification.* Any legal nonconforming use shall be deemed to be a conditional use of the zoning district in which it is located. The city council is hereby authorized to grant such conditional use pursuant to this title.

(Ord. No. 4114, pt. IX, §§ 3, 5)

**Sec. 17.24.040. Damage or destruction.**

(a) In the event that any nonconforming 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.

(b) 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.

(Ord. No. 4114, pt. IX, § 6)

**CHAPTER 17.28. SITE PLANS**

**Sec. 17.28.010. When required, exemptions.**

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

- (1) For any development on unimproved real estate in zoning districts designated as an R-3 (multifamily) district, R-4 (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 requiring a conditional use permit pursuant to this title.

(2) For any significant alteration to existing development on improved real estate in the zoning districts set forth in subsection (a)(1) of this section.

(b) 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 this chapter shall be in effect.

(Ord. No. 4114, pt. XV, § 1)

#### **Sec. 17.28.020. Procedure; fee.**

(a) *Filing fee.* A nonrefundable fee provided by the master fee schedule established pursuant to section 3.00.010 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.

(b) *Number of copies.* The applicant shall submit to the secretary of the planning commission six copies of the site plan.

(c) *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. The letters are not required for city-owned utilities (i.e., sewer and water).

(d) *Review by city staff.* 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 the staff decision to the planning commission for review at its next regular meeting.

(Ord. No. 4114, pt. XV, § 2)

#### **Sec. 17.28.030. Site plan form and content.**

The 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, and 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 6" pots on 10—12" centers
Shrubs	18—24", 2-gallon size
Ornamental trees	1" caliper
Shade trees	1½" caliper
Coniferous trees	6'—8' in height

- (11) Show the proposed location and direction of proposed lighting and 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.

(Ord. No. 4114, pt. XV, § 3)

#### **Sec. 17.28.040. Conditions for approval.**

Before approving the site plan, the staff shall first find that the following conditions have been met:

- (1) The proposed use is a permitted use in the district in which the property is located.

- (2) The proposed arrangement of buildings, off-street parking, access, lighting, landscaping, and drainage is compatible with adjacent land uses.
- (3) 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) The site plan provides for the safe movement of pedestrians within the site.
- (5) There is a sufficient mixture of grass, trees, and shrubs within the interior and perimeter (including public rights-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) All outdoor trash storage areas are screened.

(Ord. No. 4114, pt. XV, § 4)

#### **Sec. 17.28.050. Landscaping.**

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

(Ord. No. 4114, pt. XV, § 5)

#### **Sec. 17.28.060. Alterations and revisions require approval.**

An applicant who wishes to alter or revise an approved site plan must submit the revisions to the city zoning administrator for approval.

(Ord. No. 4114, pt. XV, § 6)

#### **Sec. 17.28.070. 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 become null and void.

(Ord. No. 4114, pt. XV, § 7)

### **CHAPTER 17.32. ADMINISTRATION AND ENFORCEMENT**

#### **Sec. 17.32.010. Building inspector and board of zoning appeals to enforce.**

The building inspector shall enforce this title and appeals from the building inspector's decision shall be taken to the board of zoning appeals.

(Ord. No. 4114, pt. XVI, § 1)

**Sec. 17.32.020. Building permits required.**

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 title. A record of applications and plans shall be kept in the office of the building inspector.

(Ord. No. 4114, pt. XVI, § 2)

**Sec. 17.32.030. Amendments.**

(a) The city council may from time-to-time supplement, change, or generally revise the zoning boundaries or regulations. All proposed amendments shall be governed by the procedures provided in K.S.A. 12-757.

(b) 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 \$100.00, which shall not be refunded. If the application is approved and a zoning ordinance is subsequently prepared for publication, then prior to publication an additional sum of \$50.00, which shall not be refunded, shall be deposited with the city clerk.

(Ord. No. 4114, pt. XVII, §§ 1, 2)

**Sec. 17.32.040. Violations and penalties.**

(a) The owner or agent of a building or premises in or upon which a violation of any provision of this title 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 title, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.00. Each and every day that such violation continues may constitute a separate offense.

(b) 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 title, the appropriate authorities of the city, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent

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such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land.

(Ord. No. 4114, pt. XVIII, §§ 1, 2)