

ZONING ORDINANCE

CITY OF MEDICINE LODGE, KANSAS

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS, AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF MEDICINE LODGE, KANSAS, ZONING JURISDICTION INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING ZONING DISTRICT MAPS OF THE CITY OF MEDICINE LODGE, KANSAS ZONING JURISDICTION SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ZONING APPEALS; PROVIDING FOR CHANGES AND AMENDMENTS TO THE SAID ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND AMENDING SAID ORIGINAL ORDINANCE NO. 761 AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY THAT:

ARTICLE I

TITLE

SECTION 1. This Ordinance shall be known and may be cited as the Zoning Ordinance for the City of Medicine Lodge, Kansas, and shall repeal and replace Ordinance No. 761 and all amendments thereto.

ARTICLE II

PURPOSE AND INTENT

SECTION 1. These provisions of these Regulations are adopted for the purposes and intent of providing for the health and welfare of the citizens of the Medicine Lodge Zoning Jurisdiction through promotion of appropriate patterns and practices of urban development. Within this general purpose, these Zoning Regulations are intended to:

1. Promote the health and general welfare of the citizens.
2. Provide for adequate light, air and acceptable noise levels.
3. Encourage the most productive use of urban land resources through promotion of compatible land use patterns.
4. Prevent the overcrowding of land and undue concentration of population.
5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
6. Protect property values and conserve energy resources.
7. Regulate and restrict the location and use of buildings and the uses of land within each district for residential, commercial, industrial, and other purposes.
8. Regulate and restrict the height, number of stories, and size of buildings; the percentage of the lot that may be occupied by buildings and other structures; and the size of yards and other open spaces.
9. Guard against loss of life and damage to property due to flooding through protection of natural drainage features.
10. Preserve features of historical significance and the conservation of natural resources.
11. Implement goals, policies, and proposals of the comprehensive plan for the zoning jurisdiction.
12. Provide required public notice on proposed revisions in these regulations and zoning maps and an opportunity for the public to be heard.
13. Establish and outline requirements for the Board of Zoning Appeals.

SECTION 2. EXEMPTIONS: The following structures and uses shall be exempt from the provisions of these regulations:

1. Poles, wires, cables, conduits, vaults, lift stations, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including major utility substations located on or above the surface of the ground.
2. Railroad tracks, signals, bridges and similar facilities and equipment located on railroad rights-of-way, and maintenance and repair work on such facilities and equipment.
3. Buildings, structures or land uses, owned and not just leased, by the federal government.

ARTICLE III

AUTHORITY AND JURISDICTION

SECTION 1. AUTHORITY: The Regulations set forth herein are adopted under authority of state statutes and in accordance with the adopted Land Use Plan for the City of Medicine Lodge, Kansas.

SECTION 2. JURISDICTION: These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Medicine Lodge, Kansas, as presently exist or are hereafter established by annexation and within the following land description which is located outside of the City; provided, however, that such land is not otherwise zoned by Barber County, is within three miles of the city limits and is not more than one-half the distance to another city.

That land in Medicine Lodge Township of Barber County, Kansas, excluding the City of Medicine Lodge which contains the following areas:

Township 31 South, Range 11 West

All of Sections 30, 31 and 32; plus the following portions of Sections: S ½ of Section 19, Section 29 except the NE ¼ and the W ½ of Section 33.

Township 31 South, Range 12 West

All of Sections 25,26,27,34,35,and 36; plus the following portions of Sections: S ½ of Section 23, S ½ of Section 24, SE ¼ of Section 24, SE ¼ of Section 28 and Section 33 except the NW ¼.

Township 32 South, Range 11 West

All of Sections 5,6,7,8,17,18 and 19; plus the following portions of Sections; W ½ of Section 4, W ½ of Section 9, NW ¼ of Section 16, and NW ¼ of Section 20.

Township 32 South, Range 12 West

All of Sections 1,2,3,4,9,10,11,12,13,14,15,23 and 24; plus the following portions of Sections: plus the following portions of Sections: E ½ of Section 16, Section 22 except the SW ¼, N ½ of Section 25 and N ½ of Section 26.

All such land is included in the Planning Area for the Comprehensive Development Plan for the Medicine Lodge Area which has been adopted by the Planning Commission and approved by the Governing Body.

SECTION 3. NOTICE TO THE COUNTY: Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed which will affect property located outside the corporate boundary of the City of Medicine Lodge, written notice of such proposed action shall be given to the Governing Body of the county at least 20 days prior to the proposed action.

SECTION 4. AGRICULTURAL EXCLUSION: Except for feedlots and floodplain regulations in areas designated as a floodplain district, the regulations contained in this Ordinance shall not apply to land and buildings under one ownership which are used exclusively for agricultural purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

ARTICLE IV

INTERPRETATION AND CONSTRUCTION

SECTION 1. RULES OF INTERPRETATION: When interpreting the provisions of these Regulations, the following shall govern:

1. *Minimum Requirements.* In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare of the citizens of the City of Medicine Lodge.
2. *Overlapping or Contradictory Regulations.* Where the conditions imposed by the provisions of these Regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
3. *Private Agreements.* The provisions of these Regulations are not intended to abrogate any easement, covenant, or other private agreement provided that where the requirements of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement the requirements of these Regulations shall govern.
4. *District Boundary Lines.* Interpretation of zoning district boundary line locations shall be governed by the following:
 - a. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
 - b. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
 - c. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
 - d. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.
 - e. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become lawful solely by reason of the adoption of these regulations; and to the extent that said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure shall remain unlawful hereunder.

SECTION 2. RULES OF CONSTRUCTION: Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurals shall include both singular and plural interpretation.
2. The word “may” is permissive; the word “shall” is mandatory.
3. The present tense includes the past and future tenses and the future the present.
4. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
5. The word “person” includes individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words “use,” “used,” “occupy,” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
7. Unless otherwise specified, all distances shall be measured horizontally.

SECTION 3. ZONING PROCEDURE: The requirements of this Zoning Ordinance permit only those uses listed in each district under USE REGULATIONS. Any owner of property desiring to use his property for some use or in some manner other than as permitted by the district regulations may precede as follows:

1. When the proposed use intensity varies slightly from the regulations, the property owner may file an application with the Zoning Official for a hearing with the Board of Zoning Appeals for one (1) of the following:
 - a. Variance (height, area and yard).
 - b. Appeals from Zoning Official’s decisions.
2. When the proposed use is listed as a Conditional Use, the property owner may file an application with the Zoning Official for a hearing with the Planning Commission, which following the hearing shall provide a recommendation to the Governing Body for final review and approval.
3. When the proposed use requires a change of Zoning Ordinance and/or change in District Zoning Map, the property owner may file an application for a zoning change and proceed as set out in Article XXIV.

4. Any person intending to perform construction of any sort other than for agricultural structures shall provide certification of proof of compliance with Zoning Requirements to the Zoning Official.
5. Any person intending to construct a residence on an unplatted tract for other than agricultural use shall prepare a plat in accordance with the Subdivision Regulations and shall obtain a zoning compliance certification prior to final approval of the Plat by the Planning Commission and the Governing Body.

ARTICLE V

DEFINITIONS

SECTION 1. DEFINITIONS: For the purpose of interpreting the provisions of these Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. *Accessory Building.* A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Ordinance, the term accessory building shall include garages, tool sheds, and similar structures.
2. *Accessory Use.* A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
3. *Adult.* Any person aged 18 years or older.
4. *Adult Book and/or Video Store.* An establishment which offers for sale or rental books, magazines, photographs, films, videos, or other visual representations, and other materials oriented toward representation of sexual activity of any kind.
5. *Adult Care Center.* A facility in which care and maintenance are provided on an hourly or daily basis for adults of all ages. The latter arrangement is not construed to be a “nursing home”. Such centers may be referred to as an “adult day care” facility. Such centers shall be licensed under regulations established and administered by the Kansas Department of Health and Environment.
6. *Adult Care Home:* A residential facility operated as a home occupation for not more than five adults wherein care and activities are provided on an hourly or daily basis or limited nursing care is provided on a 24-hour basis. Such homes may also be referred to as “home plus” and are licensed under regulations established and administered by the Kansas Department of Health and Environment. Standards for such definitions may be periodically amended by changes in state regulations.
7. *Adult Entertainment Establishment.* Any premises which provides adult sexually oriented entertainment whether live or by motion pictures, videos, photographic reproductions, or other means.
8. *Adult Novelty Store.* A commercial establishment offering for sale visual materials, printed matter, instruments, devices and other paraphernalia designed and intended for use in connection with sexual activities.
9. *Agriculture.* The use of a tract of land, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feedlots. Such definition includes the structures necessary for carrying on farming

operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including singlewide manufactured homes. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.

10. *Aircraft.* Any contrivance now known or hereafter invented for use in or designed for navigation of or flight in the air.
11. *Airport.* (Including Landing Strip, Heliport or Helistop.) Any premises which are used, or intended for use, for the landing and take-off of aircraft; and any appurtenant areas which are used, or intended for use, for airport buildings or other airport structures or rights-of-way, together with all airport buildings and structures located thereon.
12. *Alley.* A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.
13. *Alley Line.* The line of division between the public travel way comprising the alley and the private lot.
14. *Alteration.* Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
15. *Amusement Center.* An indoor commercial establishment which contains amusement devices for public use as the principal activity of the business which operates four or more such devices. Amusement devices shall include computer video games, pinball machines, pool or billiard and other table games. Such definition is not intended to include recreational uses such as bowling, skating rinks or miniature golf.
16. *Animal Hospital or Clinic.* An establishment where animals are admitted principally for examination and treatment by a Doctor of Veterinary Medicine. Boarding of animals shall be limited to that necessary for the treatment of the sick animals. This does not include open kennels or runs.
17. *Apartment.* A room or suite of rooms in an apartment house or other building intended, designed, used, or suitable for use by one or more persons as a place of residence with culinary accommodations.
18. *Apartment House.* A building or portion thereof intended, designed, used, or suitable for use as a residence for three (3) or more families living in separate apartments.
19. *Approved Public Sanitary Sewer System.* A sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the City of Medicine Lodge, Kansas and the Kansas State Department of Health and Environment.

20. *Approved Public Water System.* Water treatment plant and service lines approved by the governing body of the City of Medicine Lodge, Kansas and the Kansas State Department of Health and Environment.
21. *Assisted Living Facility.* Dwelling units used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including nursing homes, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.
22. *Attached Accessory Building.* A building which has approximately 50% of any wall in common with a wall or portion of a principal building or is built as an integral part of the principal building.
23. *Automobile Service Station.* A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, or open sales lots.
24. *Awning.* A roof-like cover that is temporary in nature which projects from the wall of a building and which may overhang a public sidewalk area.
25. *Basement.* A story of a building having more than one-half (1/2) of its height below grade and which serves as substructure or foundation for the remainder of the building.
26. *Bed and Breakfast Inn.* A residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that when the inn is located in a residential district, the number of such sleeping rooms shall not exceed a maximum of six (6) sleeping rooms.
27. *Block.* A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, park, green strips, open land, or waterways.
28. *Board of Zoning Appeals.* Referred to herein as the “Board” which has been appointed by the Governing Body and which has the statutory authority to hear and determine appeals, interpretations and variances to these zoning regulations.
29. *Boarding Home for Children.* A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four (24) hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.

30. *Boarding or Lodging House.* A building or place, other than a hotel, where by pre-arrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons, but not exceeding twenty (20) persons, and such accommodations are not furnished to transient or overnight customers. Individual cooking facilities shall not be provided.
31. *Buildable Area.* That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these regulations.
32. *Building.* A structure having a roof supported by columns or walls intended, designed, used, or suitable for use for the support, enclosure, shelter, or protection of persons, animals, or property; and when separated by fire walls each portion of such structure so separated shall be deemed a separate building.
33. *Building Height.* The vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved, or gambrel roof.
34. *Building – Main.* A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a main building.
35. *Building Site.* The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these regulations.
36. *Bulk Regulations.* Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.
37. *Business and Professional Office.* The office of an architect, engineer, dentist, doctor, attorney, real estate or insurance agent, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
38. *Campgrounds.* Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for a period exceeding thirty (30) days on a temporary basis. The term campground does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.

39. *Canopy*. Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
40. *Carport*. An accessory structure, whether free standing or attached to a principal building, having only a roof with supports without enclosure walls on more than one side which is designed and intended for the purpose of providing shelter for automobiles.
41. *Car Wash*. An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
42. *Child Care*. The process of caring for unrelated minor children as a service with or without financial arrangements. Childcare shall include the term “baby-sitting” but shall not include preschools. Childcare facilities may include any of the following facilities which have been approved and licensed under the regulations of the Kansas Department of Health and Environment:
 - a. Child Care Center: A facility in which care and educational activities for 13 or more children two weeks to 16 years of age are provided for more than three, but less than 24 hours per day, including before and after school care for school age children.
 - b. Day Care Home: A home or facility in which care is provided for a maximum of 10 children under 16 years of age.
 - c. Family Day Care Home: A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months.
 - d. Foster Home: A residence or building in which more than twelve-hour care is provided to no more than five children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.
 - e. Group Boarding Home: A non-secure facility providing 24-hour residential care for not less than five nor more than 10 persons unrelated to the caregivers. Emergency shelter and maternity care may be provided.
 - f. Group Day Care Home: A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months.
 - g. Preschool: A facility such as a “nursery school” providing learning experiences for children of less than kindergarten age, but who are 30 months or older, which sessions do not exceed three hours per day.

43. *Clinic.* An establishment where patients who are normally not lodged overnight are admitted for examination and treatment. This definition does not include Animal Hospitals or Animal Clinics.
44. *Club or Lodge – Private.* A nonprofit association or organization formed for fraternal, social, educational, philanthropic, or other similar purpose, including professional organizations, unions, and other similar organizations. This definition includes state licensed class A and B clubs.
45. *Common Open Space.* An area of land or water or combination thereof planned for open green space or passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
46. *Comprehensive Plan.* The duly adopted comprehensive plan for the development of the City of Medicine Lodge, Kansas.
47. *Conditional Use Permit.* A conditional use permit is a written permit issued by the Zoning Administrator with the written direction of the Governing Body after review and recommendation of the Planning Commission. The conditional use permit provides permission subject to specified conditions to conduct certain conditional uses in certain zoning districts as stipulated in the specific district Zoning Regulations.
48. *Condominium.* A multiple-family dwelling structure wherein the separate dwelling units are individually owned as opposed to rental units in an apartment or units with lots in a townhouse.
49. *Convenience Store.* A retail establishment offering food, drink, fuel and other convenience goods where fuel sales are incidental to sales of convenience merchandise.
50. *Density.* Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
51. *Developer.* The legal or beneficial owner or owners of all of the land proposed to be included in a planned development or the duly authorized agent thereof. The holder of an option or contract of purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.
52. *District or Zone.* A section or sections of the City zoning jurisdiction specifically declared within which the regulations governing the use of buildings and premises are uniform.

53. *Dog.* Any canine species over 6 months of age.
54. *Dog Kennel:* Any place where five or more dogs are kept, maintained, boarded, bred for a fee or offered for sale. A “dog” is defined as any member of any canine species over six months of age. This definition includes dogs which are kept or maintained as pets.
55. *Drive-In Service.* A type of retail food sales establishment which encourages, recognizes, or permits patrons or customers to call for service by remote communicator, flashing of lights or by parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.
56. *Dump.* A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
57. *Dwelling.* Any building or portion thereof which is designed and used primarily for residential purposes.
58. *Dwelling, Attached.* A residential building which is joined to another dwelling at one or more sides by a party wall or walls.
59. *Dwelling, Detached.* A residential building which is entirely surrounded by open space on the same lot.
60. *Dwelling, Multiple-Family.* A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels, tourist Inns or Bed and Breakfast Establishments.
61. *Dwelling, Seasonal.* A residence intended for occasional occupancy.
62. *Dwelling, Single-Family.* A detached building or portion thereof designed for or occupied exclusively by one (1) family.
63. *Dwelling, Two-Family.* A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.
64. *Dwelling Unit.* One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

65. *Earth-sheltered Dwelling:* A single-family dwelling constructed so that 50% or more of the exterior surface area of the building, excluding garages and other accessory structures, is covered with earth. Such a dwelling is a complete structure that does not serve just as a foundation or substructure for above-grade construction. A partially completed building shall not be considered earth-sheltered. Bulk regulations shall be measured from the structural part of the dwelling as distinguished from the earth covering.
66. *Easement:* A public dedication or private grant by the property owner of the specific use of a strip of land by others. Limitations apply on what type of principal or accessory buildings or structures can be located on a public easement.
67. *Escort Agency.* A business which furnishes a person to act as a companion, guide or date for another person and/or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
68. *Family.* Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.
69. *Feedlot.* Any tract of land or structure, pen or corral wherein livestock or fowl are maintained in close quarters for the purpose of feeding such livestock or fowl for shipment to market. Such confined areas are not used normally for raising crops and no vegetation is grown therein which is intended for feed. The lot may or may not be regulated by the Kansas Department of Health and Environment.
70. *Fence.* A free-standing structure of metal, masonry, glass, plastic, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
71. *Filling Station* Any building or premises used for dispensing and sale at retail, of any automobile fuels or oils, when the dispensing and sale are incidental to the conduct of a public garage. Where fuel sales are incidental to convenience merchandise, the premises are classified as a convenience store.
72. *Floodplain.* Land area subject to inundation from surplus storm water as defined by a Housing and Urban Development (HUD) flood insurance study and as depicted on a flood insurance rate map.
73. *Floor Area.* Floor area shall mean the gross floor area of all floors in the building including:
- a. Stairwells, elevator shafts, and mechanical equipment enclosures, except roof-mounted mechanical equipment.

- b. Penthouses.
 - c. One-half (1/2) the basement floor area.
 - d. Interior balconies and mezzanines.
 - e. Enclosed porches.
 - f. Floor area devoted to accessory uses.
 - g. Interior and exterior walls, except where adjoining units share a common wall. In such case, measurement shall be from the center of the common wall.
74. *Fraternal and/or Service Clubs.* An association formally organized for either fraternal, social, educational, philanthropic, or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county, and local laws.
75. *Frontage.* The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.
76. *Garage, Private.* Any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or equipping of such vehicles.
77. *Garage, Service.* Any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, hiring, care, or repair of motor vehicles.
78. *Garage, Storage.* A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
79. *Garden Store.* A store which sells growing plants, seeds, bulbs, shrubs, trees and gardening and landscaping tools, implements and supplies, includes lawn furniture.
80. *Gasoline Service Station.* A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and service, self-service pumps without buildings shall also be included. Such service

shall not include tire recapping, body repairs, or major overhaul. (Also see “Filling Station”)

81. *Governing Body – (Legislative Body)*. Unless otherwise specified, Governing Body shall mean the City Council of the City of Medicine Lodge, Kansas.
82. *Grade*:
 - a. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
 - b. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in “a” above) of all walls facing each street.
 - c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.
 - d. Any wall approximately parallel to a street line is considered as facing the street.
83. *Group Homes*. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) 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.
84. *Hazardous Waste Facility*: An on-site or off-site facility or part of a facility or modification of an existing facility which includes all contiguous land, structures and other appurtenances and improvements on the land utilized for the purpose of treating, storing or disposing of hazardous waste. Such term shall also mean a hazardous waste injection well. In addition to this definition of facility, all related definitions pertaining to hazardous wastes as contained in K.S.A. 65-3430 and as may be amended from time to time are hereby incorporated by reference into the definitions of these regulations.
85. *Home Occupation*. Any lawful activity conducted within the principal building (dwelling) or accessory buildings by members of the immediate family residing on the premises for the purpose of earning income, except as expressly prohibited below, which requires personal appearances by customers or delivery of their personal property at the dwelling for the purpose of providing goods and/or services. Home occupations shall meet all of the following conditions:
 - a. The residential character of the property is maintained.
 - b. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary

meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

- c. No display or storage shall indicate from the exterior of the buildings that they are being used in part for any purpose other than a dwelling or accessory building.
- d. Not more than one (1) non-illuminated nameplate is used. The nameplate shall be attached to the building and shall not exceed three (3) square feet in area.
- e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a residence, or outside the individual dwelling unit if conducted in other than a residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- f. No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.
- g. There shall be on file in the office of the City Clerk a consent agreement to the proposed home occupation signed by seventy-five (75) percent of all Owners of property within two hundred (200) feet of the property whereon such use is to be operated.
- h. A letter of consent shall also be required from the owner of record for a property to be used for home occupation purposes. This shall specifically apply to rental properties. This letter of consent shall be submitted with the consent petition required in paragraph “g”.
- i. The Owner shall have received from the City of Medicine lodge, a Conditional Use Permit to operate such home occupation in accordance with the provisions of this Ordinance and other applicable rules and regulations. Such permit shall be personal to the applicant thereof and shall not be assignable.
- j. A Conditional Use Permit shall be reconsidered by the City of Medicine Lodge, with regard to revoking the permit if a review petition stating problems regarding the home occupation has been submitted and signed by fifty (50) percent of all owners of property within two hundred (200) feet of the premises whereon the home occupation is conducted.
- k. The following uses shall not in any event be considered home occupations within this definition:

- 1) Funeral homes
 - 2) Restaurants.
 - 3) Grocery stores.
 - 4) Liquor Stores.
 - 5) Stables, animal kennels, or hospitals.
 - 6) Tourist accommodations including bed and breakfast establishments, unless specifically permitted in the district.
 - 7) Renting of trailers or equipment.
 - 8) Auto and other vehicle repair.
 - 9) Adult Entertainment.
86. *Hospital.* An establishment used primarily for inpatient care and to provide health, medical, mental, and surgical care of the sick or injured, excluding animal hospitals.
 87. *Hotel or Motel.* A commercial building used as a temporary abiding place for persons who are being lodged for compensation with or without meals.
 88. *Institution of Higher Learning.* A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.
 89. *Institution (Nonprofit).* A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
 90. *Kennel.* Any place, area, building, structure, or enclosure where more than five domesticated animals, commonly considered to be household pets, more than three months old, are boarded, cared for, housed, fed, trained, or bred. This definition includes both private and commercially operated facilities.
 91. *Laboratory, Medical.* An establishment which provides bacteriological, biological, medical, X-ray, pathological, and other similar analytical or diagnostic services.
 92. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

93. *Laundry (Self-Service or coin)*. An establishment equipped with individual coin-operated washing, drying, or dry cleaning machines.
94. *Laundry*. An establishment where commercial laundry and dry cleaning work is undertaken.
95. *Lodging House*. A residential building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for three (3) or more persons in contra-distinction to hotels open to transients.
96. *Lot*. A parcel of land shown as a unit on a recorded subdivision plat.
97. *Lot Area*. The total horizontal area within the lot lines of a lot.
98. *Lot, Corner or External*. A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on both streets.
99. *Lot Coverage*. The total area of building expressed as a percentage of the total lot, plot, or tract. (Includes both principal and accessory buildings.)
100. *Lot, Depth Of*. A mean horizontal distance between the front and rear lot lines, measured in the general direction of the sidelines of the lot.
101. *Lot, Double Frontage*. An internal lot having a frontage on two (2) streets.
102. *Lot, Interior*. Any lot which does not constitute a corner lot.
103. *Lot Line, Front*. A boundary line of a lot which coincides with a street boundary lines. The word "street" as used in this definition shall not include alley.
104. *Lot Line, Rear (Internal)*. A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.
105. *Lot Line, Side (Internal)*. A boundary line of a lot which does not coincide with a street boundary line. The word "street" as used in this definition does not include alley.
106. *Lot of Record*. A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the description of which was recorded in the office of the register of deeds prior to the adoption of these regulations.
107. *Lot, Reversed Corner*. A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.
108. *Lot Width*. The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum

width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.

109. *Lot Zoning.* A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
110. *Manufactured Home.* A factory-built structure or structures equipped with the necessary utility service connections and made so as to be transportable as a unit or units on its or their own running gear and designed to be used as a dwelling unit irrespective of how affixed to the land. The transportation system is designed so that the manufactured home may be moved from time to time. The term shall include two (2) or more separately towed units which, when bolted or otherwise fastened together, form a complete living unit. Such homes are built on a chassis consisting of drawbar and coupling mechanism, frame (e.g., steel I-beams), running gear assembly, and lights. Removal of any or all of these component parts does not change the definition. All manufactured homes shall be either skirted or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas, shall be anchored to the ground. All manufactured homes intended for new installation in the zoning jurisdiction of the City of Medicine Lodge after the effective date of this ordinance shall bear a certification plate pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. 5401 et seq., as amended and shall not be more than 10 years of age at the time of installation.
111. *Manufactured Home, Dependent.* A manufactured home which does not have a flush toilet and bath or shower.
112. *Manufactured Home, Independent.* A manufactured home which has a flush toilet and a bath or shower.
113. *Manufactured Home Park.* Any area, parcel, or tract of ground equipped as required for support of manufactured homes and used or intended to be used by two (2) or more occupied manufactured homes. Such manufactured home park shall be under one ownership and control, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term does not include a sales area on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. A manufactured home may, however, remain on a space for purposes of sale by the resident owner or the manufactured home park owner. No more than fifteen (15) percent of the manufactured homes may be for rent at any one time.
114. *Manufactured Home, Residential Design.* A manufactured home on permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes. Residential Design Manufactured homes shall be on a permanent-type, enclosed perimeter foundation, and comply with the

following architectural or aesthetic standards so as to ensure compatibility with site-built housing:

- a. The roof must be predominantly double-pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches which may include a gutter.
- b. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material or curtain wall or the joint between siding and enclosure wall shall be flashed to provide closure.
- c. The home shall be installed in accordance with the recommended installation procedures of the manufacturer. A continuous, permanent-type foundation shall be installed under the perimeter of the home. Such a foundation shall be installed according to City building code standards.
- d. At the main entrance door there shall be a landing that is a minimum of four feet by five feet which is constructed to meet the requirement of City building code standards.
- e. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
- f. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
- g. Any attached addition to such a home shall comply with all construction requirements of the City building code standards, unless designed and constructed by a manufactured home factory.
- h. If 50% or more of the frontage of existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage and/or a similar percentage have a covered porch or recessed entry, such a home shall also provide a garage and/or porch or entry based on the percentages determined by the Zoning Administrator. On a corner lot, the street shall mean that street on which the frontage of the façade has been designed for the household address number. External roofing and siding material of such garage, porch or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.

115. *Medical, Dental, or Health Clinic.* Any building designed for use by one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, psychiatrists, and podiatrists; and in which no patients are lodged overnight.
116. *Mini-storage Facility:* A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled-access stalls and/or lockers for the indoor storage of customer's goods or wares. Outdoor storage may be permitted, but only when specifically permitted by these regulations. The operation shall not include a transfer and storage business where the use of vehicles is part of such a business. Also see ARTICLE XXIX, Section 17.
117. *Modular Home.* A dwelling structure located on a permanent foundation with permanently connected utilities, consisting of pre-selected, prefabricated units, or modules designed to meet the requirements of the building code, and transported to and/or assembled on the site of its permanent foundation; as opposed to a dwelling structure which is custom built on the site of its permanent location; and also as opposed to a manufactured home, either single-wide, double-wide, or of multiple width.
118. *Motel.* A group of buildings including either separate cabins or a row of connected cabins or rooms which contain individual sleeping accommodations for transient occupancy and which have individual entrances.
119. *Motor Vehicle Repair Shop.* A building or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.
120. *Nonconforming Lot of Record.* A platted lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
121. *Nonconforming Structure or Use.* A lawfully existing structure or use at the time these Regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located.
122. *Nursing Homes or Convalescent Homes.* An institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism or narcotics.
123. *Outdoor Storage.* The storage of goods and materials outside of any building or structure when specifically permitted by these regulations, but not including storage of a temporary or emergency nature or of new or used goods and materials on display for sale except when such display is permitted. Such storage does not permit the storing or parking of motor vehicles including recreational vehicles or utility trailers for sale at any location in any residential district.

124. *Parcel.* All contiguous lands (including lots and parts of lots) held in one (1) ownership.
125. *Occupancy Certificate:* A certificate by which the Zoning Administrator certifies that upon completion of an applicant's proposed structure and/or use of change in use that it complies with these regulations and, therefore, may be occupied and/or used.
126. *Parking Area, Public or Customer.* An area other than a private parking area, street, or alley, used for parking of automobiles and available for public or semi-public use.
127. *Parking Space.* A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.
128. *Paved Parking.* A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free, all-weather condition.
129. *Permanent Foundation.* A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
130. *Permitted Use:* A use of a structure or land which is permitted outright within a zoning district because of its suitability to the purpose of the other uses so designated. The Zoning Administrator is authorized to issue zoning permits and occupancy certificates for such permitted uses when all other requirements of the regulations have been met.
131. *Person.* Any natural individual, firm, trust, partnership, association, or corporation.
132. *Place or Court.* An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
133. *Planned Development.* A tract of land meeting specified minimum site size whereon all elements of development may be designed as inter-related aspects of an overall improvement concept in accordance with the provisions of these regulations.
134. *Planning Commission.* The City Planning Commission of Medicine Lodge, Kansas unless otherwise specified.
135. *Plat.* A layout of a subdivision indicating the location and boundaries of individual properties.

136. *Platting.* Whenever the terms platting, platted, or subdivided are used in the Zoning Ordinance, it shall refer to the process established by the duly adopted subdivision regulations of the City of Medicine Lodge.
137. *Preschool.* A public or privately owned facility with defined curriculum which offers preparatory education for minor children aged 5 years and younger. The term does not include kindergarten.
138. *Premises.* A parcel together with all buildings and structures thereon.
139. *Principal Use or Structure.* The main use of land or structures as distinguished from a subordinate or accessory use.
140. *Private Club.* An association, other than fraternal or service club, organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided that such sale or service is in compliance with all applicable federal, state, county, and local laws.
141. *Professional Office.* Any building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering, or other occupation customarily considered as a profession.
142. *Public Utility.* Any business which furnishes the general public telephone service, electricity, cable television, natural gas, or water and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
143. *Recreational Vehicle, (RV).* A vehicle or a unit that may be independently motorized or may be carried or towed by another vehicle, which is primarily designed and used for travel, camping, recreation, temporary living or occasional use. Recreational vehicles include motor homes, mini-motor homes, converted buses, converted camper vans, pickup and truck campers, camping trailers, fifth-wheel trailers, boats and boat trailers, jet ski trailers and similar vehicles. Conventional vans and pickup trucks with or without slide-in pickup campers or toppers are not considered to be recreational vehicles nor are small trailers used for hauling animals, equipment or household goods of the occupant of the dwelling whereon such trailer is parked.
144. *Recycling Facility.* Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.

145. *Rehabilitation Home.* A residential building which is used by an organized group to supervise the rehabilitation of the individual occupants. Sometimes such homes are known as “halfway houses” for the rehabilitation of wayward juveniles, drug or alcoholic addicts or former offenders. For new buildings or modifications of existing buildings, the overall appearance is to remain as a residential type building when located in a residential district.
146. *Restaurant.* A public eating establishment, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants, and soda fountains, but not a drive-in establishment, unless specified.
147. *Restaurant, Drive-In.* An eating establishment where, for compensation, food is prepared and dispensed having only incidental consumption within the principal building on the premises.
148. *Rooming House.* A building or portion thereof other than a hotel, motel or bed and breakfast establishment where lodging of three (3) or more persons is provided for compensation.
149. *Salvage Yard.* Any land or building other than a recycling facility used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal, or other discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures. In the agricultural and residential districts, no more than two (2) licensed or unlicensed motor vehicles which are in the process of restoration to operating condition may be stored; provided, however, such vehicles are stored inside a structure or screened from public view.
150. *Sanitary Landfill.* A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery, or motor vehicles or parts thereof or other waste and which is in conformance with the requirements of the Kansas Department of Health and Environment.
151. *School.* A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a Parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
152. *Screening.* Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six or more than eight feet high, unless otherwise provided.

153. *Service Station.* An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs, or major overhaul. (Also see “Filling Station”)
154. *Setback.* The distance between the lot line and the farthest architectural projection of the building.
155. *Sign.* Any words, numerals, figures, devices, designs, or trade marks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air. For various types of signs see ARTICLE XXIV.
156. *Site.* See “Parcel.”
157. *Sight Triangle.* A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Within the sight triangle, no one shall install, construct, plant, park, or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction including automobiles, trucks, and other large vehicles or trailers which would materially impede vision between the height of 33 inches and eight feet above the street level. These restrictions shall not apply to signs as provided for in ARTICLE XXIV of these regulations as well as official traffic signs, signals and utility poles. Such area on a corner lot shall have two sides which are measured from the center of the lot line intersection and a third side across the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. In all residentially zoned districts, the two sides forming the lot line intersection shall be a minimum distance of 30 feet and in all other zoning districts such distance shall be 20 feet, except that there shall be no vision triangle requirements in the C-1 Central Business District.
158. *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
159. *Story, Half.* A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
160. *Street.* A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
161. *Street Line.* A dividing line between a lot, tract, or parcel of land and the contiguous street.

162. *Street Network.*
- a. Arterial Street. A street which provides for through traffic movement between and around areas and across the city with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - b. Collector Street. A street which provides for traffic movement between arterial and local streets with direct access to abutting property.
 - c. Local Street. A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial, or residential areas.
163. *Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, or public items, such as utility poles, street light fixtures, and street signs.
164. *Structural Alterations.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered structural alterations.
- a. Attachment of a new front where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.
 - c. New windows where lintels and support walls are not materially changed.
 - d. Repair or replacement of non-structural members.
 - e. Alterations for the safety of the building and normal repairs and maintenance.
165. *Subdivision.* The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purpose which varies from the latest, approved subdivision of the same. See the land Subdivision Regulations.
166. *Subdivision Plat.* A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.
167. *Tavern.* An establishment in which the primary function is the public sale and serving of cereal malt beverages.

168. *Theater, Moving Picture.* A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
169. *Theater, Outdoor Drive-In.* An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.
170. *These Regulations.* The document duly approved and adopted by the Planning Commission and the City Council of Medicine Lodge, Kansas, which establishes zoning requirements.
171. *Tourist Cabins.* See “Motel.”
172. *Tourist Home.* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation. (Also see Bed and Breakfast Inn)
173. *Townhouse.* A multiple-family dwelling unit which is individually owned along with a lot or other tract of land, as opposed to a condominium.
174. *Tract.* A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Register of Deeds.
175. *Use.* Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.
176. *Use Regulations.* The provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.
177. *Variance.* A modification or variation of the provisions of these Regulations, as applied to a specific parcel of property, as distinct from rezoning.
178. *Way.* A street, an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
179. *Yard.* An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
180. *Yard, Front.* A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. On a corner lot, each yard that abuts a street shall be considered a front yard.

181. *Yard, Rear.* A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard.
182. *Yard, Side.* A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard.
183. *Zone or District.* A portion, area, or section of the Medicine Lodge, Kansas zoning jurisdiction for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.
184. *Zoning Administrator.* The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these Zoning Regulations.
185. *Zoning Area.* The area to be zoned as set out on the Official Zoning Maps filed of record.
186. *Zoning Compliance Certificate:* A certificate by which the Zoning Administrator certifies to an applicant that their proposed structure and/or use are in conformance with these regulations. When applicable, such a certificate may be combined with the issuance of an occupancy certificate.
187. *Zoning Regulations.* The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

SECTION 2. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

ARTICLE VI

DISTRICTS AND BOUNDARIES

SECTION 1. DISTRICT CLASSIFICATIONS: In order to classify, regulate, and restrict the location of trades, industries, residential uses, and other uses; the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the Medicine Lodge Zoning Jurisdiction is divided into districts designated as follows:

“A-L”	Agriculture District
“F – P”	Floodplain Overlay District
“R – S”	Residential Suburban District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two-Family Dwelling District
“R – 3”	Multiple-Family Dwelling District
“PUD”	Planned Unit Development
“M– H”	Manufactured Home Overlay District
“MH-I”	Manufactured Home Subdivision District
“M– P”	Manufactured Home Park District
“C – S”	Highway Service District
“C – 1”	Central Business District
“C – 2”	General Commercial District
“C – 3”	Adult Entertainment District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District
“A – H”	Airport Height Control District

SECTION 2: ZONING DISTRICT MAPS: The boundaries of the zoning districts are shown on the maps and/or sections thereof adopted hereby and made a part of this Ordinance, which maps are designated as the “Zoning Maps,” City of Medicine Lodge, Kansas. The Zoning Maps and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said maps and all the notations, references, and other information shown thereon were all fully set forth or described herein. Copies of the Zoning Maps are properly attested and are on file with the City Clerk of Medicine Lodge, Kansas.

SECTION 3: ANNEXATION RULE: All territory which may hereafter be annexed to the city shall be annexed as “R – 1” Single-Family Dwelling District until or unless otherwise established by ordinance.

ARTICLE VII

“F-P” FLOODPLAIN OVERLAY DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “F-P” Floodplain Overlay District is intended for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Medicine Lodge Flood Insurance Rate Map, Panel Numbers 20015 0005-0035 effective July 3, 1990 and any subsequent additions or amendments thereto, prepared for Medicine Lodge by the Federal Insurance Administration. This zone is intended for application throughout the zoning jurisdiction in locations where an official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods, within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainways.

SECTION 2. DISTRICT REGULATIONS: In the “F-P” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, to which this district is made a part, provided that such uses and structures meet the minimum requirements of SECTION 3 of these Zoning Regulations.

SECTION 3. CONDITIONAL USE REGULATIONS: Notwithstanding the requirements of the parent district, the other requirements of this Zoning Ordinance, and the detailed regulations present in City Ordinance No. 713 and any amendments thereto, the following regulations shall supplement the regulations of the parent district, of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of City Ordinance No. 713 and any amendments thereto. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the Zoning Administrator. The application shall be accompanied by explanatory background information as required by Ordinance No. 713 and any amendments thereto, which shall include as a minimum:
 - a. Identification and description of the work to be covered by the permit.
 - b. Description of the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that will readily identify and definitely locate the proposed building or work.

- c. Indication of the use or occupancy for which the proposed work is intended.
- d. Provisions of plans and specifications for proposed construction.
- e. Evidence of compliance with the requirements of Ordinance No. 713.
- f. Signature of the applicant or his authorized agent who may be required to submit evidence to indicate such authority.
- g. Provision of other information as may be required by the Building Inspector.

In areas within the Medicine Lodge Zoning Jurisdiction which are designated as “F-P” Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Ordinance No. 713 and any amendments thereto.

SECTION 4. INTENSITY OF USE REGULATIONS: The lot coverage and intensity of use of the parent district, of which this district is made a part, shall be maximum allowable.

SECTION 5. HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements subject to additional requirements as prescribed by this Ordinance.

SECTION 6. YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by this Ordinance.

SECTION 7. SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

SECTION 8. PARKING AND LOADING REGULATIONS: The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by this Ordinance.

ARTICLE VIII

“A – L” AGRICULTURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: This district is intended to provide a location for land situated on the fringe of the urban area to be used for agricultural purposes, but which will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, and intensity of use of land authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.

SECTION 2. DISTRICT REGULATIONS: In the “A – L” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. General farm operations, not including:
 - a. The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in continuous odor, dust, or noise.
 - c. The construction of agricultural buildings or structures closer than ninety (90) feet to the centerline of a principal public way.
 - d. Confined animal feedlots within one (1) mile of a residence other than that of the operator.
2. Single-family dwelling units on five (5) acres or more for exclusive use by the farm family or employees. (Site size subject to utility service requirements.)
3. Residential design manufactured homes.
4. Manufactured homes incidental to general farm operations on the same tract or parcel with the principal dwelling provided the manufactured home is used exclusively by the farm family or employees, and provided that, in the case where individual wells and/or septic systems are used, spacing is in accordance with all applicable sanitary regulations.
5. Group homes, foster homes and boarding homes for children.

6. Churches and similar places of worship and parish houses.
7. Farms and ranches.
8. Golf courses and other open land recreational uses, except miniature golf courses, driving tees, or other intensive commercial uses, such as automobile race track or amusement park.
9. Greenhouses, nurseries, and garden centers.
10. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
11. Privately-owned parks, playgrounds, golf courses, or other outdoor recreational areas, such as campgrounds, youth camps, gun clubs, and archery, trap, and skeet ranges.
12. Public and semi-public parks, playgrounds, campgrounds, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.
13. Public or parochial elementary, junior high, high schools and private schools with equivalent curriculum.
14. Licensed childcare centers.
15. Stands for sale of agricultural products or commodities raised or prepared on the premises.
16. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbecue ovens, fireplaces, and similar uses.
17. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
18. Utility lines and facilities necessary for public service, and including refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams, and power plants, subject to applicable Kansas Department of Health and Environment regulations.
19. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body and subject to conditions as they may impose.

- a. Any public building erected or land used by any department of the City, County, State, or Federal Government.
- b. Airport or heliport.
- c. Cemetery, crematory or mausoleum.
- d. Electronic communications towers, provided that towers within one hundred fifty (150) feet of a dwelling district zone may have a height of no more than eighty (80) feet; and customary accessory uses incidental to electronic communications towers, such as parking areas, electronics, and generator buildings (not to include broadcast studios). Also see ARTICLE XXIX, Section 13 – Wireless Communications Towers.
- e. Home occupations.
- f. Hospitals, isolation homes, rehabilitation homes, penal institutions, sanitariums or asylums for the treatment of mental illness, alcoholism or narcotics addiction on a tract of land three (3) acres or larger.
- g. Preschools.
- h. Oil and gas exploration and extraction.
- i. Animal hospital or kennel, provided that no animal hospital shall be located closer than three hundred (300) feet to any residential zone, and that no kennel may be located closer than one thousand (1,000) feet to any residential zone. Additionally:
 - (1) The minimum lot size shall be not less than (2) acres.
 - (2) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property lines.
 - (3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chainlike fence with aluminum strip intertwined, or other equivalent fencing providing a sight barrier to the dogs.
- j. Dog Kennels.
- k. Water Retention Areas
- l. Racetrack, animal or vehicular

- m. Accessory structures as a free-standing use without a primary use or structure on vacant lots and tracts subject to all zoning requirements.
- n. Recovery of natural resources and extraction of raw materials such as rock, gravel, sand, oil, gas, etc, and associated development.
- o. Nursing and care homes subject to inspection and license requirements.
- p. Seasonal or temporary uses such as recreation camp or similar enterprises.
- q. Telephone exchange, electric substations or similar public utilities.
- r. Agricultural product storage (elevators) when no other business is in combination with said storage.
- s. Animal feed lots subject to the license requirements of the State and subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the feedlot.)

Operation:

- (1) Manure shall be removed or disposed of in one of the following manners:
 - (a) Spraying, injecting, or spreading on land followed by disking or plowing.
 - (b) Grinding or dehydrating in properly designed dehydrators.
 - (c) Stockpiling in a compost plant in an isolated area at least three (3) miles from a residential area.
- (2) Insect and rodent control:
 - (a) Removal of manure and disposal as outlined above.
 - (b) Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.

Drainage

- (1) All ground surfaces within pens shall be so graded and compacted to insure proper drainage.
- (2) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area

where it will deposit and form sludge banks where flies and mosquitoes can breed.

- t. Radio or television transmitters.
- u. Private clubs (as defined in these regulations).
- v. Kennels-Breeder and Boarding, provided that:
 - (1) The minimum lot size shall be not less than two (2) acres.
 - (2) No kennel buildings or runs shall be located nearer than 75 feet to any property lines.
 - (3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chain link fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.
- w. Privately-owned parks, playgrounds, golf courses or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.
- x. Riding stables and academies providing no structure housing horses shall be located nearer than 600 feet to the boundary of any residential district.
- y. Wrecking, salvage or junk yard, providing the storage yard is completely enclosed with six (6) foot solid fence or wall and located not less than three hundred (300) feet from a residential district zone and subject to the following.
 - (1.) The operation shall be conducted completely within the enclosed area. The fence or wall shall be of uniform texture and color and shall be so maintained by the proprietor as to insure maximum safety to the public and preserve the general welfare of the area. The fence or wall shall be installed in such a manner as to retain all scrap, junk or other material within the yard.
 - (2.) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosing fence or wall or within public right-of-way.
 - (3.) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department and in accordance with State requirements. Said burning, when permitted, shall be done during daylight hours only.

z. Raising of Fur Bearing Animals.

SECTION 4. INTENSITY OF USE REGULATION: Tracts in this district shall be subject to the following minimum size requirements:

1. Tracts served by private water wells and septic systems or a lagoon — five (5) acres.
2. Tracts served by a public water system and a private septic system — three (3) acres.
3. Tracts served by a public water system and public sewer system — two (2) acres.

SECTION 5. HEIGHT REGULATIONS: Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Ordinance, no building or structure shall exceed the following height restrictions:

1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed eighty (80) feet in height. Buildings and structures used for nonagricultural purposes shall not exceed forty-five (45) feet in height.

SECTION 6. YARD REGULATIONS

1. *Front Yard.*
 - a. There shall be a front yard having a depth of not less than thirty-five (35) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations)
 - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
 - c. Where a lot or tract is located at the intersections of two (2) or more streets or roads, there shall be a front yard on each street or roadside of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
2. *Side Yard.* There shall be a side yard on each side of every building, structure or zoning lot, which said yard, shall not be less than fifteen (15) feet.
3. *Rear Yard.* Except as hereinafter provided in the additional height, area, and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than forty (40) feet.

SECTION 7. SIGN REGULATIONS: See ARTICLE XXIV

SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXV

ARTICLE IX

“R – S” RESIDENTIAL SUBURBAN DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “R – S” Residential Suburban District is established to provide for single-family rural residential development at a low density and to allow certain public facilities. It is the intent of the district regulation to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures. This zone is intended for application in developing rural areas around the City, and is intended to minimize conflicts of incompatible uses of land and protect the public health and welfare until the area is more fully developed.

SECTION 2. DISTRICT REGULATIONS: In the “R – S” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the following uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. General farm operations. This shall not include or permit:
 - a. Any activity within three hundred (300) feet of another residential district which activity is noxious or offensive by reason of dust, odor, or noise.
 - b. Feedlots
2. Single-family non-farm dwellings.
3. Residential design manufactured homes.
4. Group homes, foster homes and boarding homes for children.
5. Temporary structures incidental to construction work but only for the period of work. Basements may not be occupied for residential purposes until the building is completed.
6. Golf courses, except commercial miniature golf courses or driving tees.
7. Public parks, playgrounds, and recreational areas owned and operated by a public agency.
8. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
9. Raising of trees, shrubs and grasses not sold on the premises.

10. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:
 - a. Raising and care of livestock for show and pleasure, provided:
 - 1) When an “R – S” District or a portion thereof is reclassified to another more restrictive residential zone, those uses granted by conditional use permit for animal shelters or similar related uses in “a” above shall be completely discontinued within a period of six (6) months from the date of reclassification.
 - 2) Uses permitted in “a” above shall not be kept for commercial purposes.
 - 3) Livestock permitted in “a” above shall be properly sheltered and proper sanitation shall be maintained at all times.
 - 4) Livestock cages or pens permitted in “a” above shall not be closer than fifty (50) feet to any residence.
 - b. Churches and similar places of worship.
 - c. Home occupations.
 - d. Accessory structures as a free-standing use without a primary use or structure on vacant lots or tracts subject to all other zoning requirements.
 - e. Hospitals and/or clinics for people on a lot, plot, or tract of land five (5) acres or larger.
 - f. Licensed childcare center.
 - g. Nursing home, sanitarium, rehabilitation home, rest home, homes for the aged, or convalescent home on a lot, plot, or tract of land five acres or larger.
 - h. Preschools.
 - i. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
 - j. Cemetery, crematory, or mausoleum when used in conjunction with a cemetery.
 - k. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - l. Telephone exchange, electric substations, regulator stations, and other public utilities.

- m. Oil and gas exploration, extraction, and/or production.
- n. Extraction and/or mining of minerals.
- o. Wireless communications towers. See ARTICLE XXIX
- p. Earth sheltered homes.

SECTION 4. INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

- 1. Lots served by private water wells and septic systems — five (5) acres, with a minimum lot width of one hundred fifty (150) feet.
- 2. Lots served by a public water system and a private septic system — two (2) acres, with a minimum lot width of one hundred fifty (150) feet.
- 3. Lots served by a public water system and a public sewer system — fifteen thousand (15,000) square feet. Lots shall have an average lot width of not less than one hundred (100) feet.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS:

- 1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of ten (10) feet from the lot line.
- 2. Side Yard. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less

than ten (10) percent of the width of the lot with a minimum of ten (10) feet on each side of the principal building.

3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 9. PARKING AND LOADING REGULATIONS: See ARTICLE XXV.

ARTICLE X

“R – 1” SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “R – 1” Single-Family Dwelling District is established for the purpose of low density, single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS: In the “R – 1” District, no building or structure shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwellings.
2. Residential design manufactured housing.
3. Group homes, foster homes and boarding homes for children.
4. Churches and similar places of worship and parish houses.
5. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
6. Hospitals for people only on a lot, plot, or tract of land two (2) acres or larger.
7. Nursing or convalescent homes on a lot, plot, or tract of land two (2) acres or larger.
8. Public parks, playgrounds, recreational areas.
9. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
10. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.
11. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

12. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:
 - a. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - b. Bed and Breakfast Inns.
 - c. Home occupations.
 - d. Telephone exchange, electric substations and regulatory stations, or other public utilities.
 - e. Raising of crops, trees and shrubs not sold on the premises.
 - f. Licensed child care centers.
 - g. Water Retention Areas.
 - h. Preschools.
 - i. Earth sheltered homes

SECTION 4. INTENSITY OF USE REGULATIONS: Every lot shall have an area of not less than nine thousand (9,000) square feet and an average width of not less than sixty (60) feet.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than thirty-five (35) feet, except as required for arterial and collector streets in ARTICLE XXIX.
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.

- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of eight (8) feet from the lot line.

2. Side Yard.

- a. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building, except as provided for zero lot-line development.
- b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 9. PARKING AND LOADING REGULATIONS: See ARTICLE XXV.

ARTICLE XI

“R – 2” TWO-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “R – 2” Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in district “R – 1”, yet retaining the residential qualities. This district allows duplex uses, single-family homes, certain community facilities, and certain conditional uses.

SECTION 2. DISTRICT REGULATIONS: In the “R – 2” District, no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Single-family dwellings.
2. Residential design manufactured homes.
3. Group homes, foster homes and boarding homes for children.
4. Two-family dwellings.
5. Community recreation buildings owned and operated by a public agency.
6. Churches and similar places of worship and parish houses.
7. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.
8. Hospitals and clinics (but not animal hospitals or mental hospitals).
9. Institutions of higher learning, including dormitory accommodations.
10. Public parks, playgrounds, and recreation areas.
11. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
12. Nonprofit institutions of an educational, philanthropic, or eleemosynary nature, but not penal institutions.
13. Nursing and convalescent homes.

14. Customary accessory uses and structures located on the same lot or group of lots with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but does not include use unrelated to the principal use of any activity commonly conducted for gain.
15. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is complete.
16. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body and under such conditions as they may impose:
 - a. Any conditional use permitted in the “R-1” District.

SECTION 4. INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

1. Single-Family Dwellings. A lot on which there is erected a single-family dwelling shall contain an area of not less than eight thousand (8,000) square feet with a minimum lot width of fifty (50) feet.
2. Two-family Dwellings. A lot on which there is erected a two-family dwelling shall contain an area of not less than four thousand (4,000) square feet per family. This regulation shall also be applicable to two-family structures being converted to individually owned units. Also see ARTICLE XXIX, Additional Height, Area, and Use Regulations.
3. Dormitories, lodging houses, nursing homes, and boarding houses shall, in addition to meeting the above requirements for single-family buildings, provide at least five hundred (500) square feet of lot area for each occupant.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.

- b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line.

2. Side Yard.

- a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of six (6) feet except as provided for zero lot-line development.
- b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.

3. Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 9. PARKING AND LOADING REGULATIONS: See Article XXV.

ARTICLE XII

“R – 3” MULTIPLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “R – 3” Multiple-Family Dwelling District is intended for the purpose of allowing moderate to high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, and certain conditional uses, yet retaining the basic residential qualities.

SECTION 2. DISTRICT REGULATIONS: In the “R – 3” District, no building shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Any use permitted in the “R – 2” Two-Family Dwelling District.
2. Multiple-Family Dwellings.
3. Bed And Breakfast Inns.
4. Rooming and lodging houses.
5. Private clubs, fraternities, sororities, and lodges, except those where the chief activity is a service customarily carried on as a business.
6. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:
 - a. Any conditional use permitted in the “R – 2” Two-Family Dwelling District.

SECTION 4. INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

1. Single-Family Dwellings: A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand (6,000) square feet.
2. Two-Family Dwellings: A lot on which there is erected a two-family dwelling shall contain an area of not less than four thousand (4,000) square feet per family.
3. Multi-Family Dwellings: A lot on which there is erected a multiple-family dwelling shall contain an area of not less than eight thousand five hundred (8,000) square feet, or five hundred (500) square feet per family, whichever area is the larger.

4. Bed and Breakfast Establishments: A lot on which there is a bed and breakfast inn shall contain an area of not less than 6,000 square feet.
5. Dormitories, lodging houses, nursing homes, rooming houses and boarding houses – same as “R – 2” District requirements.
6. Minimum lot width shall be 50 feet.
7. Where a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area than that specified for multiple-family dwellings, and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this district, provided the structure conforms with other yard and height requirements of this district.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
 - b. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line.
2. Side Yard.
 - a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of six (6) feet.

- b. Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.
- 3. Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIII.

SECTION 9. PARKING AND LOADING REGULATIONS: See ARTICLE XXIV.

ARTICLE XIII

“PUD” PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 1. INTENT. The intent of the Planned Unit Development District is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

The “PUD” District in this ordinance is an overlay zone which may be used in conjunction with any of the standard residential, commercial or industrial zones. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. A development plan shall be submitted by each applicant for “PUD” zoning in accordance with the provisions and conditions that follow.

SECTION 2. PERMITTED USES. All uses, however, such uses must be approved as shown on the development plan as specified in the regulations.

SECTION 3. GENERAL PROVISIONS.

1. The Planning Commission shall make a report to the Governing Body setting forth its reasons for recommendation of approval or denial of the application, along with specific evidence and facts showing that the proposed Planned Unit Development meets or does not meet the following conditions:
 - a. Said Planned Unit Development shall be in general conformity with the provisions of the adopted comprehensive plan.
 - b. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.
2. The Planned Unit Development District may be established exclusively for residential, commercial or industrial development or any combination of those types of development.
3. The minimum size allowed for a Planned Unit Development shall be as follows:

Residential	2 acres
Commercial	3 acres
Industrial	5 acres

Any “PUD” which has combined two or more types of use into a single plan shall have a minimum allowable size for the “PUD” equal to the sum of the minimum land areas required for each of the two or more types contained therein.

4. Height, bulk and setback requirements may be varied so as to promote an efficient and creative “PUD”.

SECTION 4. STANDARDS AND CONDITIONS FOR PLANNED UNIT DEVELOPMENT.

1. Upon recommendation of the Planning Commission the Governing Body may from time to time adopt general policies or specific rules and regulations for Planned Unit Developments and place said policies or rules and regulations of public record in the office of the Zoning Administrator; provided said policies and/or rules and regulations are not inconsistent with the adopted standards and conditions; and provided that no policies, rules or regulations shall be revised or added to, so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development plan has been filed.
2. A Planned Unit Development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site.
 - a. The applicant shall satisfy the Planning Commission and the Governing Body that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 18 months following approval of a final plan by the Governing Body, and a minimum of fifty percent (50%) of the total planned construction shall be completed within a period of three (3) years following such approval or the approval of the plan. The period of time established for the completion of the development may be modified from time to time by the Governing Body upon the showing of good cause by the developer.
 - b. The applicant may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which developments of each such unit must be commenced. In the case of residential Planned Unit Developments, the Governing Body may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.

- c. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the Planning Commission and approved by the Governing Body, to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- d. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development. If it is determined that traffic control signals are required to prevent traffic hazards or congestion in adjacent streets, the control signals shall be provided at the developer's expense.
- e. The development shall not impose an undue burden on public services and facilities, such as water and sewer systems and fire and police protection.
- f. The entire tract or parcel of land to be submitted for Planned Unit Development shall be held in single ownership or control, or if there are two or more owners, the application for such Planned Unit Development shall be filed jointly.
- g. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading areas, or access-ways shall be landscaped or otherwise improved.
- h. Off-street parking and loading shall be provided in accordance with Article XXV.
- i. When a commercial or industrial use within a Planned Unit Development district abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high and having a visual density of not less than ninety (90%) percent per square foot, shall be provided adjacent to any adjoining residential district except where the commercial or industrial development is separated from the residential zone by a street right-of-way. A ten (10) foot wide landscape buffer which shall consist of trees, shrubs and evergreens located along the property line which shall be maintained by the owner or owners of the property in the Planned Unit Development district, may be substituted for the solid or semi-solid fence when approved by the City.
- j. All commercial and industrial buildings shall set back not less than forty-five (45) feet from the right-of-way of any street and twenty (20) feet from any district boundary line that does not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required by the Governing Body, when recommended by the Planning Commission for protection of health, safety, and general welfare.

- k. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel and of the total development for each type of Planned Unit Development:

Residential	40% maximum
Commercial	35% maximum
Industrial	35% maximum

- l. A minimum of thirty (30%) percent of the net area of the part of Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half (1/2) of this open space shall be provided for the leisure and recreational use of all "PUD" residents and maintained by owners of property in the development as through a homeowner's association in the case of a townhouse or a residential subdivision. The common open space shall be developed for appropriate recreational facilities and a minimum of fifty (50%) percent of the proposed recreational facilities shall be constructed prior to the development of one-half (1/2) of the project, and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
- m. The "PUD" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the Planned Unit Development or of the entire community.
- n. Modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Unit Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
- o. No residential use shall have direct access onto an arterial street.
- p. All commercial or industrial areas must have access to a collector or arterial street, however, no individual commercial or industrial use may have direct access onto collector or arterial streets, unless deemed necessary by the Planning Commission and approved by the Governing Body.
- q. Sidewalks shall be built to city specifications along all public and private streets, however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the Planned Unit Development.
- r. Consideration shall be given for the provision of bicycle traffic along collector and arterial streets or along the approved pedestrian-sidewalk system.

SECTION 5. APPLICATION FOR APPROVAL OF PRELIMINARY PLAN.

1. An application for a Planned Unit Development shall be handled in the same manner prescribed for amending the zoning ordinance. The same requirements for notice, advertisement of public hearing, protests and adoption shall be required as in conventional zoning.
2. The applicant shall prepare and submit twenty (20) copies of the preliminary development plan for review and recommendation by the Planning Commission, which said plan shall include:
 - a. A site plan showing:
 - (1) Contours at intervals of two (2) feet.
 - (2) General location, size and use of all proposed structures in conformance with the yard requirements; or designation of individual lots if such lots are proposed to be sold to individual owners.
 - (3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
 - (4) All streets adjoining subject property and the width of the existing right-of-way.
 - (5) Areas set aside for public and private open space with the type of recreational facilities planned for each area indicated.
 - (6) Designation of individual parcels if the proposed development is to be set up in separate construction phases.
 - (7) Location of required screening.
 - (8) Location of natural features such as ponds, tree clusters and rock outcropping.
 - (9) Existing development on adjacent properties within two hundred (200) feet.
 - b. The above described site plan shall also include a section designated as “General Provisions” and said section shall include the following items when said items are applicable.

- (1) Net area _____ square feet or _____ acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (1) parcel is proposed, designate net area by parcel as well as total net area.)
 - (2) Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than twenty (20%) percent.
 - (3) Building coverage shall not exceed _____ of the net area of the Planned Unit Development by individual or total development.
 - (4) A minimum of _____ percent of the development plan shall be provided for common open space as defined by this regulation. (Note: Normally, this figure should be approximately fifty (50%) percent.)
 - (5) A minimum of fifty (50%) percent of the recreational facilities shall be constructed prior to the development of one-half (1/2) of the project and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
 - (6) If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
 - (7) Required number of off-street parking spaces: _____.
 - (8) Gross floor area proposed: _____ square feet. (Commercial "PUD" only)
 - (9) All proposed land uses shall be listed by parcel.
- c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
 - d. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
 - e. A vicinity map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed Planned Unit Development.
 - f. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.

preliminary plan. The application shall include twenty (20) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for Planned Unit Developments.

2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5%) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, or
 - b. Increase by more than ten (10%) percent the floor area proposed for non-residential use, nor
 - c. Increase by more than five (5%) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - d. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The juxtaposition of different land uses.
 - (3) The relation of open space to residential development.
 - (4) The proposed phasing of construction.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, storm water, sanitary sewers, or other public facilities.

In the event a public hearing is not required for final approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, the Planning Commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the Governing Body for its final approval.

4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.

5. In the event that a plan or section thereof is given final approval and thereafter the land owner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the land owner shall fail to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the land owner.

SECTION 7. RECORDING. Any approved final plan shall be filed of record with the Register of Deeds.

SECTION 8. ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN. To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement, or otherwise shall be subject to the following provisions.:

1. Enforcement by the Municipality: The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and location of buildings and structures, and
 - b. The quality and location of common open space, and
 - c. The intensity of use or the density of residential units shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any owners or regulation otherwise granted the municipality by law.
2. Enforcement by the Residents and Owners: All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the plan which have been finally approved and have been recorded.
3. Modifications of the Plan by the Municipality: All those provisions of the plan authorized to be enforced by the municipality under Paragraph 1 of this section may be modified, removed or released by the municipality (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- a. No such modification, removal or release of the provisions of the plan by the municipality shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, at law or equity, as provided in Paragraph 2 of this section.
 - b. No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of this section, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development, does not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.
4. Modification by the Residents: Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of Paragraph 1 of this section.

SECTION 9. AMENDMENTS. A Planned Unit Development District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this article for approval of a preliminary or final plan. Application for amendment may be by the homeowner's association or fifty-one (51%) of the owners of the property within the "PUD".

SECTION 10. PLATTING. For un-platted tracts or tracts being re-platted, the approval of the preliminary Planned Unit Development shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations.

ARTICLE XIV

“M – H” MANUFACTURED HOME OVERLAY DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is intended that this district be established to permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the manufactured home owner.

This district is intended to be appended as an overlay to any of the residential districts to provide an opportunity for individual siting and use of manufactured homes for single-family dwellings consistent with the use and density characteristics of the surrounding neighborhood.

SECTION 2. DISTRICT REGULATIONS: In the “M - H” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Manufactured homes including single-wide units on permanent foundations.
2. Uses and structures permitted under the provisions of the regulations of the parent district, of which this district is made a part.

SECTION 4. INTENSITY OF USE REGULATIONS: A manufactured home in an “M – H” District shall be located on a lot which conforms with the minimum lot size requirements of the parent district, of which this district is made a part.

SECTION 5. LOT COVERAGE: A manufactured home and accessory buildings shall not cover more than forty (40) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements.

SECTION 7. YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements.

SECTION 8. SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for signs unless otherwise approved by the Planning Commission and the Governing Body.

SECTION 9. PARKING AND LOADING REGULATIONS: The parking and loading requirements of the parent district, of which this district is made a part, shall be the minimum requirements unless otherwise prescribed and/or approved by the Planning Commission and the Governing Body.

SECTION 10. SPECIAL MANUFACTURED HOME REQUIREMENTS:

Manufactured homes sited on individually owned lots shall be subject to the following special requirements:

1. Manufactured homes shall be mounted on a foundation of permanent design.
2. All open space below such manufactured home not completely enclosed by the permanent foundation shall be skirted, blocked, or otherwise screened using solid materials which will assure positive closure.
3. Each manufactured home shall be an independent dwelling unit, connected to all available utilities.
4. Each manufactured home shall be provided with anchors and tie-downs of adequate capacity to provide stability against high winds and adverse weather conditions as per manufacturers recommendations and applicable state and local regulations.
5. Each independent manufactured home shall be sited in such a manner as to preserve the visual character of the neighborhood, which shall include provisions for landscaping and other site improvements as well as off-street parking.
6. Each manufactured home shall bear a certification plate pursuant to the “National Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. 5401 et seq., as amended.
7. No manufactured housing unit shall be more than ten (10) years old at the time of initial sitting on the lot.

ARTICLE XV

“MH-1” MANUFACTURED HOME SUBDIVISION DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is intended that the “MH-1” district be established for the purpose of allowing development of medium density platted neighborhood areas for use by manufactured homes of all types. Manufactured homes may be occupied by either owners or renters, however, no lots may be rented or leased, or for sale on a contract basis which has the functional affect of leasing.

This district is intended to provide opportunity for individual sitting and use of manufactured homes for single-family dwellings consistent with the use and density characteristics of the surrounding residential neighborhood.

SECTION 2. DISTRICT REGULATIONS: In the “M - H” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Manufactured homes, single or multiple-width, on permanent foundations and connected to all public facilities.
2. Single-family dwellings.
3. Group homes, foster homes and boarding homes for children.
4. Churches and similar places of worship and parish houses.
5. Public parks, playgrounds, recreational areas.
6. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
7. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.
8. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
9. The following uses may be allowed by Conditional Use Permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose.

- a. Any conditional use permitted in the “R – 1” Single-Family Dwelling District.

SECTION 4. INTENSITY OF USE REGULATIONS: Every lot shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet.

SECTION 5. LOT COVERAGE: The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

SECTION 6. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height..

SECTION 7. YARD REGULATIONS:

1. Front Yard.

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets in ARTICLE XXIX.
- b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line.

2. Side Yard.

- a. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building.
- b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

3. Rear Yard. There shall be a rear yard having a depth of not less than ten (10) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 9. PARKING AND LOADING REGULATIONS. See ARTICLE XXV.

ARTICLE XVI

“M – P” MANUFACTURED HOME PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: It is the intent of the “M - P” Manufactured Home Park District to permit low density manufactured home uses in a park-like atmosphere. The Manufactured Home Park District is intended for those areas where the owner proposes to develop and rent or lease individual sites.

SECTION 2. DISTRICT REGULATIONS: In the “M – P” District, no building shall be used and no building shall be erected, altered, or enlarged which is arranged, intended, or designed for other than uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Independent manufactured homes located on a well-drained concrete slab.
2. Parks and playgrounds.
3. Manufactured housing service buildings, such as coin-operated washers and dryers, for exclusive use of residents of the manufactured home park.
4. Office for manager of the manufactured home park.
5. Storage building for vehicles used to tow manufactured housing units.
6. Storage building for blocks, skirts, pipe, and other material and equipment required to set up a manufactured house.
7. Accessory uses and buildings, including swimming pools, bath houses, RV and boat storage sheds, patios, etc., for exclusive use of manufactured housing residents.
8. Licensed child care centers.
9. Home occupations.
10. Churches and other similar places of worship.

SECTION 4. PARK REQUIREMENTS:

1. A tract to be used for a manufactured housing park shall be large enough to accommodate twenty-five (25) or more manufactured units.
2. Each manufactured housing park space shall be not less than thirty-five (35) feet wide.

3. Manufactured housing parks shall have a maximum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3,000) square feet.
4. The manufactured housing park shall be located on a well-drained site properly graded to insure rapid drainage.
5. Manufactured housing parks shall provide screening when they abut residential property.
6. Each manufactured housing park having more than ten (10) lots for rent shall reserve an area for child recreation according to the following schedule:

Number of Manufactured Homes	Minimum Area of Playground
0-10	None required
10 – 20	1,500 square feet
21 – 25	2,500 square feet
25 and over	100 square feet per lot

7. The recreation area shall be located so as to be free from hazards and provided with play equipment.
8. All new manufactured housing parks shall provide a storm shelter for the occupants. All existing manufactured housing parks (at the date of the adoption of this Ordinance) are encouraged to provide storm shelters.
9. The manufactured housing shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure or other material approved by the City, and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.
10. Manufactured housing units shall be located so that there is at least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.
11. No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.
12. All manufactured housing spaces shall abut on an internal driveway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both

sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall have unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.

13. Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.
14. All roadways and walks within the manufactured housing park shall be hard surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.
15. All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.
16. Whenever master television antenna systems including cable systems, are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.
17. Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building.
18. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured housing spaces within the park. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.
19. All manufactured housing units within the "M – P" District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured housing drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.
20. Each manufactured housing unit shall be secured by anchoring the superstructure against uplift, sliding, rotation, and overturning.
21. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon required plan.

22. The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers. Refuse and garbage handling methods shall meet the following minimum requirements:
- a. Storage collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.
 - b. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - c. Refuse racks shall be provided for all refuse containers. Such racks shall be designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
 - d. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
 - e. The park owner shall insure that containers at all stands are emptied regularly and maintained in a useable sanitary condition.
23. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations:
- a. Be located twenty-five (25) feet or more from any manufactured housing unit.
 - b. Be adequately lighted.
 - c. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
 - d. Provide at least one (1) lavatory, water closet, and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold water.
 - e. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
 - f. Have all rooms well ventilated with all openings effectively screened.
24. When liquefied petroleum gas is used in a manufactured home park, containers for such gas shall not hold more than twenty-five (25) gallons water capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce

Commission for its intended purposes, and shall be attached to the manufactured home in a manner approved by the Liquefied Petroleum Gas Association.

25. A solid or semi-solid fence or wall, minimum 6 feet, maximum 8 feet high, shall be provided between the manufactured home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for manufactured homes. Said fence shall be so located as defined by this regulation. In lieu of said fence or wall, a year-round landscape buffer may be provided not less than 15 feet in width, and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the Owner.
26. The Owner or operator shall include with the required plan a budget for financing the proposed improvements.

SECTION 5. APPLICATION PROCEDURE:

1. The applicant for a manufactured housing park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present ten (10) copies of the plan for review by the Planning Commission. The development plan shall show topography and the location and size of:
 - a. Manufactured housing sites.
 - b. Service buildings.
 - c. Off-street parking areas.
 - d. Electrical outlets.
 - e. Sewer outlets.
 - f. Water outlets.
 - g. Water lines.
 - h. Sewer lines.
 - i. Recreational areas.
 - j. Landscaped areas and walls or fences.
 - k. Roadways.

1. Sidewalks.
2. Following a rezoning hearing, as required by law and preliminary approval of the development plan, the Planning Commission shall submit the plan together with a record of the hearing plus its formal recommendations to the Governing Body for final approval.
3. When final approvals have been obtained, the Zoning Administrator shall issue a permit to operate the manufactured housing park.
4. Upon the issuance of the permit for a manufactured home park, the City shall have the authority to have said manufactured home inspected by the proper inspecting officer of the City, and if it shall be found that the holder of said permit has made any false or misleading statements in his application or has placed or caused to be placed more manufactured homes in said manufactured home park or court than provided for and set forth in said application for permit, or that said holder of said permit has violated or caused to be violated any provision of this Article, the City Governing Body shall have the power to revoke said permit.
5. If the City shall determine upon proper inspection by the inspecting officer of the City, that the sanitary condition of the manufactured home park shall have become so unsanitary as to endanger health or welfare of occupants of said manufactured home park or the surrounding community, or that said sanitary facilities have become inadequate to properly protect the occupants of said manufactured park, the City Governing Body shall have the power to require the holder of said manufactured home park permit, within ten (10) days, to set said manufactured home park in proper sanitary condition. If, upon notice from the City to the holder of the permit as aforesaid, the owner or manager of said manufactured home park shall fail or refuse to place said park or court in sanitary condition, the City Governing Body shall have the right to revoke said permit.
6. Whenever a property zoned "M-P" ceases to be used for such purposes for a period of two (2) years, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former zoning district classification.
7. After the effective date of this Ordinance, no new manufactured housing park may be operated and no existing park expanded, except in accordance with these Regulations and under permit from the Zoning Administrator.

ARTICLE XVII

“C – S” HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “C – S” Highway Service District is intended for the purpose of grouping limited highway services in appropriate areas. Floor area is restricted, off-street parking, and landscaping is required in order to reduce possible adverse effects on adjacent properties.

SECTION 2. DISTRICT REGULATIONS: In the “C – S” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Ambulance services.
2. Animal hospitals or clinics.
3. Apartments on floors other than the ground floor.
4. Automobile, truck and other motor vehicle sales, service, repair and rental.
6. Bakery and pastry shops, retail.
6. Bed and breakfast establishments.
7. Boat sales and rental.
8. Building materials, retail sales.
9. Commercial recreation facilities.
10. Car wash.
11. Electrical and telephone substations.
12. Farm and construction equipment sales; outdoor display shall be permitted provided that no machinery shall be displayed, parked, or stored in any required yard.
13. Feed and seed stores, including garden and lawn supplies.
14. Florist shops.
15. Funeral homes.

16. Garden supplies and landscape nursery.
17. Grocery stores.
18. Hospitals and Medical Clinics
19. Liquor stores.
20. Lumber yards.
21. Motels or motor hotels.
22. Newsstands
23. Parking lots, customer and private.
24. Parks, playgrounds, and community buildings.
25. Private clubs, fraternities, sororities and lodges.
26. Restaurants and drive-ins.
27. Self-service laundries and dry-cleaning stores.
28. Service stations.
29. Taverns.
30. Truck sales, service, and repair, provided there is no outside repair or repair storage.
31. Truck terminals.
32. Theaters, indoor.
33. The following uses of land may be allowed in this district by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body and under such conditions as they may impose:
 - a. Amusement parks.
 - b. Child care centers.
 - c. Collection and distribution of recyclable items.
 - d. Drive-in theaters.
 - e. Manufactured home sales, subject to the following regulations:

- (1) Sales Activities: In the “C – S” Highway Service District, manufactured home sales activities shall be limited to the display, storage, and sale of completed, undamaged manufactured home units, including all activities necessary to prepare said units for display on the property and transport off the property. Said activities shall include the placement or removal of towing equipment, tires and axles, blocks, skids, jacks, skirting and steps, and the connection and disconnection of utilities. Said activities shall not include construction on or in the manufactured home.
 - (2) Density: No more than eight (8) manufactured homes may exist on each acre of property used for manufactured home sales at any given time.
- f. Miniature golf courses.
 - g. Mini-warehouses including outdoor storage, subject to the provisions of ARTICLE XXIX.
 - h. Race tracks, animal or vehicular.
 - i. Wireless communications towers subject to the provisions of ARTICLE XXIX.
 - j. Accessory structures as a free-standing use without a primary use or structure on vacant lots or tracts subject to all other zoning requirements.
 - k. Recreational vehicle (RV) parks subject to the following conditions:
 - (1) Recreational vehicle (RV) parks shall be utilized for the accommodation of travel trailers and other recreational vehicles only, and under no circumstances shall the park be utilized for occupancy by manufactured homes.
 - (2) The tract to be used for a RV park shall not be less than two (2) acres in area.
 - (3) The applicant for an RV park shall prepare or cause to be prepared a preliminary plan, drawn to a scale of not less than 1”= 100’, and ten (10) copies of said plan shall be submitted to the Planning Commission for their review and recommendation. Such plans shall comply with the following minimum requirements.
 - (a) Contours at intervals of one foot shall be indicated on the plan.
 - (b) The RV park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

- (c) RV parks shall have a maximum density of 20 RV units per gross acre and a minimum area of 1,250 square feet shall be provided for each RV space.
 - (d) Each RV space shall be at least 25 feet wide and a minimum of 50 feet in depth.
 - (e) Recreational vehicles shall be located on each space so as to maintain a setback of no less than 20 feet from any public street or highway right-of-way, and as to maintain a setback of no less than 5 feet from any boundary line of an adjoining RV space when such boundary line is not common to any public street or highway right-of-way.
 - (f) All RV spaces shall front on a private roadway of not less than 24 feet in width and all roadways shall have unobstructed access to a public street.
 - (g) A solid or semi-solid fence or wall at least six feet height, but not more than eight feet high, shall be provided between the RV park and any adjoining property which is zoned for residential purposes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than fifteen (15) feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for an RV space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.
- (4) Upon approval of the preliminary RV park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
 - (5) Any substantial deviation, as determined by the Zoning Administrator, from the approved plan, shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be re-submitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.

SECTION 4. INTENSITY OF USE REGULATIONS:

- 1. Where the lot will be served by public water and sewer, the minimum lot size shall be seven thousand five hundred (7,500) square feet with 75 feet minimum width.

2. Where a private water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

SECTION 5. LOT COVERAGE: A building, structure or use may occupy all that portion of the zoning lot not otherwise required for off-street parking or the yard regulations.

SECTION 6. HEIGHT REGULATIONS: No building or structure shall exceed forty-five (45) feet in height.

SECTION 7. YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXIX.
 - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.
2. Side Yard. Where a “C – S” Zone abuts any residential District Zone, a side yard of not less than fifteen (15) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 9. PARKING AND LOADING REGULATIONS: See ARTICLE XXV.

SECTION 10. LANDSCAPING REGULATIONS: See ARTICLE XXVI.

SECTION 11. TRAFFIC REGULATIONS: See ARTICLE XXVII.

ARTICLE XVIII

“C – 1” CENTRAL BUSINESS DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “C – 1” Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the economic level of the primary shopping district.

SECTION 2. DISTRICT REGULATIONS: In the “C – 1” District, no building shall be used and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Adding machine and other small business machine repair, sales, and services.
2. Ambulance service.
3. Amusement places.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments or individual dwelling units on floors other than the ground floor, or on the alley side of the lot.
6. Apparel and accessory stores.
7. Appliance stores.
8. Art and art supply stores.
9. Artist studios.
10. Auditoriums and similar places of public assembly.
11. Automobile accessory and supply store.
12. Automobile, truck and other motor vehicle sales and rental.
13. Automobile parking lots and garages.
14. Bakery and pastry shops (retail only).
15. Banks and other savings and lending institutions.
16. Barber shops, beauty shops and chiropody, massage, or similar personal services.

17. Bicycle shops.
18. Boat sales and rental.
19. Books and stationery stores.
20. Bowling centers and recreational buildings.
21. Building materials, retail sales.
22. Business and technical schools including schools for photography, dancing, and music.
23. Business machine sales, repair and service.
24. Catalog stores.
25. Churches.
26. Cigar and tobacco stores.
27. Clothing and costume rental shops.
28. Clothing stores.
29. Commercial recreational uses.
30. Custom dressmaking, millinery, tailoring, and similar trades.
31. Day care centers.
32. Delicatessens and catering establishments.
33. Department stores.
34. Drug stores and prescription shops.
35. Dry cleaning and laundry establishments.
36. Dry goods and notion store, including coin shops and fabric shops.
37. Electronic appliances and equipment including computer and software service.
38. Farm and construction equipment, retail sales.
39. Fire stations, police stations, jails.

40. Fix-it shops (radio, television, and small household appliances).
41. Florist and gift shops.
42. Frozen food lockers of not more than 10,000 square feet in floor area.
43. Funeral Homes.
44. Furniture and home furnishing stores.
45. Garage and auto repair shops but not including auto body and fender work and auto painting.
46. Garden supplies and landscape nursery.
47. Government buildings.
48. Grocery, fruit, and vegetable stores (retail only).
49. Gun Shops.
50. Hardware stores including gun shops.
51. Heating and air conditioning shops provided all merchandise is located in a building.
52. Hobby, stamp, and coin shops.
53. Hotels and motels.
54. Household appliance stores.
55. Interior decorator shops.
56. Jewelry and metal craft stores and shops.
57. Leather goods and luggage stores.
58. Libraries and museums (public).
59. Liquor stores.
60. Lock and key shops.
61. Mail order catalog stores.
62. Medical, dental, and health clinics.

63. Medical and orthopedic appliance stores.
64. Meeting halls and auditoriums.
65. Messenger and telegraph service stations.
66. Milk and milk products distribution stations.
67. Manufactured housing and recreational vehicle sales.
68. Mini-warehouses including outdoor storage subject to the provisions of ARTICLE XXVIII.
69. Museums
70. Music instrument sales and repair shops.
71. Music stores and studios.
72. Newspaper offices, printing and printing supply sales and service.
73. Newsstands.
74. Offices and office buildings.
75. Office supply and office equipment sales and service stores.
76. Optician and optometrist shops.
77. Paint, wallpaper and glass stores.
78. Parking lots and garages.
79. Parks and open spaces.
80. Pawn shops.
81. Pet shops.
82. Photographic equipment sales and supply stores.
83. Photographic studios.
84. Picture framing shops.
85. Prescription shops.
86. Printing and publishing houses (including newspapers).

87. Private clubs, fraternities, sororities and lodges.
88. Public buildings, including post office, city offices, county offices, state offices.
89. Radio and television studios.
90. Railway, taxi, and bus passenger stations.
91. Restaurants and snack shops, excluding drive-ins.
92. Service stations.
93. Sewing machine sales and repair.
94. Shoe repair and shoeshine shops.
95. Shoe stores.
96. Sporting and athletic goods stores.
97. Stores and shops for the conduct of retail business similar to the uses listed in this section.
98. Tailor shops.
99. Taverns.
100. Television and radio sales and service.
101. Theaters.
102. Toy stores.
103. Travel bureaus.
104. Used car lots.
105. Upholstery shops of not more than 10,000 square feet of floor area.
106. Utility company offices.
107. Variety stores.
108. Wallpaper and paint stores.
109. Watch and watch repair shops.

110. Accessory uses customarily incidental to the above uses.
111. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:
- a. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
 - b. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
 - c. Carpenter, cabinet, plumbing, or sheet metal shops, provided that any outside storage is completely enclosed by a six (6) foot sight obscuring fence.
 - d. Contractors office and equipment storage yard, provided that outside storage of equipment or materials is completely enclosed by a six (6) foot sight obscuring fence.
 - e. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
 - f. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
 - g. Retail lumber yards, providing all materials and equipment are stored in a completely enclosed building or are screened by a minimum six (6) foot high solid fence.
 - h. Collection and distribution of recyclable items.
 - i. Wireless communications towers subject to the requirements of ARTICLE XXIX.
 - j. Accessory structures as a free-standing use without a primary use or structure on vacant lots or tracts subject to all other zoning requirements.

SECTION 4. INTENSITY OF USE REGULATIONS: No requirements except those to meet fire regulations.

SECTION 5. HEIGHT REGULATIONS: No building shall exceed sixty (60) feet in height except as otherwise provided in the additional height, area, and use regulations of this Ordinance.

SECTION 6. YARD REGULATIONS:

1. Front Yard. No front yard is required for any building in the “C – 1” Central Business District.
2. Side Yard. No side yard is required for any building in the “C – 1” Central Business District, except where a lot sides on any residential district, in which case there shall be an eight (8) foot side yard.
3. Rear Yard. No rear yard is required for any building in the “C – 1” Central Business District, except where a lot abuts on a residential district, in which case there shall be an eight (8) foot rear yard.

SECTION 7. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 8. PARKING AND LOADING REGULATIONS: None required.

SECTION 9. LANDSCAPING REGULATIONS: None required.

SECTION 10. TRAFFIC REGULATIONS: See ARTICLE XXVII.

ARTICLE XIX

“C – 2” GENERAL COMMERCIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “C – 2” General Commercial District is intended for the purpose of allowing basic retail, service, and office uses in locations outside the Central Business District.

This district is intended to provide locations for commercial activities that do not need a central location but do require a location easily accessible to downtown shoppers.

Business uses needing large floor areas, particularly those not compatible with central business district densities, are included in this district.

SECTION 2. DISTRICT REGULATIONS: In the “C – 2” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Accessory uses.
2. Amusement places (indoors).
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apparel and accessory stores.
6. Apartments on floors other than the ground floor.
7. Armory.
8. Art and art supply stores.
9. Artist studio.
10. Auditoriums and similar places of public assembly.
11. Automobile accessory and supply store.
12. Automobile and mobile home sales and service.

13. Automobile parking lots and garages.
14. Bakery and pastry shop (retail only).
15. Banks and other savings and lending institutions.
16. Barber shops, beauty shops, chiropody, massage or similar personal services.
17. Bicycle shops.
18. Books and stationary stores.
19. Bowling alleys.
20. Business and technical schools including schools for photography, dancing and music.
21. Business machine repair, sales and service including computers and related equipment.
22. Carpenter and cabinet shops employing five (5) persons or less.
23. Car wash.
24. Cigar and tobacco store.
25. Churches and other similar places of worship.
26. Clothing and costume rental.
27. Commercial recreation centers.
28. Computer and electronic stores.
29. Custom dressmaking, millinery, tailoring and similar trades.
30. Delicatessens and catering establishments.
31. Department stores.
32. Drug stores and prescription shops.
33. Dry goods and notion stores.
34. Dry cleaning and laundry establishments.
35. Fire stations, police stations and jails.

36. Fix-it shops (radio, television and small electronic appliances).
37. Florist and gift shops.
38. Funeral homes and mortuaries.
39. Furniture and home furnishing stores.
40. Golf courses including miniature golf and driving tees.
41. Government administrative buildings.
42. Greenhouses, garden centers and nurseries.
43. Grocery stores.
44. Gun Shops
45. Hardware stores including gun shops.
46. Hobby, stamp and coin shops.
47. Hotels and motels.
48. Household appliance stores.
49. Interior decorator's shops.
50. Jewelry and metal craft stores and shops.
51. Leather goods and luggage stores.
52. Library and museum (public).
53. Liquor stores
54. Lock and key shops.
55. Lumber and building supply stores.
56. Mail order catalog stores.
57. Medical, dental and health clinic.
58. Medical and orthopedic appliance stores.
59. Meeting halls and auditoriums.

60. Messenger and telegraph service stations.
61. Mini-warehouses including outdoor storage subject to the provisions of ARTICLE XXIX.
62. Music instrument sales and repair shops.
63. Music studios.
64. Newspaper offices.
65. Newsprint, job printing and printing supply stores.
66. Offices and office buildings.
67. Office supply and office equipment stores.
68. Optician and optometrists.
69. Package liquor stores.
70. Paint and wall paper stores.
71. Parking lots and garages.
72. Parks and open spaces.
73. Pawn shops.
74. Pet shops.
75. Photographic equipment sales and supply stores.
76. Photographic studios.
77. Picture framing shops.
78. Plumbing shops.
79. Post office.
80. Printers.
81. Private clubs and lodges.
82. Radio and television studios.
83. Restaurants, including drive-ins.

84. Service stations.
85. Self-service laundries and dry cleaning establishments.
86. Sewing machine shops and stores.
87. Shoe stores.
88. Shoe repair shops.
89. Sporting and athletic goods stores.
90. Stores and shops for the conduct of retail business similar to the uses listed in this section.
91. Tailor shops.
92. Taverns.
93. Theaters.
94. Tire repair shops.
95. Toy stores.
96. Travel bureaus.
97. Used car lots.
98. Utility company offices.
99. Variety stores.
100. Watch repair shops.
101. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:
 - a. All conditional uses allowed in the “C-1” District.
 - b. Any public building erected on land used by any department of the City, County, State or Federal Government.
 - c. Public Utility - Telephone exchange, electric substation, radio and television towers, water, sewers or storm sewer facilities, a natural, piped gas operating under government franchise and contract.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. A tract used for other than residential purposes shall be not less than two thousand five hundred (2,500) square feet in area with an average width of not less than twenty-five (25) feet. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each apartment built above ground floor.

SECTION 5. HEIGHT REGULATIONS: No building in a “C – 2” District shall exceed forty-five (45) feet except as provided in the additional height, area, and use regulations of this ordinance.

SECTION 6. YARD REGULATIONS:

1. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial streets and collector streets in ARTICLE XXVIII.
 - a. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - b. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. Side Yard. Where the “C - 2” District abuts a residential district there shall be a side yard of not less than eight (8) feet.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet, or twenty (20) percent of the depth of the lot, whichever amount is smaller.

SECTION 7. SIGN REGULATIONS. See ARTICLE XXIII.

SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXIV.

SECTION 9. LANDSCAPING REGULATIONS: See ARTICLE XXV.

SECTION 10. TRAFFIC REGULATIONS: See ARTICLE XXVI.

ARTICLE XX

“C – 3” ADULT ENTERTAINMENT DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT. It is the intent and purpose of the “C – 3” Adult Entertainment District to regulate adult entertainment establishments which by their nature are known to produce deleterious effects to adjacent development and serious secondary negative impacts to juveniles, especially where such uses are clustered. Special regulations of such uses is therefore necessary to insure that these and other adverse secondary effects will not impact residential neighborhoods, public and quasi-public institutions or facilities serving the youth of the community.

SECTION 2. DISTRICT REGULATIONS. In the “C – 3” District no building shall be used, and no building shall be erected, altered or enlarged which is arranged, intended or designed for other than adult entertainment uses listed in SECTION 4 below.

SECTION 3. USE REGULATIONS.

1. Escort agencies.
2. Adult book and/or video stores.
3. Adult entertainment establishments, including bars, cabarets, massage parlors, live theaters, motion picture theaters, and other sexually-oriented entertainment businesses.
4. Adult novelty stores.

SECTION 4. INTENSITY OF USE REGULATIONS. All lots and tracts shall have not less than seven thousand (7,000) square feet in area with an average width of not less than fifty (50) feet.

SECTION 5. HEIGHT REGULATIONS. No building in a “C – 3” District shall exceed thirty-five (35) feet in height, except as may be otherwise provided by the regulations.

SECTION 6. YARD REGULATIONS.

1. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as may be required for arterial streets and collector streets.
 - a. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - b. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.

2. Side Yard. There shall be a side yard on each side of a building, and no side yard shall be less than ten (10) feet.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet.

SECTION 7. SIGN REGULATIONS. See ARTICLE XXIII.

SECTION 8. PARKING AND LOADING REGULATIONS. See ARTICLE XXIV.

SECTION 9. LANDSCAPING REQUIREMENTS. See ARTICLE XXV.

SECTION 10. TRAFFIC REGULATIONS. See ARTICLE XXVI.

SECTION 11. USE AND LOCATION RESTRICTIONS.

1. No adult entertainment use, escort agencies, adult book or video store, or adult novelty store shall be conducted in any manner:
 - a. To allow the merchandise or activities of the establishment to be visible from any point outside of the building or structure containing such use.
 - b. That permits the observation of any material depicting, describing or relating to sexual activities from any point outside of the building or structure containing such use.
2. The provisions of Subsections (a.) and (b.) above shall apply to any display, decoration, sign, window or other opening.
3. No adult use as set out in Section 3 above shall be allowed within one thousand (1,000) feet of another existing adult use.
4. No adult use as set out in Section 3 above shall be located within one thousand (1,000) feet of any zoning district which allows residential uses or within one thousand (1,000) feet of any residence.
5. No adult use as set out in Section 3 above shall be located within one thousand (1,000) feet of an existing church or place of worship, day-care facility, park, educational institution, library, museum, community center, playground or swimming pool.
6. For purposes of Subsections 3., 4. and 5. above, measurements shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest point on the property line of the applicant's adult entertainment use to the nearest point on the property line of the church, etc..
7. No more than one such use shall be conducted within any building or structure containing an adult use.
8. No permitted adult oriented business as defined herein shall be operated between the hours of 8:00 p.m. and 8:00 a.m.

ARTICLE XXI

“I – 1” LIGHT INDUSTRIAL DISTRICT

SECTION 1 INTENT AND PURPOSE OF DISTRICT: The “I – 1” Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.
2. Generate large volumes of vehicular traffic.
3. Create obnoxious sounds, glare, dust, or odor.

Height and land coverage are controlled to ensure compatibility with adjoining uses.

SECTION 2. DISTRICT REGULATIONS: In the “I – 1” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales and repair.
3. Bakery, whose primary purpose is not retail sales.
4. Billboards subject to requirements outlined in ARTICLE XXIII.
5. Bottling works.
6. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor, or smoke).
7. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
8. Car wash establishments.
9. Carpenter, cabinet, plumbing or sheet metal shops.
10. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
11. Dog kennels.
12. Dry cleaning and/or laundry plants.

13. Farm and construction equipment sales and services.
14. Feed and seed storage and wholesale distribution.
15. Frozen food lockers.
16. Greenhouses and nurseries retail and wholesale.
17. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
18. Machinery sales and storage lots.
19. Mini-warehouses including outdoor storage subject to the provisions of ARTICLE XXVIII.
20. Monument sales.
21. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
22. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
23. Motor vehicle and farm implement sales and storage.
24. Public utility and public service uses:
 - a. Municipal power plant.
 - b. Substations.
 - c. Railroads.
 - d. Telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants.
 - e. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.

25. Collection and distribution of recyclable items.
26. Sign printing and manufacturing.
27. Truck and rail terminals.
28. Upholstering shops.
29. Warehouses.
30. Wholesale merchandise sales and storage.
31. The following uses of land may be allowed in this district by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body subject to such conditions as they may require.
 - a. Livestock auction sales and/or sales of farm related products including seed and feed.
 - b. Grain elevators.
 - c. Wireless communications towers subject to the provisions of ARTICLE XXIX.
 - d. Wholesale and storage of products of a volatile nature such as anhydrous and similar products.
 - e. Accessory structures as a free-standing use without a primary use or structure on vacant lots or tracts subject to all other zoning requirements.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. Lots in this district shall be subject to the following minimum size requirements:
 - a. Minimum lot size shall be ten thousand (10,000) square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
2. A building, structure, or use allowed in this district may occupy all of the lot except for that area required for off-street parking and off-street loading and unloading and access roads and as required for arterial and/or collector streets in ARTICLE XXVIII.
3. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as required for arterial and/or collector streets in ARTICLE XXIX.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

SECTION 6. YARD REGULATIONS:

1. Front Yard.
 - a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than thirty (30) feet measured from the front property line except as required for arterial and collector streets in ARTICLE XXVIII.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet in width.
 - d. No accessory building shall project beyond the front yard line on either street.
2. Side Yard. There shall be a side yard on each side of each building and said side yard shall not be less than the average height of adjacent buildings. The required side yards for the lot or tract shall be thirty (30) feet.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.

SECTION 7. SIGN REGULATIONS: See ARTICLE XXIII.

SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXIV.

SECTION 9. LANDSCAPING REGULATIONS: See ARTICLE XXV.

SECTION 10. TRAFFIC REGULATIONS: See ARTICLE XXVI.

ARTICLE XXII

“I – 2” HEAVY INDUSTRIAL DISTRICT

SECTION 1. PURPOSE AND INTENT OF DISTRICT: The “I – 2” Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

SECTION 2. DISTRICT REGULATIONS: In the “I – 2” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales, and repair, service, and painting.
3. Bottling works.
4. Blacksmith shops.
5. Building materials, storage and sales.
6. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
5. Collection and distribution of recyclable items.
- 8 Contractor's office and equipment storage yard.
9. Dog kennels.
10. Dry cleaning and/or laundry plants.
11. Feed and seed stores.
12. Frozen food lockers.
13. Grain elevators.
14. Greenhouses and nurseries retail and wholesale.
15. Lumber yards.
16. Machinery sales and storage lots.

17. Manufactured home fabrication, sales and storage.
18. Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
19. Mini-warehouses including outdoor storage subject to the provisions of ARTICLE XXIX.
20. Motor vehicle and farm implement sales and storage.
21. Poultry storage or slaughtering.
22. Public utility and public service uses.
23. Radiator repair shops.
24. Service stations.
25. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
26. Truck and rail terminals.
27. Upholstering shops.
28. Vehicle body repair provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence.
29. Warehouses or storage houses.
30. Wholesale houses.
31. The following uses of land may be allowed in this district by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body subject to such conditions as they may require.
 - a. Automobile wrecking yards, junk yards, and scrap processing yards subject to the following:
 - (1) Located on a tract of land at least three hundred (300) feet from a residential district zone.
 - (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall, or hedge. The fence, wall, or hedge shall be of uniform height [at least six (6) feet high] and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

- (3) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - (4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.
 - (5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
- b. Said use shall not be located on or visible from an arterial or major street or highway.
 - c. Manufacturing or storage of bulk oil, gas and explosives.
 - d. Oil and gas exploration, extraction and/or production.
 - e. Storage and warehousing of products of a highly explosive, combustible or volatile nature.
 - f. Mining and/or extraction of minerals.
 - g. Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
 - h. Petroleum refining.
 - i. Stockyard and slaughter houses.
 - j. Ready-mix concrete and asphalt mix plants.
 - k. Sanitary landfill.
 - l. Storage, warehousing and sale of bulk fertilizers.
 - m. Hazardous waste facilities.
 - n. Accessory structures as a free-standing use without a primary use or structure on vacant lots or tracts subject to all other zoning requirements
 - o. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or vibration.

SECTION 4. INTENSITY OF USE REGULATIONS:

1. Lots in this district shall be subject to the following minimum size requirements unless served by a public water and sewer system:
 - a. Minimum lot area shall be ten thousand (10,000) square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
2. A building, structure, or use allowed in this district may occupy all of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and as required for arterial and/or collector streets in ARTICLE XXIX.
3. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as required for arterial and/or collector streets in ARTICLE XXIX.

SECTION 5. HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed one hundred fifty (150) feet in height if not in conflict with airport approach zones.

SECTION 6. YARD REGULATIONS:

1. Front Yard.
 - a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than thirty (30) feet measured from the front property line except as required for arterial and collector streets in ARTICLE XXIX.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet in width.
 - d. No accessory building shall project beyond the front yard line on either street.

2. Side Yard. There shall be a side yard on each side of a building and said side yard shall not be less than the average height of adjacent buildings. For the lot or tract, side yard requirements shall be fifteen (15) feet.
3. Rear Yard. There shall be a rear yard for buildings in this district, which rear yard shall have a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.

SECTION 7. SIGN REGULATIONS: See ARTICLE XXIV.

SECTION 8. PARKING AND LOADING REGULATIONS: See ARTICLE XXV.

SECTION 9. LANDSCAPING REGULATIONS: See ARTICLE XXVI.

SECTION 10. TRAFFIC REGULATIONS: See ARTICLE XXVII.

ARTICLE XXIII

“A – H” AIRPORT HEIGHT CONTROL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “A – H” Airport Height Control District is intended for application as an overlay zone in those areas on and near the Barber County Airport where control of height obstruction is necessary for prevention of hazards to air navigation including landing, take-off and maneuvering of aircraft.

It is the purpose of this ARTICLE to prevent creation or establishment of hazards to air navigation and to provide for elimination, removal, alteration, or mitigation of hazards through marking and lighting in order to protect the public health, safety and welfare within the Airport Traffic Area.

SECTION 2. DISTRICT REGULATIONS: In the “A – H” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, to which this district is made a part, provided that such uses and structures meet the minimum requirements of SECTION 3 of these Zoning Regulations.

SECTION 3. SPECIAL USE REGULATIONS: Notwithstanding the requirements of the parent district the other requirements of these Zoning regulations, and the detailed regulations present in City Ordinance No. 843 and any amendments thereto, the following regulations shall supplement the regulations of the parent district where there is a conflict among regulations.

1. In the Airport Height Control District no person, firm or corporation shall initiate any material change in the use of land, erect or establish any structure, or cause the same to be done, without first obtaining a separate permit for the development of each such building, or structure in accordance with the detailed requirements of the City Ordinance No. 843 and any amendments thereto. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the Zoning Administrator. The application shall be accompanied by explanatory background information as required by Ordinance No.843 and any amendments thereto.

SECTION 4. INTENSITY OF USE REGULATIONS: The lot coverage and intensity of use of the parent district, of which this district is made a part, shall be the maximum allowable.

SECTION 5. HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements subject to the additional requirements as prescribed by Ordinance No. 843 for special height restrictions in the Airport Traffic Area.

SECTION 6. YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by these regulations.

SECTION 7. SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

SECTION 8. PARKING AND LOADING REGULATIONS: The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by this ordinance.

ARTICLE XXIV

SIGN REGULATIONS

SECTION 1. GENERAL REQUIREMENTS:

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this Zoning Ordinance and this Article.
2. It shall be unlawful for any person or persons to fasten, paste, place, post, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph, or electric light pole, tree, or bridge. It shall be unlawful to paste, place, paint, or attach any sign on any building, street, or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon, subject to approval by the Zoning Official.
3. Billboards are defined as signs advertising products or services other than those available on the premises and which have an area of three hundred (300) square feet or more per face. Billboards shall not be permitted under these sign regulations within the City limits of Medicine Lodge.

SECTION 2. SIGN CLASSIFICATION: Functional and structural sign classifications shall include the following:

1. Functional Classifications.
 - a. Advertising Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located or to which it is affixed.
 - b. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
 - c. Business Sign: A sign which directs attention to a business or profession conducted; or to a commodity or service sold, offered or manufactured; or an entertainment offered on the premises where the sign is located or to which it is affixed.

- d. Construction Sign: A temporary sign indicating the names of designers and contractors involved in the construction of a project during the construction period and only on the premises on which the construction is taking place.
- e. Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
- f. Nameplate Sign: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, their professional status.
- g. Real Estate Sign: A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof located thereon, including auction signs.

2. Structural Classification

- a. Awning, Canopy or Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project further below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.
- b. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. A sign on accessory structures shall be considered a ground sign. Portable signs do not numerically count as ground signs for the district regulations.
- c. Pole Sign: A sign that is mounted on a free-standing pole, the bottom edge of which sign is seven feet or more above ground level.
- d. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
- e. Roof Sign: A sign totally supported on the roof of a building which does not project more than 12 inches beyond the face of the structure.
- f. Temporary Sign: A sign in the form of a banner, pennant, valance or advertising display constructed of fabric, card board, wallboard or other light weight materials, with or without a frame, intended for temporary display of not more than 30 days at a time.
- g. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve inches from such building.

SECTION 3. SPECIFIC REQUIREMENTS: Requirements for signs erected in the Medicine Lodge Zoning Jurisdiction are as follows:

1. “R – S”, “R – 1”, “R – 2” and “R – 3” Residential Districts and “PUD”, “M – H” , “MH - 1” and “M – P” Districts.
 - a. Functional Types Permitted:
 - 1) Bulletin board signs.
 - 2) Business signs pertaining to home occupation.
 - 3) Construction signs.
 - 4) Identification signs.
 - 5) Nameplate signs.
 - 6) Real estate signs.
 - b. Structural Types Permitted:
 - 1) Ground signs.
 - 2) Pole signs.
 - 3) Wall signs.
 - 4) Business signs pertaining to home occupations shall be affixed flush to the wall of a building.
 - c. Number of Signs Permitted: One of each functional type per zoning lot.
 - d. Maximum Gross Surface Area.
 - 1) Bulletin board and identification signs: 16 square feet in “R – S”, “R – 1”, “R – 2”, and “MH - 1” districts and 32 square feet permitted in the “R – 3” district.
 - 2) Business signs pertaining to a home occupation only: Two square feet or the minimum required by state statutes.
 - 3) Construction signs: 40 square feet.
 - 4) Nameplate signs: Two square feet

- 5) Real estate signs: Six square feet per lot; provided, that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when 75% of the lots in the subdivision have been sold.
 - e. Maximum Height: 15 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured homes shall not be located at a height greater than eight feet above ground floor elevation.
 - f. Required Setback: 10 feet from the front lot line, except temporary real estate and garage sale signs, and none from the side yard setbacks.
 - g. Illumination: No sign shall be illuminated, except that bulletin board and identification signs may be indirectly illuminated with incandescent or fluorescent light.
2. “C – S” Highway Service Business District.
- a. Functional Types Permitted: Any type listed in Section 2 – 1.
 - b. Structural Types Permitted: Any type listed in Section 2 – 2.
 - c. Number of Signs Permitted:
 - 1) Ground and pole signs: One of each functional type per zoning lot plus an advertising sign.
 - 2) Other structural types permitted: No limitation.
 - d. Maximum Gross Surface Area: Two square feet of sign area for each one foot lineal street frontage.
 - e. Maximum Height: 30 feet, except that roof signs may not exceed a height of five feet above the highest point of the roof. A sign higher than the roofline of the structure, but not more than 35 feet high may be permitted for gasoline service stations by application to the Planning Commission and Governing Body for a conditional use. Of primary consideration is the height, location and effect of such a sign in relation to any adjacent residential districts.
 - f. Required Setback: 10 feet when adjacent to a residential zone.
 - g. Illumination: Illuminated signs shall be permitted.

3. “C – 1” Central Business District.
 - a. Functional Types Permitted: Any type listed in Section 2 – 1, including advertising signs when approved as a conditional use by the Planning Commission and Governing Body.
 - b. Structural Types Permitted: Any type listed in Section 2 – 2.
 - c. Number of Signs Permitted:
 - 1) Ground and pole signs: One of each functional type per zoning lot plus an advertising sign when approved as a conditional use.
 - 2) Other structural types permitted: No limitation.
 - d. Maximum Gross Surface Area: Three square foot of sign area for each one foot lineal street frontage; provided, no single sign shall exceed a gross surface area of 100 square feet except advertising signs.
 - e. Maximum Height: 30 feet, except that roof signs may not exceed a height of five feet above the highest point of the roof.
 - f. Required Setback: No minimum required.
 - g. Illumination: Illuminated signs shall be permitted.
4. “C – 2” and “C – 3” General Commercial and Adult Entertainment Districts.
 - a. Functional Types Permitted: Any type listed in Section 2 – 1.
 - b. Structural Types Permitted: Any type listed in Section 2 – 2.
 - c. Number of Signs Permitted:
 - 1) Ground and pole signs: One of each functional type per zoning lot plus an advertising sign.
 - 2) Other structural types permitted: No limitation.
 - d. Maximum Gross Surface Area: Two square feet of sign area for each one foot lineal street frontage.
 - e. Maximum Height: 30 feet, except that roof signs may not exceed a height of five feet above the highest point of the roof. A sign higher than the roofline of the structure, but not more than 35 feet high may be permitted for gasoline service stations by application to the Planning Commission and Governing Body for a conditional use. Of special consideration is the height, location and effect of such a sign in relation to any adjacent residential districts.

- f. Required Setback: 10 feet when adjacent to a residential zone.
- g. Illumination: Illuminated signs shall be permitted.
- h. The following special requirements shall apply in the “C – 3” zone:
 - 1) Advertising and business signs shall have no more than two display surfaces. Each such display surface shall:
 - (a) Not contain any flashing lights.
 - (b) Be a flat plane, rectangular shape.
 - (c) Not exceed forty-nine square feet in sign area if a wall sign, nor twenty-five square feet if other than a wall sign.
 - (d) Not exceed seven feet in height or seven feet in length.
 - 2) Advertising signs shall contain no photographs, silhouettes, drawings or pictorial representations of any kind.
 - 3) Each letter forming a word on an advertising sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of an advertising sign shall be of a uniform and solid color.

5. “I – 1” and “I – 2” Districts.

- a. Functional Types Permitted: Any type listed in Section 2 – 1.
- b. Structural Types Permitted: Any type listed in Section 2 – 2.
- c. Number of Signs Permitted:
 - 1) Ground and pole signs: One of each functional type per zoning lot plus an advertising sign.
 - 2) Other structural types permitted: No limitation.
- e. Maximum Gross Surface Area: Three square foot of sign area for each one foot lineal street frontage; provided, no single sign shall exceed a gross surface area of 200 square feet except advertising signs.
- f. Maximum Height:
 - 1) Wall and roof signs: 10 feet above the highest point of the roof line on which such sign is located.

- 2) All other signs: 35 feet
- g. Required Setback: No minimum required.
- h. Illumination: Illuminated signs shall be permitted.

SECTION 4. SIGN EXEMPTIONS. The following signs shall be exempt from the requirements of this ARTICLE:

- 1. Exempt Signs:
 - a. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
 - b. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organizations, when displayed on private property.
 - c. Small signs, not exceeding five square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, rest rooms, freight entrances and the like.
 - d. Address numerals and other signs required to be maintained by law, rule or regulation; provided, that the content and size of a sign does not exceed such requirements.
 - e. Garage sale signs not exceeding four square feet in gross surface area.
 - f. Memorial signs which are displayed on private property.
 - g. Scoreboards in athletic fields or stadiums.
 - h. Political campaign signs, not exceeding six square feet in gross surface area, which are displayed on private property (not in the public right-of-way); provided, they are removed 48 hours after a candidate is elected to office or is eliminated from further participation in the election as a candidate with similar provisions for bond issues and other ballot issues.
- 2. The following signs are exempt from zoning permit requirements but shall comply with all of the other regulations imposed by this ARTICLE:
 - a. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential building, including all types of manufactured homes.

- b. Identification signs not exceeding 40 square feet in gross surface area accessory to a multiple-family dwelling.
- c. Bulletin board signs not exceeding 40 square feet in gross surface area accessory to a church, school or public or non-profit institution.
- d. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- e. Real estate signs not exceeding six square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located.
- f. Temporary signs which do not exceed 20 square feet in gross surface area and are displayed not more than four times per calendar year.

SECTION 5. GENERAL STANDARDS. The following general sign standards shall apply throughout the Medicine Lodge zoning jurisdiction.

1. Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Section 7. Signs on interior lots which may be viewed from both directions of the adjacent street are considered to have a single gross surface area.
2. Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phased in terms of the number of signs per zoning lot shall be deemed to permit the allowable number of signs to face each street or highway that abuts the lot.
3. Height of Sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined as independent from the maximum structure height for zoning districts.
4. Building and Electrical Codes Applicable. All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.

5. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which is not otherwise shaded and visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M.
6. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted in any residential district.
7. Metal and Non-metal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine feet to grade. Metal or non-metal signs, whether illuminated or not, shall maintain a clearance of at least seven feet underneath awnings, canopies or marquees.
8. Access Way or Window. No sign shall block any access way or window required by any applicable building, housing, fire or other codes or regulations.
9. Signs on Trees or Utility Poles. No private sign shall be attached to a tree or utility pole whether on public or private property.
10. Traffic Safety.
 - a. No sign shall be maintained at any location where by reason of its position, size, shape or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with; any traffic control sign, signal or device; or where it may interfere with, mislead or confuse traffic.
 - b. No sign shall be located in any vision triangle except official traffic signs and signs mounted eight feet or more above the ground whose supports, not exceeding two, do not exceed 12 inches at the widest dimension and, thus, do not constitute an obstruction.
11. Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement, except temporary real estate and garage sale signs may be placed on the public right-of-way with the approval of the adjacent land owner to provide direction to the property during a showing or sale provided such signs do not obstruct traffic visibility. Such signs may only be displayed during an open house or a garage sale and must be removed at the conclusion of such open house or sale. No sign shall be permitted to project over the public right-of-way or public easement, except with the approval of the Planning Commission and Governing Body as a conditional use, or as a permitted use in the "C – 1" Central Business District when the lowest part of such sign is at least ten feet above the sidewalk surface.

12. Portable Signs. Notwithstanding any other provisions of these regulations, the following provisions apply to the use of portable signs.

- a. A portable sign is defined as a temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the premises, such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Removal of any wheels shall not change the definition of being readily moveable. Any such sign shall not exceed a height of 10 feet above grade level or 60 square feet in gross surface area.
- b. All the general sign standards are applicable to portable signs, except that such signs may project over or be located on public easements, but not a public street right-of-way. No such signs shall be placed on the roofs of structures.
- c. Whereas portable signs are not required to set back any minimum distance from lot lines in any zoning district, the Zoning Administrator shall, in his discretion, strictly enforce traffic safety provisions, especially at corner intersections and driveway entrances and exits.
- d. In all zoning districts, except agricultural and residential districts, portable signs are permitted; however, any such sign shall not be located closer than 50 feet to another such sign when measured along the frontage whether the latter is located on the same or another zoning lot, except that each business firm shall be permitted at least one such sign notwithstanding the 50 feet minimum spacing standard.
- e. In all agricultural and residential districts only portable signs are permitted which limit their messages to the following subjects:
 - 1) Announcements of special occasions or activities of non-profit organizations such as churches and fraternal and service clubs.
 - 2) Announcements related to personal or family events such as “Happy Birthday” and the like.

The above signs are limited to a display period of not more than 15 days for any one announcement with the gross surface area not to exceed 60 square feet and only one sign at a time permitted on the premises of the party making the announcement.

- f. In addition to the general sign standards, strobe light sources or flashing bulbs or signs which create the illusion of movement shall not be permitted on portable signs in any district. Electrified portable signs shall not be connected to any electrical power source except during the hours when the business, office or institution is open. Electrical lines shall not be permitted to lay on the ground where vehicular traffic or pedestrian passage is allowed and the use of extension cords for portable signs is prohibited. Ground Fault Circuit Interrupters (G.F.C.I.) are required on all electrified signs.

- g. A zoning permit for each portable sign shall be obtained for each 30 day period or part thereof when the sign remains on the zoning lot. Annual permits may be obtained for the use of such signs at one or more locations during the year. All portable signs shall bear an identification marker to indicate the owner's name and some system of identifying the individual sign, e.g. by number.
 - h. Any unauthorized portable sign placed on public property, including the public street or road right-of-way, declared to be a public nuisance shall be subject to removal and impoundment without notice. If not redeemed within 30 days by the owner paying a service charge, the sign may be disposed of in any manner deemed appropriate. The Zoning Administrator may revoke the permit for any sign deemed to be in violation of this Section, or of any condition on which the permit was based and order its removal within a reasonable period consistent with public safety.
13. Damaged or Unsafe Signs. The Zoning Administrator shall require the immediate repair or removal of any conforming or non-conforming sign or sign structure which has been damaged or deteriorated so as to become a public hazard. Such a sign structure may be restored to its original condition without obtaining a zoning permit, unless the sign is replaced and, thus, must conform to current regulations.

SECTION 6. PERMITS AND FEES REQUIRED:

- 1. A permit shall be required for the erection, construction, or alteration of any sign in the Medicine Lodge Zoning Jurisdiction.
- 2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided, and no signboard shall be erected or painted on any area until the application is acted upon and granted.
- 3. A charge in accordance with a schedule of fees determined by the Governing Body shall be made for each permit granted.
- 4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.
- 5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over eight (8) square feet in area.
- 6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of Kansas.

7. Permits, except for permits for temporary signs, are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.

SECTION 7. NON-CONFORMING SIGNS: All advertising signs, business signs, or bulletin boards not in accordance or in compliance with this Article which were in existence as of the date of adoption of this Ordinance, shall be exempt from this Article except that upon the change of ownership of any building or property having a non-conforming sign which was in existence prior to the adoption date, or upon remodeling or renovating of the exterior of any building to the extent of greater than fifty (50) percent, the non-conforming sign shall be brought into conformity with this Article and any other City, State, or Federal regulations.

SECTION 8. REMOVAL OF SIGNS FROM VACANT BUILDINGS: Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.

ARTICLE XXV

PARKING AND LOADING REGULATIONS

SECTION 1. REQUIREMENTS: Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, accessory off-street parking and/or loading spaces shall be provided as required by the following schedule, except that these requirements shall not apply in the “C – 1” Commercial District.

SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Adult Uses	2 spaces per two seats or seating spaces, or 1 space per 100 square feet of floor space, whichever is greater.	1 space per establishment
Bowling Centers	5 spaces per lane plus required spaces for other uses in association	1 space per establishment
Churches, Synagogues, & Temples	1 space per 4 seats in main unit of worship	None required
Drive-up Facilities: Bank Teller Windows, Fast Food pick-up, and similar facilities	60 feet of waiting space ahead of facility (1 space is 20 feet)	None required
Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 spaces per establishment
Education Uses, Adult Day Care and Day Care, and Primary Schools	Parking spaces equal to 20% of capacity in students or persons served	2 spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Funeral Homes and Chapels	8 spaces per reposing room plus 1 space per 4 seats in chapel	2 spaces per establishment
Home Occupations	2 spaces in addition to those required for the dwelling	None required
Hospitals	1 space per 2 beds plus 1 per each employee	3 spaces per structure

(continued from page 106)

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Hotels	1 space per rental unit	1 space per establishment
Indoor Recreation Centers: Fitness Clubs, Arcades, Skating Rinks, Bingo Parlors, and similar facilities	1 space per 125 square feet of gross floor area	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 square feet of floor area	1 space per structure
Lodging & Boarding Houses	1 space per 2 rental units	None required
Medical Clinics	5 spaces per staff doctor or dentist	None required
Manufactured Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required
Offices	1 space per 250 SF of gross floor area	None required
Private Clubs & Lodges	1 space per 200 square feet of floor area	1 space per establishment
Residential Structures (Multi-family)	2 spaces per dwelling unit	None required
Residential Structures (Single-Family)	2 spaces per dwelling unit	None required
Retail Sales Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Convalescent & Rest Home Services	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Theaters, Auditoriums, & Places of Assembly	1 space per 4 people in designed capacity	1 space per establishment

(continued from page 107)

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 space per 2 employees	2 spaces per establishment
1. Off-street parking lots for single- or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boarding and lodging houses, dormitories, or fraternity or sorority houses shall not be located in any required front yard area.		
2. Off-street parking spaces for uses required in the, “C – 3”, “I – 1”, and “I – 2” Districts shall be located in back of the required front yard line and shall be on the same lot as the building they serve.		
3. Exterior Storage:		
a. All-weather, dust-free surfacing of areas for exterior storage of business vehicles, equipment, and materials is not required.		
b. Exterior storage of business vehicles, equipment, and materials shall not occur upon required off-street parking.		

SECTION 2. CONDITIONAL USE FOR PARKING. In order to allow off-premises parking or additional off-street parking areas, the Planning Commission and Governing Body may grant a conditional use permit for the establishment of parking areas in any zoning district under the following provisions:

1. Location. The nearest access to the parking area provided under this section must be within 300 feet (along lines of public access) from the boundary of the nearest entrance to the structure for which the parking is provided.
2. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

SECTION 3. PLANS AND APPROVAL REQUIRED:

1. For all uses other than single-family residential structures, plans showing layout and design of all off-street parking areas shall be submitted to and approved by the Zoning Administrator prior to issuing a building permit. Additionally, provisions for storm water drainage into an established drainage ditch or covered storm sewer

system on public right-of-way shall be required for all parking lots more than two thousand (2,000) square feet in area. Such provisions shall be consistent with and in consideration of the City's overall storm drainage system and future plans. Before approving any parking layout, the Zoning Administrator shall satisfy himself that parking spaces provided and storm drainage design is usable and meets standard design criteria of the City.

2. In the case of multiple uses associated with a site, the Zoning Administrator may calculate the parking requirement as the accumulative requirement of the separate uses unless it is determined that the uses generate overlapping parking demand.

SECTION 4. CONSTRUCTION REQUIREMENTS:

1. Parking lots for other than single-family dwellings that are two thousand (2,000) square feet in area or smaller may be constructed of gravel to a depth of four (4) inches as a minimum standard.
2. Parking lots for other than single-family dwellings that are larger than two thousand (2,000) square feet in area shall be all-weather, dust-free and constructed of the following materials or combinations thereof:
 - a. Concrete.
 - b. Asphalt.
 - c. Prime and seal over aggregate base

SECTION 5. LAYOUT AND DESIGN REQUIREMENTS:

1. Area: A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, and columns.
2. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
3. Design: Off-street parking spaces shall comply with the design standards of the City relating to curb length, stall depth, driveway width, island width, barriers, and ingress.
4. Surfacing: All open off-street loading areas shall be graded and paved or otherwise improved with an approved concrete, asphalt, or other dust-free surface. Parking lots shall be surfaced in conformance with Section 4 above.

5. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

SECTION 6. MAINTENANCE: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities. All parking lot surfaces shall be maintained with a smooth, dust-free surface.

SECTION 7. PERFORMANCE: In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate surety bond, cashier's check, escrow account, or other security of a type and in an amount approved by the Governing Body. Such security shall be conditioned upon the actual completion of such work or improvement within the specified time, and shall be enforceable by the Governing Body by all equitable means.

SECTION 8. APPLICATION: This Article shall not apply to uses existing as of the date of adoption of this Ordinance.

ARTICLE XXVI

LANDSCAPING REQUIREMENTS

SECTION 1. MINIMUM LANDSCAPE REQUIREMENTS: All property within the zoning jurisdiction of the City of Medicine Lodge shall hereinafter be subject to the following minimum requirements:

1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances, or unsanitary conditions.
2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
3. No vegetation shall overhang a public street or sidewalk below a height of ten (10) feet or obstruct views of pedestrian and vehicular movements.
4. Where districts “PUD”, “M – P”, “C – S”, “C – 2”, “I – 1”, and “I – 2” adjoin “R – S”, “R – 1”, “R – 2”, “R – 3” and “MH – 1” Districts, they shall be appropriately separated by a landscaped area of at least fifteen (15) feet wide or a decorative architectural screen of at least six (6) feet high. Additionally, these requirements shall apply where districts “C – S”, “C – 2”, “I – 1”, and “I – 2” Districts adjoin the “M – P” and “PUD” Districts. A landscaped area and decorative architectural screen shall not be required where these uses are separated by a public street or alley.
5. Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscaped area or architectural screen shall not exceed three (3) feet in height.

SECTION 2. WAIVER OF REQUIREMENTS. The Planning Commission and Governing Body may, in its discretion, temporarily or permanently waive the requirements for screening and/or landscaping if:

1. The adjacent land use in the residential district may not necessitate nor benefit from such a requirement; or
2. The adjacent land use may already have provided adequate screening for which additional screening may be a duplication; or
3. The future land use for the adjacent area can not readily be determined at this time and that upon mutual agreement of the Planning Commission and Governing Body and the applicant, that the requirements may be waived and the matter reviewed at a specified date in the future. In the meanwhile, the Governing Body shall require that either a letter of assurance or a covenant be submitted to run with the land; or a guarantee in the form of a corporate security bond, cashier’s check, escrow account or other security be submitted to ensure that such requirements will be met when a

determination is made. The Governing Body may determine the sufficiency of the assurance based on the length of time anticipated before a decision, the sizes and cost of the potential work involved, and the need to ensure that the requirement is met regardless of any change in ownership.

4. Nothing shall prevent the Planning Commission and Governing Body from requiring temporary screening on all or a portion of a side or rear yard wherein a non-residential use is proposed for development adjacent to an existing single-family dwelling and thereby a potential nuisance or hazard may be created for the homeowner.

ARTICLE XXVII

TRAFFIC REGULATIONS

SECTION 1. MINIMUM REQUIREMENTS FOR TRAFFIC REGULATIONS: All business properties hereinafter improved shall include provision for vehicular access in accordance with the following:

1. Plans for the erection or structural alteration of any business use dependent on vehicles entering onto the business site or parking lot shall be approved by the Zoning Administrator, who may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses, and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

ARTICLE XXVIII

BUILDINGS AND USES AFFECTED

SECTION 1. MINIMUM BUILDING REQUIREMENTS: No building or structure shall be erected, enlarged, reconstructed, or moved into the zoning jurisdiction with less than the following:

1. *Dwelling Units:*

- a. All dwelling units shall provide a minimum floor area, exclusive of porches, breezeways, and garages, as follows:

<u>TYPE OF DWELLING UNIT</u>	<u>MINIMUM AREA</u>
Single-Family	600 square feet
Two-Family	600 square feet per unit
Multiple-Family	480 square feet per unit

- b. Every dwelling unit shall be provided with at least one (1) water closet, which water closet shall be located within the dwelling and in a room which affords privacy.
- c. Every dwelling unit shall contain a kitchen sink which is connected to running water and an approved sewer system.
- d. Every dwelling unit shall be enclosed with an exterior wall surface, other than tar paper or corrugated metal.

2. *Bed and Breakfast Inns:*

- a. All units shall be served with an approved public water supply and an approved public sanitary sewer system.

3. *Motels:*

- a. The number of motel units permitted on a tract of land shall not exceed the number obtained by dividing the total square feet of area of the site by one thousand five hundred (1,500).

- b. Motels shall be served with an approved public water supply and approved public sanitary sewer system.
 - c. Each motel unit shall contain not less than two hundred (200) square feet of floor area.
4. *Tents:* No tent, shall be used as a permanent residence with the exception of those created due to natural disaster emergencies.

SECTION 2. BUILDINGS AND STRUCTURES MOVED IN: Buildings and structures may be moved into various districts providing:

- 1. The proposed use conforms with the district zoning regulations of the district into which it is to be moved.
- 2. The building or structure meets building, fire, safety, and health regulations.
- 3. The Planning Commission and Governing Body finds that the building or structure will not devalue properties in the area where the structure is proposed to be moved.

SECTION 3. ELEVATION: Unless otherwise directed by the City Building Inspector, the first floor elevation of a building or group of buildings shall be at least eighteen (18) inches above the grade of the center of the adjacent street or roadway.

ARTICLE XXIX

ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS: The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one (1) foot of additional height will be permitted for each one (1) foot of additional building setback provided.
2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers, or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty (150) feet.
3. Accessory buildings, except as otherwise provided for free-standing units, may be built in a side or rear yard but such accessory buildings shall not be nearer than the main building to any side lot line. When any accessory building is constructed in a rear yard, it shall not encroach on any required utility easements and shall not be located any closer to the rear or side lot lines of the property than three (3) feet, except that where vehicular access to a garage is perpendicular to the alley line, a setback of at least ten (10) feet from the alley line shall be required. No accessory building shall cover more than 30 percent of the required rear yard.
4. No accessory building, except authorized free-standing units, shall be constructed upon a lot until the construction of the main building has been actually commenced. No shipping container, rail car, freight box or other shipping or storage container shall be utilized as an accessory use in any residential district.
5. The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the main building.

On streets where a front yard more than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the existing structures; provided, that these regulations shall not be interpreted to require a front yard setback of more than 50 feet.

On streets where a front yard less than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, the front yard setback need not be greater than the average setback of the existing structures, provided that these regulations shall not be interpreted to permit a front yard setback of less than 20 feet.

6. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
7. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.
8. No side yards are required where dwelling units are erected above commercial structures, and front, side, and rear yard requirements shall not apply to the interior walls of dwelling units established under the Kansas Apartment Ownership Act or under the Kansas Townhouse Ownership Act.
9. Whenever the number of employees is restricted in connection with any use in the commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or off-site similar activities.
10. Electronic communications antennas shall be permitted in any commercial, industrial, or agricultural district providing the height of said antennas do not conflict with any airport approach or landing zone or with any other ordinance, and providing that antennas within one hundred fifty (150) feet of a residential district shall not exceed eighty (80) feet in height. (Also see Section 14, Wireless Communications Towers.)
11. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision within the required sight triangle as defined herein.
12. In any district, more than one structure housing a permitted or permissible principal use may be erected on a zoning lot, provided that yard, lot area and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
13. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

14. No land which is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any business or industrial district.
15. Privately owned swimming pools shall be enclosed as appropriate to assure privacy and safety.
16. Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers shall not be stored in a residential district except within an enclosed building, or behind the front yard setback line.
 - a. On a corner lot such equipment shall be kept back of the front yard setback lines on both street sides.
 - b. No such recreational equipment shall be utilized for permanent living, sleeping or housekeeping purposes when stored on a residential lot or in any location not approved for such use.
17. Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the Subdivision Regulations, and to the following:
 - a. An application for such unit conversion shall be filed for review and comment by City staff and the Planning Commission and approval by the Governing Body. Such application shall be accompanied by the following information as a minimum:
 - 1) A plot plan showing site and structure arrangements and proposed re-platting.
 - 2) A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
 - 3) A description of proposed structural and utility alterations to provide for individual services and maintenance.
 - 4) A description of proposed public access patterns, both vehicular and pedestrian.
 - 5) A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.

- 6) Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
- b. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed.
- c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
- d. The Planning Commission and Governing Body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utilities would require entry into an individually-owned dwelling unit.
- e. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable City codes, including building permit application and inspection procedures.
- f. The above procedures and regulations are applicable even where the conversion does not require new construction.
- g. After reviewing a conversion application for compliance with all applicable City codes, the Zoning Administrator/Code Enforcement Officer shall report to the Planning Commission and Governing Body all details of non-compliance with City codes.

SECTION 2. FENCES: Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

1. In residential districts, fences not exceeding four (4) feet in height and constructed with at least 75% open space are permitted within a front yard, except that fences installed upon public or parochial school grounds or in public parks and public playgrounds may be permitted by conditional use permit approved by the Planning Commission and Governing Body without any front yard setback limitation, providing the fence does not encroach on any required utility easements or cause any vision impairment for vehicles. In commercial and industrial districts fences shall not be subject to front yard setback requirements.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the City Building Inspector has certified that the proposed fence will not constitute a traffic hazard.
3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation, or any fence which shall adversely affect the public health, safety, and welfare.
5. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Planning Commission and Governing Body may, by conditional use permit, authorize the construction of a fence higher than six (6) feet for any use if they find the public welfare is preserved.
6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
7. Fences shall be exempt from the provisions of SECTION 3 of this Article; however, the City retains the right to remove any fence for right-of-way purposes.

SECTION 3. BUILDING SETBACK LINES: Building setback lines are hereby established for all arterial and collector streets, as shown on the adopted Major Street Plan in the Medicine Lodge Comprehensive Plan. The setback lines, as established in this section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development and shall conform with the following requirements:

1. *Arterial Streets:* No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet, except as provided in SECTION 2 of this Article.

2. *Collector Streets:* No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet, except as provided in SECTION 2 of this Article.

SECTION 4. LOTS OF RECORD: A lot or group of lots, which were platted and recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure that does not conform with the minimum yard and height requirements unless specifically authorized by the Planning Commission and Governing Body.

SECTION 5. CANOPY AND MARQUEE: A canopy, marquee, or balcony may be permitted to “overhang a public way” in Districts “C – 1” and “C – 2” providing:

1. The canopy, marquee, or balcony is constructed and maintained in accordance with the City Building Code and other applicable codes, ordinances, and resolutions.
2. No portion of the canopy, marquee, or balcony, including supports, shall be less than eight (8) feet above the level of the sidewalk or other public way except as required by SECTION 1, Item 12 above.
3. The canopy, marquee, or balcony shall not extend beyond a point two (2) feet inside the curb line of a public street.

SECTION 6. TEMPORARY USES PERMITTED:

1. Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations provided that no trees shall be displayed which would obstruct intersection sight distance requirements.
2. Contractor’s Office: Contractor’s office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
3. Real Estate Offices: Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
4. Carnivals and Circuses: A carnival or circus, but only in a C-1, C-2, I-1 or I-2 District, and then only for a period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements for the street intersection sight distance as defined by these regulations.

5. Seasonal sales events and festivals: Seasonal sales events and festivals in any district subject to any special requirements of the Governing Body.
6. Other similar temporary uses as may be permitted by the Governing Body and under such conditions as they may require.

SECTION 7. WIND ENERGY CONVERSION SYSTEMS (WECS): Wind energy conversion systems (WECS) may be permitted subject to the following requirements:

- a. The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conversion system shall be established by the following minimum standards:

Rotor Diameter (Feet)	Setback Distance (Feet)
5	100
10	165
15	220
20	270
25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated from the above values.

- b. The WECS shall not be located in any required yard.
- c. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) DBA in a residential zone.
- d. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
- e. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
- f. The WECS shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.

- g. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.
- h. Data pertaining to the WECS' safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the City's building code.
- i. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS.
- j. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.
- k. The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
- l. The owner/operator shall certify that the WECS does not violate any covenants of record.
- m. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.

SECTION 8. JOINT DRIVEWAYS AND GARAGES: Where joint driveways and joint garages were in existence prior to the passage of this ordinance, it shall be permissible to repair, reconstruct or enlarge joint garages and it is not necessary to conform to the provisions governing internal lot lines.

SECTION 9. LOT SIZE REQUIREMENTS FOR UTILITIES. Notwithstanding any other provision of these regulations, none of the following utility or communication facilities shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located, except as may be determined by the Planning Commission and Governing Body where a conditional use is required in certain districts.

- 1. Communication structures.
- 2. Electric and telephone substations.
- 3. Gas regulator stations.
- 4. Pumping stations.

5. Water towers or standpipes.

SECTION 10. PROTECTION OF SEWER AND OTHER UTILITY LINES: No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the respective party whose lines are involved.

SECTION 11. MINING AND EXTRACTION OF MINERALS: In districts where mineral extraction is a permitted use, the following shall apply:

1. In the case of open excavation, there will be required a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located forty (40) feet or more distance from the edge of such excavation.
2. The slope of the material in such sand, gravel or other pit shall not exceed the normal angle of repose of such materials, and the plane of such angle of repose shall not come nearer than forty (40) feet to any property lines.
3. In the case of a quarry or other excavation in rock, there will be required a substantial fence, with suitable gates at all points a distance of forty (40) feet or more from the face of any quarry walls.
4. Rock crushers, cement plants or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such quarry may be prohibited.
5. No such quarry shall be nearer than forty (40) feet to any property boundary line, street or highway right-of-way line.

SECTION 12 VACATED STREETS AND ALLEYS: Whenever any street, alley or other public right-of-way is vacated by official action of the Governing Body, any zoning districts adjoining each side of any such vacated street, alley or public-way shall be automatically extended to the center of such vacated street or alley and all area included in such adjusted boundary shall then and thenceforth be subject to all regulations of the extended districts.

SECTION 13 SANITARY SEWERAGE REQUIREMENTS: All new construction of residential units, relocation of residential units, manufactured housing and all other buildings which would generate sewage, shall be connected to a public sewer system where available, or provided with a private system meeting the following requirements.

1. All percolation rates shall be based on the standard test procedures and shall be the responsibility of the person applying for a permit.

2. Septic Tanks constructed of concrete, metal, concrete blocks or other material of similar nature, size of which shall be:

Two bedroom home	1000 gallons minimum
Three bedroom home	1250 gallons minimum
Four bedroom home	1500 gallons minimum

3. All waste water must run through septic tanks including laundry, kitchen, lavatory, etc.
4. Individual laterals shall not be less than 90 feet or more than 100 feet in length. There shall be a separation of six (6) feet between laterals.
5. Trench bottom and tile lines shall have a fall of 2 to 4 inches per 100 feet and shall be 10 inches in depth.
6. Lateral lines shall be constructed for continual flow, or if desired, use of absorption fields will be accepted.
7. Absorption field not less than 6 feet long, 4 feet wide, and not more than 6 feet deep, shall be available at the end of each lateral line. The last tile must lie in the absorption field with high rock below and above the tile with building or tar paper over the grade, and back fill of earth over paper, with an overfill of four to six inches for settlement.
8. Owner is required to provide a sketch with percolation times to the County Health Department for evaluation and recommendations, prior to receiving a permit for construction of an individual sewage disposal system.
9. Lagoons shall be sized and located according to the requirements of the Barber County Sanitation Code.

SECTION 14 WIRELESS COMMUNICATIONS TOWERS: Wireless communication and other telecommunications towers may be permitted as a conditional use when reviewed and approved by the Planning Commission and Governing Body subject to such conditions as they may require subject to the following requirements:

1. The minimum distance from any lot or property line to any tower, pole or other support structure shall be the total maximum height of the tower, pole or other support structure plus attached antennas.
2. Anchors, guy wires and other accessory structures may not be located in any required yard.
3. The tower, pole or other support structure shall not exceed the maximum height restriction in the zone where it is located by more than thirty (30) feet, unless technical data indicating a greater requirement for adequate reception is provided.

4. Unauthorized access to the tower, pole or other support structure, including anchors and guy wires, shall be limited by provision of an immediately surrounding six (6) foot high fence with locking portal. Tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
5. Telecommunications towers shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR Stations.
6. The tower or other support structure shall be designed to permit addition of antenna array for at least two additional service providers so as to limit the number of permitted structures in the zoning jurisdiction.
7. Information certifying safety and structural integrity of the tower and other support structures shall be certified by a licensed engineer and filed with the permit application.
8. When located within one thousand (1,000) feet of a residential district, the tract shall be appropriately landscaped to produce a visually pleasing appearance.
9. An application for a permit to site a wireless telecommunications facility shall be accompanied by the following:
 - a. A site development plan, including landscape provisions and topographic information.
 - b. A technical description of the tower and the reasons for its design and location.
 - c. An explanation of need for a separate tower as opposed to an existing facility.
 - d. Information establishing structural integrity and capacity for additional antenna array.
 - e. Proof of ownership or authorization to use the proposed site.
 - f. Copies of any necessary easements.
 - g. A Certificate of liability insurance.
 - h. An affidavit certifying that the space on the proposed tower will be made available to future users when technically feasible.
10. The applicant shall also provide such other additional support information as may be determined by the City.

SECTION 15. INOPERABLE OR UNLICENSED VEHICLES.

1. Repair, remodeling, assembly, disassembly, storage or standing of any inoperable vehicle other than in an enclosed garage except in a district permitting and regulating such uses, is prohibited.
2. A motor vehicle shall be determined as inoperable when it does not have a current state license plate or when it has a current state license plate, but is disassembled or wrecked in part or whole and is unable to move under its' own power.
3. Inoperable vehicles may be stored or may stand only in a legally conforming auto wrecking yard or in a fully enclosed storage structure in any district of these regulations.

SECTION 16. REPLACEMENT OF MANUFACTURED HOMES. Notwithstanding other provisions of these regulations, the Zoning Administrator is authorized to issue a zoning permit for various types of manufactured homes under the following provisions; except, that all such homes must meet the flood plain district requirements and none may be replaced in a floodway overlay boundary.

1. Wherever a manufactured home is moved from a zoning lot within a district in which it is a permitted use, another manufactured home meeting the requirements of the district may be moved onto the lot at any time; provided, such home shall be skirted or placed on a permanent-type, enclosed perimeter foundation.
2. In the case of a lawful, non-conforming manufactured home use, such a move must take place within six months from the date that the previous manufactured home was moved off the lot, otherwise such use shall not thereafter be reestablished and, when so moved in, only residential-design manufactured homes are permitted as replacements which are on a permanent-type, enclosed perimeter foundation, unless a home meets the following criteria:
 - a. A single-wide manufactured home meeting the HUD Code may replace an existing single-wide manufactured only when the latter has been destroyed or damaged by fire, tornado, flood or other disasters or act of God; however, no such home may be replaced in a designated floodway.
 - b. An existing tenant-owned manufactured home which has established its legal, non-conformity status as having been previously located on leased or rental space may be replaced by approval of a special use permit by the Planning Commission and Governing Body; provided, that the replacement home is of a similar type or of improved quality.

In re-establishing such a home use, any non-conforming bulk regulations shall not be increased in non-conformity and no newly acquired land can be added to the zoning lot for placement of such a home.

3. No manufactured home, or portion thereof, shall be moved onto any lot or parcel for storage or any other purpose than for a residence in any district and no such home shall be temporarily or permanently located in any district not otherwise permitting such homes. These provisions do not preclude the use of prefabricated mobile structures designed for offices in business or industrial districts, but not manufactured homes unless specifically permitted.
4. In the event of disasters, such as fires, tornados or floods, whereby expediency is an important factor, a manufactured home may be located temporarily in any district at the discretion of the Zoning Administrator with appropriate conditions attached and for a stated period of time.
5. The Planning Commission and Governing Body may approve a conditional use for a manufactured home in the following circumstances:
 - a. Where an unusual hardship is shown, such a home may be located as an accessory use on a lot or tract with an existing dwelling for a stated period of time.
 - b. Where such a home is requested temporarily, while building a site-built or modular home. Such a home must meet all applicable bulk regulations and the County Sanitary Code.

In either circumstance, the time period may be extended upon request to the Planning Commission and Governing Body without further notice or fee, but in the case of a permit under subsection b, a showing of good faith progress on construction must be made.

6. As an accessory use to a principal farm dwelling on agricultural land as defined herein, application may be made to the Planning Commission and Governing Body for a conditional use permit for locating a manufactured home with such an existing dwelling for additional assistance on the farm or ranch. No zoning permit is required; however, a certificate of compliance is necessary to determine the status of the land.
7. In all instances, manufactured homes shall be HUD certified and shall not be more than 10 years of age at the time of installation.

SECTION 17. OUTDOOR STORAGE AT MINI-WAREHOUSES. Outdoor storage areas for boats, recreational vehicles, trailers and other similar equipment where permitted on the same lot with the mini-warehouses shall have a gravel surface and shall be enclosed with a six (6) foot security fence. Where the outdoor storage area adjoins a residential district there shall be a ten (10) foot landscaped buffer strip in addition to the required fencing. All outdoor storage areas shall be landscaped to preserve the general appearance of the facility.

SECTION 18. VESTING OF DEVELOPMENT RIGHTS. In accordance with K.S.A. 12-764, for the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by a city or county and construction has begun and substantial amounts of work have been completed under a validly issued permit.

ARTICLE XXX

NON-CONFORMING USES

SECTION 1. NON-CONFORMING USES WHICH MAY BE CONTINUED:

1. The following lawful non-conforming uses of land may be continued:
 - a. A use of land which existed prior to the effective date of this Zoning Ordinance.
 - b. A use of land existing at the time of the annexation.
 - c. A use of land existing at the time an amendment is made to the Zoning Ordinance which changes such land to a more restricted district or extends the jurisdiction of the Zoning Ordinance to the land use.
2. The lawful use of a building located upon any land, except as provided in SECTION 2 below, may be continued although such use does not conform with the provisions of this Zoning Ordinance, and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made non-conforming by any subsequent amendment or change of this Zoning Ordinance.
3. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use.
4. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition.

SECTION 2. NON-CONFORMING USES WHICH MAY NOT BE CONTINUED:

1. When a non-conforming use is discontinued or abandoned, for a period of six (6) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the zoning regulations.

2. No non-conforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
3. Whenever a non-conforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
4. A non-conforming building which has been damaged to the extent of more than fifty (50) percent of its fair market value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the zoning district. In the event a question may arise on the fair market value of such a building, the same shall be determined by three (3) appraisers one (1) shall be selected by the Governing Body, one (1) shall be selected by the owner of the building, and the third appraiser shall be selected by the two selected appraisers. If the first two appraisers selected cannot agree on the selection of the third such appraiser, the Judge of the appropriate court shall be requested to appoint the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

ARTICLE XXXI

ENFORCEMENT, VIOLATION, AND PENALTY

SECTION 1. ENFORCEMENT: The City Zoning Administrator shall administer and enforce this Zoning Ordinance. Appeals from the decision of the City Zoning Administrator may be made to the Board of Zoning Appeals.

SECTION 2. CERTIFICATE OF ZONING COMPLIANCE:

1. Subsequent to the effective date of this Zoning Ordinance, no change in the use or occupancy of land nor any change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of zoning compliance has been issued by the City Zoning Administrator. The certificate of zoning compliance shall state that the land and/or building complies with the provisions of this Zoning Ordinance.
2. No excavation, erection, or alteration of any building shall be permitted before an application has been made and approved for a building permit, and no building or premises shall be occupied until a certificate of zoning compliance is issued.
3. A record of all certificates of zoning compliance shall be kept on file in the office of the City Zoning Administrator and copies shall be furnished for a fee upon request by any person having an interest in the land or building affected.
4. A certificate of zoning compliance shall become null and void 180 days after the date on which it is issued, unless within said period construction, reconstruction, moving or structural alteration of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any 180-day period after such a certificate is used, then application must be made to the Zoning Administrator for an extension of time to continue the project. The Zoning Administrator may grant reasonable extensions of time provided no changes have been made in any applicable regulations. If such changes have occurred, application must be made for anew certificate based on the provisions of the new or amended regulations in order to continue the project.

SECTION 3. PLANS: Each application for a certificate of zoning compliance shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, 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 Zoning Ordinance. A record of applications and plans shall be kept in the office of the City Zoning Administrator.

SECTION 4. VIOLATION AND PENALTY:

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 a violation has been committed or shall exist; or the agent, architect, building contractor, or any other person who commits, takes part or assists in any violation, or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (500) dollars, or by imprisonment for not more than six (6) months for each offense, or by both such fine and imprisonment. Each and every day that such violation continues shall constitute a separate offense.

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

ARTICLE XXXII

CONDITIONAL USES

SECTION 1. CONDITIONAL USE PERMITS: Approval of conditional uses, as authorized by these regulations, shall be made by conditional use permit after the request has been duly advertised and a public hearing held. All conditional use permits shall be subject to the following requirements.

1. Prior to review of the request for a conditional use permit by the Planning Commission and Governing Body, the applicant shall:
 - a. File an application on forms provided.
 - b. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
 - c. File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the conditional use, unless a new application for another conditional use permit is made and granted.

2. A site plan shall be filed with the application showing:
 - a. Legal dimensions of the tract to be used.
 - b. Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
 - c. Grade elevations.
 - d. Building setback from all property lines.
 - e. Front, side, and rear elevations of all improvements to be erected.
 - f. Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed.
 - g. Location and type of planting, screening, or walls.
 - h. Such other items as the Planning Commission shall deem necessary to process the application properly.

3. In considering any application for a conditional use permit hereunder, the Planning Commission and Governing Body shall give consideration to the comprehensive plan, and the health, safety, morals, comfort, and general welfare of the public, including, but not limited to, the following factors:
 - a. The stability and integrity of the various zoning districts.
 - b. Conservation of property values.
 - c. Protection against fire and casualties.
 - d. Observation of general police regulations.
 - e. Prevention of traffic congestion.
 - f. Promotion of traffic safety and the orderly parking of motor vehicles.
 - g. Promotion of the safety of individuals and property.
 - h. Provision for adequate light and air.
 - i. Prevention of overcrowding and excessive intensity of land uses.
 - j. Provision for public utilities and schools.
 - k. Invasion by inappropriate uses.
 - l. Value, type, and character of existing or authorized improvements and land uses.
 - m. Encouragement of improvements and land uses in keeping with overall planning.
 - n. Provision for orderly and proper urban renewal, development, and growth.

SECTION 2. HEARING AND NOTICE: Following notice as specified under ARTICLE XXXIII, SECTION 4, the Planning Commission shall hold a public hearing and shall forward its recommendation together with a written summary of the public hearing to the Governing Body for consideration and final approval.

SECTION 3: ESTABLISHMENT OF CONDITIONS: In granting a conditional use, the Governing Body may attach such conditions upon the premises and/or the applicant benefitted by the conditional use as may be necessary to reduce or minimize any potentially injurious affect upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. Such conditions may include, but not be limited to, further restrictions on bulk regulations; time of operation and ownership limitations; screening, landscaping and fencing; provision of utilities, drainage and other public improvements; additional access or

access control; off-street parking and loading requirements; and platting, dedications and/or guarantees. In addition to the guarantees referred to above for parking and/or screening, covenants which run with the land or the property to guarantee that conditions will be carried out at a future date may be filed with the County Register of Deeds. After an application is made and a permit is issued for the conditional use, failure to comply with any of the conditions placed on such use shall constitute a violation of these regulations.

In lieu of actual construction of required off-street parking or the initial provisions for screening, the Governing Body may accept, in the name of the City, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Governing Body and conditioned upon actual completion of such improvement within a specified time. Such securities shall be filed with the City Clerk. The City may enforce such securities by all equitable means.

SECTIONS 4. DECISIONS AND RECORDS: The Governing Body shall render a decision containing specific findings of fact on an application for conditional use without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Planning Commission and Governing Body with respect to applications for conditional uses in order to properly issue permits.

SECTION 5. PERIOD OF VALIDITY: No conditional use granted by the Governing Body shall be valid for a period longer than 180 days from the date of approval, unless within such period a zoning permit is obtained and the conditional use requested is started. The Governing Body may grant extensions not exceeding 180 days each, upon written application, without further notice of a hearing.

ARTICLE XXXIII

BOARD OF ZONING APPEALS

SECTION 1. BOARD OF ZONING APPEALS ESTABLISHED: A Board of Zoning Appeals is hereby established. Such Board shall consist of not less than three (3) nor more than seven (7) members who shall be appointed by the Mayor, by and with the consent of the City Governing Body. All members of the Board so appointed shall be residents of the City; provided, however, that if the City shall administer zoning regulations outside the City limits, one member of the board shall be a resident of the zoning jurisdiction outside the city limits. The members first appointed shall serve respectively for terms of one (1), two (2), and three (3) years, divided equally or as nearly equal as possible, among the members. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. All members of said Board shall serve without compensation. One member may be a member of the Planning Commission. As provided by K.S.A. 12-759, the City Planning Commission may be authorized to act as the Board of Zoning Appeals.

SECTION 2. ELECTION OF OFFICERS: The Board shall annually elect one (1) of its members as chairman and shall appoint a secretary who may be an officer or an employee of the City.

SECTION 3. RULES OF PROCEDURE: The Board shall adopt bylaws and rules of procedure for the conduct of business.

SECTION 4. MEETINGS: Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

SECTION 5. RECORDS: The Board shall keep minutes of its proceedings showing evidence presented, findings of fact by the Board, decisions of the Board, and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

SECTION 6. FILING FEE: For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, shall pay to the City Clerk a fee in the amount as determined by a schedule of fees maintained by the Governing Body. Promptly upon filing the appeal and required filing fee, the City Clerk shall refer said appeal to the secretary of the Board of Zoning Appeals.

SECTION 7. PUBLIC HEARING AND NOTICE: The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Board of Zoning Appeals.

SECTION 8. POWERS AND JURISDICTIONS: The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Ordinance. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
2. To interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and to correct the several districts accompanying and made a part of this Ordinance where the actual street layout varies from the street layout as shown on the zoning district map.
3. To authorize, in specific cases, a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.

SECTION 9. PROCEDURE:

1. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of the official administering the provisions of this Zoning Ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances to this Zoning Ordinance shall be prepared and submitted on forms approved by the Board.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in SECTION 7 above.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the City Zoning Administrator for filing and action, if action is required.

6. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County within 30 days, to determine the reasonableness of any such order or determination.

SECTION 10. VARIANCES TO THIS ZONING ORDINANCE:

1. The Board may authorize, in specific cases, a variance from the specific terms of this Zoning Ordinance which will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the provisions of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, providing that the spirit of the Zoning Ordinance is observed, public safety and welfare are secured, and substantial justice is done. Such variance shall not permit any use not permitted by this Zoning Ordinance.

The following requirements must be met before the Board may grant a variance:

- a. The applicant must show that his property was acquired in good faith.
 - b. The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.
 - c. The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.
 - d. The strict application of this Zoning Ordinance will cause unnecessary hardship upon the property owner represented in the application.
 - e. The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - f. The granting of a variance will not violate the spirit and intent of this Zoning Ordinance.
2. Variances from yard regulations may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.
 3. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision, or determination appealed from the City Building Inspector. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the City Building Inspector from whom the appeal is taken. If the Board approves the variance, they shall notify the City Building Inspector of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.

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

SECTION 11. PERFORMANCE:

1. In making any decision varying or modifying any provisions of this Zoning Ordinance the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards as required to protect adjoining property.

ARTICLE XXXIV

AMENDMENTS

SECTION 1. AMENDMENTS: The Governing Body may, from time-to-time, amend, supplement, or change the district boundaries or regulations contained in this Zoning Ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for Public Hearing, recommendation and report. The Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

SECTION 2. APPLICATIONS:

1. Any party desiring any change in zoning district boundaries or regulations contained in this Zoning Ordinance, as to any lot, tract, or area of land, shall file with the City Clerk an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all owners of any land within the City's boundary located within two hundred (200) feet of the outer limits of said area to which the applicant desires change of zoning.

Where the proposed zoning amendment will include property located adjacent to or outside the City's limits, the applicant shall provide the City Clerk with the names and addresses of all owners of any land located within one thousand (1,000) feet in the unincorporated area.

2. An applicant for a change in zone to "PUD" Planned Unit Development, or "M – P" Manufactured Home Park District must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction. The proposed construction shall begin within a period of eighteen (18) months following approval by the Governing Body, and forty (40) percent of the total planned construction shall be completed within a period of three (3) years following such approval.

Such applicant shall also prepare and submit a preliminary development plan for review and approval by the Planning Commission and Governing Body. Applicants for the "PUD," or "M – P" zones shall submit a plan prepared in accordance with the requirements of the individual district regulations.

Upon approval of the zoning application and preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.

In the event that, within eighteen (18) months following approval by the Governing Body of an “PUD” or “M – P” District, the applicant does not proceed with construction substantially in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property. A public hearing, as required by law, shall be advertised and held, at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall submit their recommendation to the Governing Body for official action.

SECTION 3. FILING FEE: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the City Clerk a fee in an amount as required by a schedule of fees determined by the Governing Body. Promptly upon the filing of any such application, the City Clerk shall refer the application to the Planning Commission for study and recommendation.

SECTION 4. PUBLIC HEARING AND NOTICE: Before the Planning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district, and if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice, at least twenty (20) days before the hearing written notice of such proposed change shall be mailed to all the owners of land within the City’s boundary located within two hundred (200) feet of the area proposed to be altered, except that where the change will include property located adjacent to or outside the City’s limits, the written notice shall also be mailed to all owners of land outside the City’s boundary located within one thousand (1,000) feet of the area proposed to be altered. Failure to receive such notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Whenever five or more property owners of record owning 10 or more contiguous or non-contiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing, however, such zoning amendment shall not require written notice and shall not be subject to protest petition.

SECTION 5. ZONING CLASSIFICATIONS OF LESSER CHANGE: In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts without re-publication of a notice or re-distribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; ***provided, however, that such recommendation and approval shall not be for a more restrictive classification than the existing zoning district.*** If the applicant at the Governing Body meeting, at which a zoning amendment is being considered, desires to amend the application and/or the Governing Body desires to consider a “lesser” zoning change, then such a proposed change shall be returned to the Planning

Commission for reconsideration and further recommendation to the Governing Body without further publication or notice.

For the purposes of this section, zoning classifications of lesser change shall be as shown below, based on descending order of use restriction:

1. Most Restrictive to Least Restrictive.

“R – S”	Residential Suburban District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two-Family Dwelling District
“R – 3”	Multiple-Family Dwelling District
“C – S”	Highway Service District
“C – 2”	General Commercial District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District

2. Zones Not Included.

Because of the highly specialized purposes of the “A – L” Agriculture; “PUD” Planned Unit Development; “M – H” Manufactured Home; “M – P” Manufactured Home Park; “MH – 1” Manufactured Home Subdivision; “C – 1” Central Business; “C – 3” Adult Entertainment; and “A-H” Airport Height Control Districts, they are not included in the table of lesser zoning changes, and are excluded from designation through the lesser change provisions.

SECTION 6. ZONING AMENDMENT CONSIDERATIONS. When a proposed amendment would result in a change of the zoning district classification of any specific property, the report of the Planning Commission, accompanied by a summary of the hearing, shall contain statements as to (1) the present and proposed district classifications, (2) the applicant’s reasons for seeking such reclassification, and (3) a statement of the factors where relevant upon which the recommendations of the Commission is based using the following factors as guidelines:

1. What are the existing uses of property and their character and condition on the subject property and in the surrounding neighborhood?
2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change in zoning classification?
3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration for a change in zoning?
4. Would the requested change in zoning correct an error in the application of these regulations as applied to the subject property?

5. Is the change in zoning requested because of changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?
6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property if the change in zoning was approved?
7. Would the subject property need to be platted or re-platted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines if the change in zoning was approved?
8. Would a screening plan be necessary for existing and/or potential uses of the subject property if the change in zoning was approved?
9. Is the general amount of suitable vacant land or buildings available or not available for development that currently has the same zoning district classifications as is requested for the subject property?
10. In the event that the subject property is requested for business or industrial uses, are such uses needed to provide more services or employment opportunities?
11. Is the subject property suitable for the current zoning to which it has been restricted?
12. If the change in zoning were approved, would the uses which would be permitted on the subject property be compatible with the uses permitted on other property in the neighborhood?
13. Would the change in zoning as requested be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
14. Is the request for the zoning change in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
15. What is the nature of the support or opposition of the requested change in zoning?
16. Are there any informational materials or recommendations available from professional persons knowledgeable on this request which would be helpful in its evaluation?
17. Does the relative gain to the public health, safety and general welfare outweigh the loss in value or the hardship imposed upon the applicant by not approving the requested change in zoning?

Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

SECTION 7. PROTEST: If a protest against such amendment is filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of twenty (20) percent of the area, excepting public streets and ways located within the corporate limits of the City and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, or within one thousand (1,000) feet in the unincorporated area if the property to be rezoned is located adjacent to or outside the City's limits, such amendment shall not be passed except by at least three-fourths (3/4) vote of the members of the Governing Body.

Whenever the City initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or non-contiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, only such owners shall be eligible to initiate a protest petition.

ARTICLE XXXV

VALIDITY

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.

ARTICLE XXXVI

CERTIFICATE OF APPROVAL

SECTION 1. Zoning Ordinance No. 761 and all amendments thereto are hereby repealed.

SECTION 2. It is hereby certified that this Zoning Ordinance and the Zoning District Maps referred to in this Zoning Ordinance were duly approved by the Planning Commission on the 27 day of November, 2011.

Austin Gilley
Austin Gilley, Secretary

Jane Jacobs
Jane Jacobs, Chairman

SECTION 3. This Ordinance shall become effective upon its publication by reference once in the official area newspaper.

PASSED this 5 day of March, 2012

ATTEST

Jandi Simmons
Jandi Simmons, City Clerk

Robert R. Skelton
Robert R. Skelton, Mayor