

A record of all certificates of occupancy shall be kept on file in the office of the Code Enforcement Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

22.4 PENALTY

Any person, firm, or the owner or agent of a building or premises in or upon which a violation of any provisions of this regulation has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or 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 violation has been committed or shall exist, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed five hundred (\$500.00) dollars. Each and every day that such violation continues shall constitute a separate offense.

CITY ORDINANCE NO. _____

THE OFFICIAL ZONING ORDINANCE
OF THE CITY OF ROSSVILLE, KANSAS
1989

NOTICE OF PUBLIC HEARING

The notice of public hearing for intent to adopt this Ordinance is published pursuant to the authority granted under K.S.A. 12-708. I HEREBY CERTIFY that such notice was published in:

_____ on _____
(Official Newspaper) (Date)

and that a public hearing was held at the:

_____ on _____
(Location) (Date)

ATTEST: _____
City Clerk

City Attorney

PLANNING CONSULTANT:
Bartlett & West Engineers, Inc.
Topeka, Kansas

GOVERNING BODY APPROVAL AND EFFECTIVE DATE

This resolution of the Planning Commission is hereby adopted as Ordinance No. _____ on _____ (Date)

and shall become effective upon its publication once in the official newspaper of the City of Rossville.

CITY GOVERNING BODY MEMBERS

affix seal

_____ MAYOR
_____ MEMBER
_____ MEMBER
_____ MEMBER
_____ MEMBER

Ordinance No. _____ was published in the _____ (Official Newspaper)
on _____ (Date)

ATTEST: _____
City Clerk

City Attorney

Three (3) copies of this ordinance shall be fully signed at all indicated signature blocks and designated as OFFICIAL COPIES. Each OFFICIAL COPY shall be current as to amendments and changes at all times. Each OFFICIAL COPY shall be numbered ONE, TWO and THREE on the cover and shall be kept at the City Hall and made available to the public at all times during city business hours.

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ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be effective throughout the City of Rossville, Kansas and shall be known, referred to and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF ROSSVILLE, KANSAS, 1989".

1.2 ENACTMENT

This Ordinance incorporated by reference under the provisions of K.S.A. 12-3009 through 12-3012, including any amendments thereto, and K.S.A. 1974 Supp. 12-3301 and 12-3302, by Ordinance No. _____, City of Rossville, Kansas.

1.3 AUTHORITY AND JURISDICTION

This Ordinance is in pursuance of the authority and jurisdiction granted under the provisions of K.S.A. 12-707 to 12-715, inclusive as amended, and shall be known as the Zoning Ordinance of the City of Rossville, Kansas.

1.4 PURPOSE

The Zoning Ordinance of the City of Rossville, Kansas is intended to aid in the proper and harmonious development of the City of Rossville. The regulations included in the text of this Ordinance have been duly adopted by the Governing Body of Rossville, Kansas, for the following purposes:

1. To encourage and facilitate the orderly growth and development of the City.
2. To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion on the streets.
3. To secure economy in municipal expenditures, to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public facilities and services in accordance with promoting the health, safety and general welfare of the community.

4. To increase the security of home life and preserve and create a more favorable environment for citizens and visitors of Rossville.
5. To secure safety from fire, panic, and other dangers.
6. To minimize public and private losses due to periodic flood inundation in the flood hazard areas (floodplains) of Rossville.
7. To stabilize and improve property values.
8. To enhance the economic and cultural well being of the inhabitants of Rossville.
9. To promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

1.5 INTERPRETATION

1. Greater Restriction. The provisions established with this Ordinance shall be held to be the minimum requirements necessary for the promotion of the safety, health, and general welfare of the public. Where this Ordinance imposes a greater restriction on structures, buildings, or premises than are imposed or required by other Ordinances, the provisions of this Ordinance shall govern.
2. Permit or License in Violation. Regardless of the provisions, rules, or other regulations of the City of Rossville, Kansas, if any permit or license is issued in violation of the provisions of this Ordinance or attempts to authorize the legitimacy of an act not provisioned for within these regulations, said permit or license shall be interpreted as void.
3. Unlawful Uses. No structure, building or use which was not legally and lawfully existing at the time of the adoption of this Ordinance shall become lawful by reason of the adoption of this Ordinance; and to the extent that said structure, building, or use is in conflict with the requirements of this Ordinance, the structure or use remains unlawful.
4. Not a Licensing Ordinance. The provisions of this Ordinance shall not be interpreted to allow, license, or permit the use of any property; nor to permit to locate, to construct or to maintain any structure or use or facility; nor permit to carry on any trade, occupation, industry, or other activity.

1.6 RULES OF CONSTRUCTION

In the construction of this ordinance, the provisions of the following shall govern:

1. All words used in the present tense shall include the future.
2. Words in the singular shall include the plural and in the plural shall include the singular.
3. The word "shall" is mandatory and the word "may" is permissive.
4. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be occupied or used."

1.7 DEFINITIONS

1. For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

Accessory Building or Use - A subordinate building located on the same lot or group of lots with the main building, or a subordinate use of land. (See Article 14.)

Agricultural Uses - Farming operations including, dairying, pasturage, agriculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; this shall include the structures necessary for carrying out such farming operations. The term agriculture as used in this Zoning Ordinance shall not include commercial feed lots as defined by K.S.A. 47-1501.

Alley - An existing public right-of-way primarily serving as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration - Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.

Animal Hospital or Animal Clinic - Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.

Apartment - A portion of a building consisting of a room or suite of rooms intended, designed or used as a permanent residence by an individual or one (1) family.

Apartment House - See Dwelling, Multiple-Family.

Automobile and Trailer Sales Area - An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.

Automobile Wash - A building or portion thereof, containing facilities for washing automobiles. For the purpose of this Zoning Ordinance, coin operated devices, and self-service operations shall be construed to be the same.

Automobile Wrecking and Salvage Yards - A lot, plot, or parcel of land where three or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.

Awning - A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Basement - A story partly or wholly underground.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, boundary lines, of municipalities, etc., or a combination thereof.

Board - Board of Zoning Appeals, City of Rossville, Kansas.

Boarding House - A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

Bond - Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Governing Body.

Buffer Area - Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use or operation.

Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure. When a structure is divided into separate parts by unpierced walls, from the ground up, each part is deemed a separate building.

Building, Accessory - A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot.

Building Alteration - Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building or any addition to a building, or movement of a building from one location to another.

Building, Detached - A building or structure surrounded by open spaces, on all sides, on the same lot or tract of land.

Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story of a flat roof, to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Setback Line - A line established, in general, by plat or elsewhere in this ordinance parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this Zoning Ordinance.

Building, Principal - A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.

Canopy - A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the Governing Body.

Carport - See Garage, Private

Channel - Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.

Child Day Care Home - A home which on a regular basis receives six (6) or less children, under sixteen (16) years of age and not of common parentage, for care apart from their parents, legal guardians or custodians, when received in a residential structure operating as a home occupation. The child day care home shall be licensed and regulated by either the Shawnee County Health Department or the Kansas Department of Social and Rehabilitation Services.

Child Day Care Center - A day care school, nursery school or day care center which on a regular basis receives seven (7) or more children, under sixteen (16) years of age, for care apart from their parents, legal guardians or custodians, and for which compensation is received. Child day care centers shall be licensed and regulated by either the Shawnee County Health Department or the Kansas Department of Social and Rehabilitation Services.

City Engineer - The person designated by the Governing Body to review, recommend, and/or approve all items related to technical design issues, as set out in the Zoning Ordinance and Subdivision Regulations of the City. Said person shall be a licensed Professional Engineer as defined by the Kansas State Board of Technical Professions, under the Laws of Kansas. "Person" shall mean a natural person, firm, corporation or partnership.

City Planner - The person designated by the Governing Body to review, recommend, and/or approve all items as they relate to the principles of good city planning, as set out in the Zoning Ordinance and Subdivision Regulations of the City. Said person shall be either a Licensed Professional Engineer, a Licensed Architect or a Licensed Landscape Architect as defined by the Kansas State Board of Technical Professions, under the laws of Kansas. If said person is not a Licensed Professional Engineer, Licensed Architect, or Licensed Landscape Architect, then said person must be a Certified City Planner who is a member in good standing of the American Institute of Certified Planners (AICP). "Person" shall mean a natural person, firm, corporation or partnership.

Clinic, Animal - See Animal Hospital or Animal Clinic.

Clinic, Dental or Medical - A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.

Code Enforcement Administrator - The person designated by the Governing Body to enforce the Zoning Ordinance and Subdivision Regulations of the City and to administratively assist other City Boards or Commissions.

Comprehensive Plan - See Master Plan.

Conforming Use - Any lawful use of a building structure, lot, or fence which complies with the provisions of this Ordinance.

Condominium - A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the State Apartment Ownership Act. See K.S.A. 58-3102 for complete definition.

Court - An area enclosed or partially enclosed on not more than three sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

Day Care Home - See Child Day Care Home.

Day Care Center - See Child Day Care Center.

Developer - The legal or beneficial owner(s) of all of the land proposed to be included in a planned development or subdivision, or the duly authorized agent(s) thereof.

District - Any section or sections of the City of Rossville, or its environs as defined by law, for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dock, Loading - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles. (See Article 15.6)

Drainage Course - Any natural depression, draw, or ravine which directs and facilitates the flow of water.

Drive - A private right-of-way which affords principle means of vehicular access to or through a private development, and which is owned and maintained by the owner or operator of the private development.

Dwelling - A building designed or used as the living quarters of one (1) or more families.

Dwelling, Attached - A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached - A residential building which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family - A residential building or group of buildings on one (1) lot containing separate living units for three (3) or more families but which may have joint services or facilities or both.

Dwelling, Single-Family - A residential building containing one (1) dwelling unit only.

Dwelling, Two-Family - A residential building containing two (2) dwelling units.

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 family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Exception - An exception shall always mean the allowance of an otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within this Zoning Ordinance, and the allowance being granted by conditional use permit from the Board of Zoning Appeals.

Fabrication - That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic new materials.

Family - The word "family" shall be two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this Ordinance, paying tenants in excess of two (2) shall be considered as boarders or roomers, and the building in which they abide shall be considered as a boarding or rooming house.

Feed Lot - The use of land for commercial dry lot livestock feeding operations where any number of livestock or poultry are confined in a concentrated area for the distinct purpose of meat, milk, or egg production, where the livestock or poultry are fed at the place of confinement and crop or foliage is not sustained in the area of confinement. Also included are any feeding endeavors which are operated on a contract basis. Not included in this definition are farm feeding operations which are an agricultural endeavor used for personal need, income supplement, and are a seasonal operation. Also not included are pasturing and grazing operations.

Fence - A free-standing structure of metal, masonry, glass, 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.

Filling Station - See Service Station.

Flood - Shall mean an overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary; and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.

Floodplain - Shall mean the land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent (1%).

Floodway - Shall mean the channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage above that of natural conditions. The limits of the floodway, as designated by order of the Planning Commission are delineated on the official zoning map and the attachments to it.

Floodway Fringe Area - Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.

Floor Area - For computing off-street parking requirements, the floor area shall mean the gross floor area used or intended to be used by the owner or tenant for service to the public as customers, patrons, or clients, including areas occupied by fixtures and equipment used for display. It shall not include areas used principally for maintenance of the building, rest rooms, or utility rooms.

Frontage - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.

Garage, Public - A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

Garage, Storage - A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.

Grade

- (a) For buildings having walls adjoining one street only, the elevation of the curb at the center of the wall adjoining the street.
- (b) For buildings having walls adjoining more than one street, the average of the elevation of the curb at the center of all walls adjoining the streets.
- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than fifty (50) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

Home Occupation - The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is not display nor stock in trade or commodities sold except those which are produced on the premises.

Hospital - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis, treatment or other care of human ailments.

Hotel - A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit, or otherwise.

Institutional Home - A place where the specialized care of babies, children, pensioners, or older people, and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.

Junk Yard or Salvage Yard - A parcel of land used for the storage, keeping for sale, or abandonment of junk including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.

Kennel - Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of four (4) or more dogs which are at least four months of age.

Landscaping - The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.

Lodging House - A building or place where lodging is provided or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

Lot - A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Ordinance.

Lot, Corner - A lot abutting upon two or more streets at their intersection.

Lot, Depth of - The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage - A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

Lot Line - Any line bounding a lot or separating one lot from another.

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 of Shawnee County, Kansas.

Manufacture - Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

Manufactured Home - Shall mean a factory-built structure or structures more than eight (8) feet in width or more than thirty-six (36) feet in length, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

Master Plan - A comprehensive plan for development of the City prepared and adopted by the Planning Commission.

Minimum Building Elevation - Shall mean the elevation to which uses regulated by this regulation are required to be elevated or floodproofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this ordinance was passed, plus one foot to allow for encroachments permitted by the establishment of a floodway.

Mobile Home - See Manufactured Home.

Mobile Home Park - A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on a lease or rental basis, mobile or manufactured homes located therein permanently or semi-permanently.

Mobile Home Space - That area of land within a mobile home park set aside for use as a site for one mobile or manufactured home, including the open spaces around said mobile or manufactured home, as are required in this Zoning Ordinance.

Mobile Home, Double Wide - A mobile or manufactured home which when assembled on the site has a width of not less than twenty-four (24) feet.

Mobile Home, Single Wide - Any residential structure, assembled in total or in sections other than at the site of intended locations and transported to such site.

Natural Obstruction - Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.

Non-Conforming Use - Any building or land lawfully occupied by a use, at the time of the passage of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated. (See Article 14)

Nursery - A building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

Nursery School - Any building used for the daytime care or education of preschool age children and including all accessory buildings and play areas, and shall for the purpose of this Ordinance, be considered group activity.

Nursing or Convalescent Home - A health establishment which provides nursing care to patients who for reasons of illness or physical infirmities are unable to care for themselves properly, and which is properly licensed by the Kansas Department of Health and Environment.

Official Master Plan - See Master Plan.

Outdoor Storage - The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

Obstruction - Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

Parking Space - An area surfaced with concrete, bituminous, or similar permanent surface, for the purpose of storing one parked automobile. For the purpose of this Zoning Ordinance, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.

Parking, Off-Street - An open, surfaced area other than the rights-of-way of a street, road, highway, alley, or place used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation or as an accommodation for clients or customers.

Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.

Person - A person shall be understood in its broadest legal sense, including person, partnership, firm, company, corporation, or any other organized or unorganized group of persons acting together.

Planning Commission - The City of Rossville Planning Commission.

Plat - A map, plan or layout of city, township, section or subdivision indicating the location and boundaries of individual properties.

Principal Building - See Building, Principal.

Principal Use - The main use of land or structures as distinguished from a subordinate or accessory use.

Professional Office - Any building used by one or more persons engaged in the practice of law, architecture, engineering, medicine, or in the business of real estate broker or insurance agent or broker, or in any occupation for which a governmental license is required.

Public Building - Any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government or by a public utility corporation or municipal district or authority.

Public Improvement - Any drainage ditch, street, sidewalk, pedestrianway, tree, lawn, off-street parking areas, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which City responsibility is established.

Public Open Space - A parcel of land or an area of water, or a combination of land and water dedicated to public use and available for the use and enjoyment of the general public. Public open space does not include streets, alleys or off-street parking or loading areas.

Public Utility - Any business the purpose of which is to furnish to the general public:

- | | |
|--------------------------------|------------------------------|
| (a) Telephone Service | (i) Any other business so |
| (b) Telegraph Service | affecting the public |
| (c) Electricity | interest as to be |
| (d) Natural Gas | subject to the |
| (e) Water | supervision or |
| (f) Transportation of Persons | regulation by any agency |
| and Property | of the State |
| (g) Solid Waste Disposal | (j) Community closed circuit |
| (h) Wastewater Treatment Plant | telecast |

Remodeling - Any change in a structure, other than incidental repairs and normal maintenance, which may prolong its useful life, or the useful life of its supporting members such as foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

Residential Building - A building, all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses and mobile homes.

Rest Home - See Nursing Home.

Restaurant - A public eating establishment in which the primary function is the preparation and serving of food on the premises.

Retail Sales - The sale of goods, merchandise and commodities for use or consumption.

Riding Academy or Stables - Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

Rooming House - Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals.

Sanitarium - A duly licensed private hospital, nursing home, rest home or like facility, whether or not such facility is operated for profit.

Sanitary Sewer - A municipal or community sewage disposal system of a type approved by the State Board of Health.

Schools, Parochial - An institution or a place for instruction or education belonging to and maintained by a religious organization.

Schools, Private - An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this Ordinance.

Schools, Public - An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance.

Screening - Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or evergreen vegetation.

Service Station - Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils; when the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

Setback - The minimum horizontal distance between the property line and the building line. The Front Yard, Rear Yard and Side Yard shall be determined from the face of the building, excluding those allowable yard projections as provided in Articles 4.8, 5.8 and 6.8 of this Zoning Ordinance.

Sidewalk - A hard surfaced walk for pedestrians at the side of a street.

Sign - A sign shall include any sign, billboard, or other device which shall display or include any letter, word, mode, banner, flag, pennant, insignia device, or representation used as, or which is in the nature of an advertisement or announcement or which directs attention to an object, project, place, activity, person, institution, organization, or business, but shall not include any display of official notice or flag, pennant, emblem, or insignia of any nation or group of nations of any state, city, or political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

- (a) Sign, Advertising - A sign which directs the attention of the public to any goods, merchandise, property, real or personal, business, service, entertainment, or amusement conducted, produced, bought, sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- (b) Sign, Banjo - An advertising or business ground sign which is constructed in such a manner to form an inverted "V" or tentlike shape, hinged or not hinged at the top, and each angular face held at an appropriate distance by a supporting member.
- (c) Sign, Business - A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.
- (d) Sign, Illuminated - Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- (e) Sign, Flashing - Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times where such is used. For the purpose of this Zoning Ordinance, any revolving illuminated sign shall be considered a flashing sign.
- (f) Sign, Animated - Any sign, or any portion thereof, which is set in motion by any force.

Story - That portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Half - A space under a sloping roof which has the line intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.

Street - A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.

Street Classification:

- (a) Primary Traffic Thoroughfare - A street which provides for primary traffic movement directly in and out of the City, with direct access to abutting property; subject to necessary control by lights, signage and other means of entrances, exits and curb uses.
- (b) Arterial - 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.
- (c) Collector - A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- (d) Local - A street which provides for direct access to abutting land, and for local traffic movement whether in business, industrial, or residential areas.

Street Line - A dividing line between a lot, tract, or parcel of land and the contiguous street.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but not including fences.

Structural Alterations - Any change in the supporting members of a building, such as, bearing walls or partition columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Ordinance, the following shall not be considered structural alterations:

- (a) Attachment of a new front where structural supports are not changed and does not encroach beyond the building setback line.
- (b) Addition of fire escapes where structural supports are not changed.
- (c) New windows where lintels and support walls are not materially changed.
- (d) Minor repair or replacement of non-structural members.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into one (1) or more lots, parcels, site units, plots or interests for the purpose of offer, sale, lease, or development, or the dedication of public right-of-way. Subdivision also includes the assembly of several lots or parcels into one lot for the purpose of development.

Tavern - Any establishment in which is performed the public sale and serving of malt beverages.

Townhouse - Means one single-family townhouse residential unit which may be jointed together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided, however, that in any event, the term "townhouse" shall not mean a condominium as defined in K.S.A. 58-3102.

Tract - An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Shawnee County as a single parcel of land under individual ownership.

Trailer - Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term "Trailer" shall include recreational vehicles.

Trailer Park - Means a tract of land containing sites for the overnight or short term parking of two or more camping trailers. Camping trailers may be parked in a camp-ground or camper park provided such camp area is in conformance with the codes and ordinances of the City of Rossville.

Trailer, Advertising - A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

Trailer, Camping - A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this Zoning Ordinance.

Trailer, Hauling - A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.

Trailer Home - See definition for Mobile Home.

Variance - A departure from the terms of this ordinance pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size and/or shape of topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

Vision Clearance Area - A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets the vision clearance area is created by points forty (40) feet from the intersection of the property lines.

Wholesale Sales - The sale of goods, merchandise and commodities for resale.

Watercourse - Shall mean any stream or drainway having a channel that serves to give direction to a flow of water.

Yard - A space on the same lot with a main building; open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Ordinance.

Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line. For corner lots, this definition applies to both portions of a lot lying adjacent to the intersecting streets.

Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.

Yard, Side - A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest part of the main building. (See Article 17, Supplemental Development Standards.)

Zone - See District.

2. WORDS NOT DEFINED HEREIN. Words or terms not herein defined shall have their ordinary meaning in relation to the context, unless otherwise defined in the Uniform Building Code.

1.8 SEVERABILITY CLAUSE

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE 2

ZONING MAP, ZONING DISTRICTS AND ANNEXATION

2.1 ZONING MAP

The Zoning Ordinance shall divide the city into districts of such number, shape, and area as may be best suited to regulate and restrict the erection, construction, alteration, repair, or use of buildings or structures in Rossville. Each district in the Ordinance includes a list of appropriate uses to be allowed in that district. An Official Map, entitled "The Zoning Map of Rossville, Kansas", shall be adopted by the Governing Body of Rossville in accordance with the Zoning Ordinance text, and shall hereby be made a part of said Ordinance. The map will serve to locate the extent of existing and proposed future land uses as outlined by the district boundaries on the map. The zoning map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times, as any other public record.

2.2 ZONING MAP AMENDMENTS

It is reasonable to assume that over a period of time changes will be made to the Zoning Ordinance, and/or the incorporated city limits of Rossville, Kansas which may result in changes to the district classifications and/or city limits as reflected on the zoning map. The official zoning map shall be amended when said changes to the Zoning Ordinance and/or incorporated city limits are approved by the Governing Body of Rossville, Kansas. The zoning map must be kept up to date with changes made to the zoning ordinance and/or the incorporated city limits, so as to accurately reflect the most recent zoning district classifications and boundaries.

2.3 DISTRICT CLASSIFICATION

The Zoning Ordinance shall divide the City of Rossville into the following districts.

1. "A-1" Agricultural District
2. "R-1" Single-Family Residential District
3. "R-2" Two-Family Residential District
4. "R-3" Multiple-Family Residential District
5. "M-H" Mobile Home Park District
6. "P-F" Public Facilities District
7. "C-1" Central Business District
8. "C-2" General Business District
9. "I-1" Light Industrial District
10. "I-2" General Industrial District
11. "F-P" Floodplain District

2.4 DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts, the following rules shall apply:

1. Where district boundaries on the zoning map are indicated as approximately following the center lines of streets, highways, or railroads, such boundaries shall be deemed to be located at such mid-points.
2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.
3. Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Rossville unless otherwise indicated.
4. Where the application of the aforesaid rules still leaves a reasonable doubt as to the boundaries between two zoning districts, the entire question shall be decided upon and determined by the City of Rossville Planning Commission.

2.5 ANNEXATION

1. In the event that the Governing Body of the City of Rossville causes certain parcels of land to be annexed into the incorporated city limits, then the authority and jurisdiction of this Zoning Ordinance shall be extended accordingly to include said annexed land and adjacent outlying lands pursuant to the provisions of K.S.A. 12-707 to 12-715, inclusive as amended.
2. All territory hereafter annexed and falling under the authority and jurisdiction of this Zoning Ordinance shall be assigned the nearest equivalent city zoning classification to that previously assigned by the Board of Shawnee County Commissioners; provided, however that the Board of Shawnee County Commissioners shall request and receive a recommendation of concurrence from the City Council of Rossville, Kansas on all zoning amendments within three-miles of the incorporated city limits.

3. If the aforesaid recommendation of concurrence is not received, then all annexed property shall be considered as "R-1" Single Family Residential District for a period of ninety (90) days. Within the ninety-day period the planning commission shall hold a public hearing and recommend to the City Council the appropriate zoning classification to be assigned the annexed territory; provided, however, if the planning commission shall make no recommendations to the City Council within ninety (90) days then all property so annexed shall be assigned the nearest equivalent city zoning classification to that previously assigned by the Board of Shawnee County Commissioners.

ARTICLE 3

"A-1" AGRICULTURAL DISTRICT

3.1 PURPOSE AND INTENT

The "A-1" Agricultural District is established for the purpose of providing areas for the furtherance of agricultural pursuits. The intent of said district is to retain areas of land for agricultural uses exclusively.

3.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "A-1" Agricultural District.

1. Agricultural uses including farming; animal husbandry, including poultry, fur-bearing animals and other livestock; truck gardening; orchards; bee keeping; and the sale of food products grown in agricultural districts.
2. Single-family dwelling units, in accordance with the following provisions:
 - a. Where the proposed structure will be no closer than five hundred (500) feet to any other dwelling structure, except where a public right-of-way intervenes, in such case the minimum distance for separation does not apply; provided further that said structure is located upon a lot, tract, or parcel of land which has a minimum frontage dimension of sixty (60) feet upon a public right-of-way.
 - b. Where the proposed structure is contained upon a tract or parcel of land of three (3) acres or more with a minimum frontage dimension of two hundred (200) feet upon a public right-of-way; provided such tract or parcel of land is held by single ownership and the deed to said tract or parcel is duly recorded in the office of the Register of Deeds, Shawnee County, Kansas. There shall be a deed of record for each tract or parcel for each dwelling structure. The Governing Body may grant a variance to the minimum area requirements where a dedication or easement for public right-of-way affects such minimum area.
 - c. Where the proposed structures are to be located upon a platted or subdivided lot of record.
3. Accessory uses for agricultural and single-family dwelling units.

4. Mobile home structures used in conjunction with farming enterprises, provided that the mobile home is occupied by members of the family or employees.
5. Greenhouses and nurseries.
6. Public parks and recreational areas.
7. Utility substations or pumping stations.
8. Water reservoirs or storage tanks.
9. Gas and oil exploration and operations.
10. Public or governmental uses.
11. Home occupations as defined in Article 16, provided that such occupations take place within enclosed structures and are run by the occupants of the principal dwelling unit. One sign for advertisement shall be permitted, to be no greater than sixteen (16) square feet in size.

3.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Churches, or similar places of worship.
2. Cemeteries.
3. Campgrounds.
4. Commercial development of natural resources and extraction of raw materials, including sand and gravel.
5. Kennels for breeding and boarding dogs, provided that they are located no closer than one thousand (1000) feet from the nearest residential property line. All kennels shall provide screening for the reduction of noise.
6. Commercial repair of farm machinery and other motorized equipment, including automobiles. This shall not include commercial garage shops providing service for automobiles exclusively.
7. Parks and recreational facilities operated and maintained by non-public entities; including riding stables, rodeo grounds and gun clubs.
8. Commercial feed lots.

9. Water and Sewage Treatment Plants.

3.4 LOT SIZE REQUIREMENTS (FOR PLATTED SUBDIVISIONS LOTS ONLY)

1. Minimum Lot Area.

- a. Farming Activities: None
- b. All other Permitted and Conditional Uses: One (1) acre.

3.5 YARD REQUIREMENTS

The following minimum yard requirements shall apply in all "A-1" Agricultural Districts.

1. Front Yard:

- a. Farming Activities: None
- b. All Other Permitted and Conditional Uses: Fifty (50) feet.

2. Side Yard:

- a. Farming Activities: None
- b. All Other Permitted and Conditional Uses: Twenty (20) feet.

3. Rear Yard:

- a. Farming Activities: None
- b. All Other Permitted and Conditional Uses: Fifty (50) feet.

3.6 PARKING REQUIREMENTS

- 1. No parking requirements shall be established for any farming activities.
- 2. All other uses, permitted and conditional, shall conform with the parking requirements of Article 15.

ARTICLE 4

"R-1" SINGLE FAMILY RESIDENTIAL DISTRICT

4.1 PURPOSE AND INTENT

The "R-1" Single-Family Dwelling District is established for the purpose of low density single-family dwelling control and to allow certain public facilities and conditional uses. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or to 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 an environment conducive for family life in a district characterized by attractively landscaped lots and open spaces.

4.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-1" Single-Family Residential District.

1. Single-Family Dwelling - Detached. This shall include sectional or modular housing attached to permanent foundations, but not single-wide or double-wide mobile homes.
2. Vegetable and flower gardens, trees, shrubs and lawns, non-commercial orchards, and other landscaping as it relates to residential use.
3. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
4. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use.
5. Temporary office or storage structures incidental to construction work, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.
6. Public utility equipment, including utility poles, overhead lines, underground pipes, and meter stations. This shall not include utility substations housed within enclosed structures.

4.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Churches, or similar places of worship.
2. Greenhouses and floral shops, and their accessory uses.
3. Public libraries, museums, places of historic interest, or similar public buildings and philanthropic institutions.
4. Nursing homes and homes for the aged approved and licensed by the State of Kansas.
5. Board home designated and regulated by the State of Kansas as a family foster home providing twenty-four-hour-a-day care for one to four (4) nonrelated children with a maximum of six (6) children under sixteen (16) years of age, including the provider's children.
6. Group home. A dwelling occupied by not more than ten (10) persons, including eight (8) or fewer physically handicapped, mentally retarded or other developmentally disabled persons 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 physically handicapped, mentally retarded or other developmentally disabled residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas.
7. Community buildings or neighborhood centers, recreation fields, sporting or athletic facilities operated by a not-for-profit entity.
8. Golf courses, except miniature golf courses and driving tees.
9. Public utility uses and public services, as follows:
 - a) Enclosed structures housing utility substations.
 - b) Elevated water towers.
 - c) Elevated communication towers operated by the public utility.
 - d) Police and Fire Stations.
10. Home occupations, in conformance with Article 16.

4.4 LOT SIZE REQUIREMENTS

No building shall be erected or altered on a lot which makes provisions for less than seven thousand five hundred (7,500) square feet of lot area. Minimum lot widths shall not be less than 60 feet at the building setback line and minimum lot depths shall not be less than 100 feet. For all other permitted uses which do not require an enclosed structure, the lot shall not be less than twelve thousand (12,000) square feet.

4.5 LOT COVERAGE

The maximum lot coverage by all buildings, principle and accessory, shall not exceed forty-five (45) percent. Not more than one single-family dwelling may be placed on a lot.

4.6 YARD REQUIREMENTS

The following minimum yard requirements shall apply in all "R-1" Single-Family Residential Districts.

1. Front Yard:
 - a) Each lot in the "R-1" Single Family Residential District shall have a front yard of not less than twenty-five (25) feet.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard:
 - a) There shall be a side yard on each side of a building, having a width of not less than ten (10) feet.
3. Rear Yard:
 - a) Each lot in the "R-1" Residential District shall have a rear yard having a depth of not less than twenty-five (25) feet.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance. In the event that a recorded subdivision plat does require greater yard setback requirements, the provisions of Article 4.8 "Projections Into Yards" shall still apply.

4.7 HEIGHT REGULATIONS

No building shall exceed two and one-half (2-1/2) stories nor thirty-five (35) feet in height. Chimneys, flagpoles, television antennae, and similar structures shall be excluded in determining height.

4.8 PROJECTIONS INTO YARDS

1. The following elements may project into or be erected into any required yard.
 - a) Landscaping elements.
 - b) Fences and walls, not to exceed a height of six (6) feet.
 - c) Open porches and paved patio areas.
 - d) Necessary elements for the delivery of utility services.
2. The following structures may project into any required yard, but not more than four (4) feet.
 - a) Chimneys and fireplace structures provided they are not wider than ten (10) feet.
 - b) Eaves, sills, cornices, and similar architectural features.
 - c) Stairways, balconies, and awnings.

4.9 PARKING REQUIREMENTS

1. Two off-street parking spaces shall be provided for each single-family dwelling unit.
2. All other uses, permitted and conditional, shall conform with the parking requirements of Article 15.

ARTICLE 5

"R-2" TWO-FAMILY RESIDENTIAL DISTRICT

5.1 PURPOSE AND INTENT

The "R-2" Two-Family Residential District is established for the purpose of medium density single-family and two-family dwelling control and to allow certain public facilities and conditional uses. It is intended that no uses be permitted in this district which will devalue property for residential purposes or interfere with the health, safety, and general welfare of persons residing in the district. These regulations are intended to control population density and to provide adequate open space around buildings and structures.

5.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-2" Two-Family Residential District.

1. All permitted uses in the "R-1" Single-Family Residential District, as listed in Article 4.2.
2. Two-family dwelling units (duplexes).
3. The renting of a maximum of two (2) separate sleeping rooms with a total occupancy of not to exceed three (3) persons for whom board may be furnished, but with the prohibition of separate culinary accommodation for such tenants.

5.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. All conditional uses allowed in the "R-1" Single-Family Residential District, as listed in Article 4.3.

5.4 LOT SIZE REQUIREMENTS

No building shall be erected or altered on a lot which makes provisions for less than six thousand (6,000) square feet of lot area. Minimum lot widths shall not be less than sixty (60) feet at the building setback line and minimum lot depths shall not be less than one hundred (100) feet. For all other permitted uses which do not require an enclosed structure, the lot area shall not be less than twelve thousand (12,000) square feet.

5.5 LOT COVERAGE

The maximum lot coverage by all buildings, principle and accessory, shall not exceed forty-five (45) percent. Not more than one single-family or two-family dwelling may be placed on a lot.

5.6 YARD REQUIREMENTS

The following minimum yard requirements shall apply in all "R-2" Two-Family Residential Districts.

1. Front Yard:

- a) Each lot in the "R-2" Two-Family Residential District shall have a front yard of not less than twenty-five (25) feet.
- b) Where platted lots have a double frontage, are or located at the intersection of two streets, the required front yard shall be provided on both streets.

2. Side Yard:

- a) There shall be a side yard on each side of a building, having a width of not less than eight (8) feet.

3. Rear Yard:

- a) Each lot in the "R-2" Two-Family Residential District shall have a rear yard having a depth of not less than twenty-five (25) feet.

4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance. In the event that a recorded subdivision plat does require greater yard setback requirements, the provisions of Article 5.8 "Projections Into Yards" shall still apply.

5.7 HEIGHT REGULATIONS

Height regulation shall be the same as provided for the "R-1" Single Family Residential District in Article 4.7.

5.8 PROJECTIONS INTO YARDS

Projections into yards shall be the same as provided for the "R-1" Single Family Residential District in Article 4.8.

5.9 PARKING REQUIREMENTS

1. Two off-street parking spaces shall be provided for each single-family dwelling unit.
2. Four off-street parking spaces shall be provided for each two-family dwelling unit.
3. All other uses, permitted and conditional, shall conform with the parking requirements of Article 15.

ARTICLE 6

"R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

6.1 PURPOSE AND INTENT

The "R-3" Multiple-Family Residential District is established to provide a District suitable for family living in an area characterized by medium to high density residential uses. This District allows single family dwellings, duplexes, triplex and fourplex uses, apartment buildings, and certain community facilities and conditional uses. The "R-3" District should only be established in areas where street and utility systems are adequate to accommodate high density development.

6.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "R-3" Multiple-Family Residential District.

1. All permitted uses in the "R-1" and "R-2" Residential Districts, as listed in Article 4.2 and Article 5.2.
2. Three-Family Dwellings (Triplexes).
3. Four-Family Dwellings (Fourplexes).
4. Apartment Buildings.
5. Condominiums.
6. Townhouses.
7. Churches, or similar places of worship.
8. Nursing Homes and Homes for the Aged, approved and licensed by the State of Kansas.
9. Child Day Care Home or Child Day Care Center, approved and licensed by the State of Kansas.
10. Boarding and Lodging Houses.
11. Board home designated and regulated by the State of Kansas as a family foster home providing twenty-four-hour-a-day care for one to four (4) non-related children with a maximum of six (6) children under sixteen (16) years of age, including the provider's children.

12. Group Home. A dwelling occupied by not more than ten (10) persons, including eight (8) or fewer physically handicapped, mentally retarded or other developmentally disabled persons 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 physically handicapped, mentally retarded or other developmentally disabled residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas.
13. Public libraries, museums, places of historic interest, or similar public buildings and philanthropic institutions.
14. Community buildings or neighborhood centers, recreation fields, sporting or athletic facilities operated by a not-for-profit entity.
15. Medical and dental clinics. This shall not include veterinary clinics.
16. Professional services limited to that of attorney, medical doctor, dentist, real estate, architect, engineer, financial consultant, and, tax preparation or any other professional service occupation for which a governmental license is required.

6.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Funeral Homes/Mortuaries.
2. Golf courses, except miniature golf courses and driving tees.
3. Public utility uses and public services, as follows:
 - a) Enclosed structures housing utility substations.
 - b) Elevated Water Towers.
 - c) Elevated communication towers operated by the public utility.
 - d) Police and Fire Stations.
4. Home occupations, in conformance with Article 16.

6.4 LOT SIZE REQUIREMENTS

1. No single family dwelling shall be erected or altered on a lot which makes provisions for less than five thousand five hundred (5,500) square feet of lot area. Minimum lot widths shall not be less than fifty-five (55) feet at the building setback line and minimum lot depths shall not be less than one hundred (100) feet.

2. A lot on which there is erected a two-family dwelling shall contain an area of not less than two thousand five hundred (2,500) square feet per family. Minimum lot widths shall not be less than fifty (50) feet at the building setback line and minimum lot depth shall not be less than one hundred (100) feet.
3. A lot on which there is erected a multiple dwelling shall contain an area of not less than one thousand five hundred (1,500) square feet per family, but in no instance shall a minimum lot width be less than fifty (50) feet at the building setback line and a minimum lot depth be less than one hundred (100) feet.
4. Where a lot has less area than therein required and is a lot of record at the time of the passage of this regulation, that lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article.

6.5 LOT COVERAGE

For single family and two-,three-, and four-family dwellings the maximum lot coverage by all buildings, principal and accessory, shall not exceed forty-five (45) percent. Apartment dwellings may be allowed to exceed the forty-five (45) percent lot coverage, provided proper setbacks are maintained and provided parking areas conform with the provisions of Article 15.

6.6 YARD REQUIREMENTS

The following minimum yard requirements shall apply in all "R-3" Multiple-Family Residential Districts.

1. Front Yard:
 - a) Each lot in the "R-3" Multiple-Family Residential District shall have a front yard of not less than twenty-five (25) feet.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard:
 - a) There shall be a side yard on each side of a building, having a width of not less than five (5) feet, for buildings not exceeding two and one-half (2-1/2) stories.
 - b) There shall be a side yard which shall have a width of not less than eight (8) feet on each side of a three story building.

3. Rear Yard:
 - a) There shall be a rear yard having a depth of not less than twenty-five (25) feet for a building not exceeding two and one-half (2-1/2) stories.
 - b) A three story building shall have a rear yard of not less than thirty (30) feet in depth.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance. In the event that a recorded subdivision plat does not require greater yard setback requirements, the provisions of Article 6.8 - "Projections Into Yards" shall still apply.

6.7 HEIGHT REGULATIONS

No building shall exceed three (3) stories nor forty-five (45) feet in height.

6.8 PROJECTIONS INTO YARDS

1. The following elements may project into or be erected on any required yard.
 - a) Landscaping elements.
 - b) Fences and walls not to exceed a height of eight (8) feet.
 - c) Open porches and paved patio areas.
 - d) Necessary elements for the delivery of utility services.
2. The following structures may project into any required yard, but not more than four (4) feet.
 - a) Chimneys and fireplaces structures provided they are not wider than ten (10) feet.
 - b) Eaves, sills, cornices, and similar architectural features.
 - c) Door steps, stairways, balconies, awnings, and planter boxes.

6.9 PARKING REQUIREMENTS

1. Two off-street parking spaces shall be provided for each single-family dwelling unit.
2. Four off-street parking spaces shall be provided for each two-family dwelling unit.
3. Multiple-family dwelling units shall provide one and one-half (1-1/2) parking spaces for each individual dwelling unit containing one bedroom. Two (2) parking spaces shall be provided for each individual dwelling unit containing two or more bedrooms.

4. All other uses, permitted and conditional shall conform with the parking requirements of Article 15.

ARTICLE 7

"M-H" MOBILE HOME PARK DISTRICT

7.1 PURPOSE AND INTENT

The "M-H" Mobile Home Park District is established for the purpose of providing residential environments within the City for the accommodation of mobile or manufactured homes and modular housing units within a Mobile Home Park under one ownership or under multiple ownership.

7.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "M-H" Mobile Home Park District.

1. Mobile home parks (not transient trailer courts) housing either single or double-wide mobile homes, which are not to be construed as motorized recreation vehicles.
2. Modular single-family residential units.
3. Single-family residential units for use by the Park Management.
4. Child Day Care Centers.
5. Recreation and service facilities for the occupants of a park, including: club house or community building, swimming pool, laundromat, storm shelter, retail convenience and similar uses.
6. Accessory structures such as garages, carports, greenhouses, and similar structures which are customarily used in conjunction with and incidental to a principle use or structure.

7.3 GENERAL REQUIREMENTS

1. Parking of trailer homes or mobile homes.
 - a) Except as hereinafter provided, it shall be unlawful for any person to park and reside in any trailer home or mobile home on any street, alley, highway or other public place, or on any tract of land whether owned by the person himself or by others, within the Corporate limits of the City.
 - b) All mobile homes built in conformance with the requirements of K.S.A. 75-1211 et seq., may be located within the corporate limits of the City of Rossville, but only within an approved mobile home park.

- c) No person shall park or occupy any trailer home outside a duly authorized trailer home park, unless the trailer home complies with all of the regulations that apply to a permanent dwelling in the same zone. Nothing in this paragraph shall prevent the storage, by the owner thereof, of an unused trailer home, upon any lot occupied as owner or tenant by such person. This shall also allow for the temporary occupancy of a trailer home located on such lot by bona fide guests of said owner or tenant, but not to exceed a period of fourteen (14) days. This is permitted as a convenience to local residents in providing comfortable and cost-free lodging to bona fide guests only. It shall not be interpreted as permitting the use of a trailer home as a hotel, motel, or rental unit.
 - d) Hauling trailers, as defined herein, may be stored, rented, etc. in Districts "C-1" to "I-2" inclusive. Hauling trailers, customarily towed behind passenger cars, and not exceeding eight (8) feet of box length, may also be kept or stored, on the basis of one (1) per family, in private garages, or in the side or rear yard of private homes in conformance with zoning ordinances and all other applicable codes and ordinances of the City of Rossville.
 - e) A mobile home may be permitted by the Code Enforcement Administrator for purposes of temporary relief from a local disaster such as fire, wind, or flood damage, provided such mobile home shall be removed from the premises within six (6) months of its original placement.
2. Structural quality; anchorage of mobile homes.
- a) Structural quality alterations, additions, and anchorage of mobile homes and house trailers which are affected by provisions herein, within, without, or to a park and facilities, shall be made only after application to the Code Enforcement Administrator and in conformity with all the sections of this Article 7.
 - b) No mobile home shall be permitted to be moved into the corporate area of the City of Rossville, for purposes of sale by an established and licensed retail dealer until a building permit has been issued for its location in a specified mobile home park or other approved location in compliance with this and other applicable ordinances of the City. In the event that all standards, codes, and ordinances are complied with, the applicant shall be issued a building permit and the mobile home shall be established in accordance therewith within six (6) months, or the permit shall become invalid.
 - c) No additions of any kind shall be built onto or become a part of any mobile home or house trailer except with the written approval of the Code Enforcement Administrator. Accessory structures such as porches, cabanas and carports may be provided. Skirting of coaches is required and shall be constructed from fire resistant materials.

- d) Every mobile home or house trailer controlled by this regulation shall be anchored to the ground as required by the Mobile Home and Recreational Vehicle Code K.S.A. 75-1211 et seq.
- e) Over-the-top tie down straps shall be required on all mobile homes.

Anchors and tie down straps required are based on mobile home length:

<u>No. Anchors and Straps Per Side</u>	<u>Length</u>
3	36' - 50'
4	50' - 70'
5	70' - 80'

- f) Every mobile home or house trailer controlled by this regulation shall be blocked as required by the Mobile Home and Recreational Vehicle Code K.S.A. 75-1211 et seq.
- g) A mobile home or house trailer shall not be permanently attached to the ground or otherwise converted to a building without the written approval of the Code Enforcement Administrator.

7.4 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

1. Size of Park. Shall not be less than eight (8) acres with a minimum frontage upon public street right-of-way of three hundred (300) feet.
2. Access. A mobile home park shall have access to arterial or major collector streets and no mobile home space shall have direct access to a local residential public street.
3. Gross Density. Gross density of a mobile home park shall not exceed eight (8) mobile home spaces per acre, including streets, sidewalks, recreation areas, boat and trailer storage areas, etc.
4. Off-Street Parking. There shall be provided at least three (3) off-street parking spaces to be located on a concrete pad on the mobile home space. The minimum pad size shall be twenty-five (25) feet wide by eighteen (18) feet in depth.
5. Mobile Home Spaces. Each mobile home park shall clearly define the spaces and such spaces shall not have an area less than two thousand eight hundred (2,800) square feet. Spaces shall have a minimum of forty (40) foot frontage and seventy (70) foot depth.
6. Storm Shelter. All new mobile home parks shall provide a storm shelter for the occupants. All existing mobile home parks at the date of the adoption of this ordinance are encouraged to provide

storm shelters. The mobile home shelter shall be approved, after the submission of plans by the applicant, by the Code Enforcement Administrator. The shelter shall be constructed below ground level as a concrete structure 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.

7. Private Storage. Each mobile home shall be provided with a storage locker of at least 100 cubic feet.
8. Setbacks. Mobile homes shall be so located on each space that there shall be clearance between mobile homes; provided however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may not be less than twenty (20) feet. No mobile home shall be located closer than twenty (20) feet to any building or mobile home within the park or to any property line of the park which does not abut upon a public street or highway. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five (25) feet or such other distance as may be established by ordinance or regulation as a front yard or setback requirement with respect to conventional buildings in the district in which the mobile home park is located.
9. Driveways And Sidewalks. All driveways and walkways within the park shall be hard surfaced and lighted at night. Unencumbered driveways shall be at least twenty-four (24) feet in width and sidewalks at least three (3) feet in width that lead from mobile home spaces to service and recreational areas. Pedestrian walkways shall connect with walkways in surrounding recreational areas.
10. Lighting. All mobile home parks shall provide street lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.
11. Circulation. The interior circulation and access driveways to public streets shall be designed so as to promote the public safety.
12. Perimeter And Interior Landscaping. Where the boundary of a mobile home park abuts a public street, there shall be provided a twenty (20) foot wide landscaped buffer. This buffer shall be planted with a mixture of grass, trees, and shrubs to provide a park like appearance. Where the boundaries of a mobile home park do not abut on a public street, there shall be constructed a decorative six (6) foot high wall or fence of suitable materials along these boundaries, except where these boundaries abut a public park or dedicated open space in which case, suitable

screening shall be accomplished by appropriate landscaping. The interior of the mobile home park shall have adequate grass, trees, and shrubs to provide a dust-deterrent, shaded, park-like atmosphere.

13. Recreation Space. There shall be provided one or more recreational areas that are equipped with suitable play equipment and other recreational facilities. There shall be provided at least one hundred (100) square feet of developed area per mobile home space. However, any mobile home park shall have one developed recreational area of at least fifteen hundred (1500) square feet.
14. Supervision. There shall be provided an area near the main entrance of the park as an area with suitable off-street parking for office and management use only. The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this regulation to which the licensee or permittee is subject. Moreover, mobile home park operators shall submit to the Code Enforcement Administrator each January 1, a list of all mobile homes on their land, including make, model, year, length and width.
15. Boat and Trailer Storage. Each mobile home park shall provide a screened area for the storage of boats, travel, horse, or utility trailers, with an aggregate size of at least three hundred fifty (350) square feet per trailer space.
16. Electrical Supply. An underground electrical service supplying at least 120/240 volts - 100 amperes electrical service from a centrally located power supply shall be provided each mobile home space by the mobile home park operator.
17. Water And Sewer Service. Adequate provisions shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy and comply with state and local codes, ordinances, specifications, and statutes. Each mobile home drain inlet shall be provided with an effective trap not less than four (4) inches in diameter for inlets designed to receive the discharge of mobile home drainage and each mobile home drain line shall be equipped with a clean-out which shall be outside of the perimeter covered by the mobile home and which shall clean toward the main sewer.
18. Natural Gas Service. All mobile home parks using natural gas shall be equipped with approved manual and breakaway nipples with automatic shutoff valves installed upstream of the gas outlet.

All mobile home parks using liquified gas systems shall be provided with safety devices to relieve excessive pressure; all storage bottles or tanks shall be fastened to prevent accidental overturning. No gas vessel shall be stored underneath the mobile home.

19. Facilities. Adequate provision shall be made for public water supply, sanitary sewers, fire protection, and other necessary facilities to satisfy state and local codes, ordinances, and specifications.
20. Signs. One non-animated or non-flashing identification sign or structure shall be allowed in conformance with state and local codes, ordinances, and specifications.
21. State Requirements. No space shall be rented for residential use of a mobile home in any park except for periods of thirty (30) days or more, and no mobile home shall be admitted to any park unless it can be demonstrated that it meets the requirements of K.S.A. 75-1211 et seq.
22. Drainage. The park shall be properly drained to insure rapid run-off, free from stagnant pools of water.
23. Natural Features. The design of the park shall preserve natural features such as large trees, outcroppings, etc., when feasible.
24. Nonconforming Mobile Home Parks. Existing mobile home parks and/or trailer home parks that do not conform with these regulations and special conditions, or with the provisions of any other City Ordinance, shall be considered as nonconforming and shall be allowed to continue under the provisions as stated in Article 14. However, no nonconforming mobile home park shall be expanded, enlarged, or extended in any way. If a nonconforming mobile home park is discontinued or its normal operation stopped for more than six (6) months, the use of the land shall thereafter conform to a use permitted in the zone in which it is located.

7.5 APPLICATION FOR PERMIT

1. Each applicant for a mobile home park shall submit a preliminary development plan which details the road system, layout arrangement of lots and park facilities, the topography and general site condition and landscaping or screening, to the office of the Code Enforcement Administrator.

2. The following information is required for an application for a mobile home park in addition to that information normally required for a building permit.
 - a) Name and address of applicant.
 - b) Preliminary engineering plans and specifications.
 - c) Survey of tract.
 - d) Location and specifications for water and sewer.
 - e) Site plan with internal layout.
3. It shall be unlawful for any person to construct, alter or extend any mobile home park unless the owner holds a valid permit issued by the Code Enforcement Administrator.

7.6 MOBILE HOME PARK MANAGEMENT

1. Management. Each mobile home park shall be operated in a sanitary, orderly, and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced. All drives, playground areas and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the mobile home park shall be open and accessible to fire, police, and other emergency and protective vehicles and personnel, including city, county, and state inspectors.
2. Responsibilities of Park Manager
 - a) To notify all park occupants of the rules and regulations.
 - b) To comply with all rules and regulations governing mobile home parks.
 - c) To provide for the required storm shelter and to maintain such structure in good shape, free from rodents and insects, so that it is open and accessible to the residents.
 - d) The park manager shall maintain a register of all current residents identified by lot number.
 - e) The park manager shall notify the Code Enforcement Administrator in writing of individual violations of these regulations.

7.7 LICENSE TO OPERATE A MOBILE HOME PARK

1. Licenses Required.
 - a) It shall be unlawful for any person to establish, operate, maintain, or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home

park or trailer home park within the City limits, without having first secured a license to do so, granted and existing in accordance with the provisions of this Article.

- b) License to establish, operate, or maintain a mobile home park or trailer home park shall terminate with the calendar year in which it is issued, but it may be renewed for additional periods of one (1) year.
- c) Application for a license or for a license renewal for a mobile home park or a trailer home park shall be filed with the Code Enforcement Administrator annually and an annual fee shall be paid to the City Clerk amounting to twenty-five dollars (\$25.00) for said period or fraction thereof for each trailer park or mobile home park. The cost of a temporary permit for each mobile home located outside of a licensed mobile home park shall be three dollars (\$3.00).
- d) The charge for a late application for a license (25 days or more after the annual license is due) shall be an additional twenty five (\$25.00) dollars.
- e) No permit shall be valid which has been transferred to another person or firm.
- f) All existing mobile home parks, as of January 1, 1990, shall obtain a license to operate on or before July 1, 1990.

2. Revocation of License.

- a) The Code Enforcement Administrator shall refuse to issue a license to a mobile home park which is in violation of these regulations. The reasons for the refusal shall be put in writing and sent to the park owner/operator. The owner/operator shall have sixty (60) days to either appeal to the Board of Zoning Appeals or comply with the order of the Code Enforcement Administrator. If the violations are not resolved after the sixty (60) day period, the Code Enforcement Administrator shall seek a court order restraining the owner/operator from further operation of the park.
- b) The Code Enforcement Administrator is hereby empowered to make such inspections as are necessary to enforce these regulations at reasonable hours after notice in writing to the park owner/operator.

7.8 APPEALS TO THE BOARD OF ZONING APPEALS

1. The Board of Zoning Appeals is hereby empowered to hear appeals from the owners of mobile home parks which have been refused a license by the Code Enforcement Administrator. The Board of Zoning Appeals may uphold, reverse, modify or grant exceptions to the ruling of the Code Enforcement Administrator if:
 - a) The requested modification does not in any way endanger the health, safety or welfare of the park residents or neighbors,
 - b) or, does not modify or grant exception to the requirements for sanitary or potable water facilities,

- c) or, does not modify or grant exception to the required recreational facilities or storm shelter facilities.
2. All applications to the Board of Zoning Appeals shall be made in writing and shall set forth the reasons why the requested modification or exception is necessary and more than a mere convenience to the owner.

ARTICLE 8

"P-F" PUBLIC FACILITIES DISTRICT

8.1 PURPOSE AND INTENT

The "P-F" Public Facilities District is established for the purpose of providing areas for the location of public and quasi-public uses. This district is intended to allow certain intensive-use public facilities a separate zoning classification, preventing such uses from interfering with the health, safety, order and general welfare of persons residing in "R-1", "R-2", and "R-3" Residential Districts, and the "M-H" Mobile Home Park District.

8.2 PERMITTED USES

Those uses or categories of uses as listed herein, and not others, are permitted in the "P-F" Public Facilities District.

1. Schools, public or private, primary, intermediate, and secondary.
2. Church, or similar place of worship.
3. Cemeteries.
4. Governmental services, including city government offices, U.S. postal service, state government buildings, and county agency buildings.
5. Public parks, playgrounds and recreation areas, and related buildings operated by a public agency.
6. Golf courses.
7. Public libraries, museums, places of historic interest, or similar public buildings and philanthropic institutions.
8. Hospitals and health clinics (not veterinary clinics or facilities).
9. Public utility uses and public services, as follows:
 - a) Enclosed structures housing utility substations and pumping stations.
 - b) Elevated water tanks.
 - c) Elevated communication towers operated by the public utility.
 - d) Police and Fire stations.

10. Public utility equipment, including utility poles, overhead lines, underground pipes, and meter stations.
11. Temporary office or storage structures incidental to construction work, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.
12. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use.

8.3 LOT SIZE REQUIREMENTS

Any subdivided lot platted in conjunction with a permitted use shall have a land area of at least five thousand (5000) square feet. Minimum lot widths shall not be less than fifty (50) feet at the building setback line and minimum lot depths shall not be less than ninety (90) feet.

8.4 YARD REQUIREMENTS

The following minimum yard requirements shall apply in all "P-F" Public Facilities Districts.

1. Front Yard.
 - a) Each lot in the "P-F" Public Facilities District shall have a front yard of not less than twenty-five (25) feet.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard.
 - a) There shall be no requirements, except when the lot in the "P-F" District abuts the side or rear yard of a lot in a Residential District, in which case the side yard shall be a minimum of five (5) feet.
3. Rear Yard.
 - a) There shall be no requirements, except when the lot in the "P-F" District abuts the side or rear yard of a lot in a Residential District, in which case the rear yard shall be a minimum of twenty (20) feet.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance.

8.5 HEIGHT REGULATIONS

A building may be erected to any height not in conflict with other City Ordinances or building codes.

8.6 PARKING REQUIREMENTS

All uses shall conform with the parking requirements of Article 15.

ARTICLE 9

"C-1" CENTRAL BUSINESS DISTRICT

9.1 PURPOSE AND INTENT

The "C-1" Central Business District is established to provide a relatively broad range of concentrated retail commercial and service uses that are intended to serve the needs of the local town center. The "C-1" District is intended to be located only in the downtown area of the City and to be expanded out from that central area in an orderly and progressive manner as demand for additional commercial land is generated.

9.2 PERMITTED USES

1. The following uses and structures, and no others, are permitted in the "C-1" Central Business District.

Amusement places.

Antique shops, providing all merchandise be enclosed in a building.

Apparel and accessory stores.

Appliance stores.

Artist studios and art shops.

Apartments above ground floor level.

Automobile supply accessory stores.

Auditorium.

Bakery and pastry shops (retail only).

Banks and other savings and lending institutions.

Barber shops and beauty shops.

Bicycle shops (sales and repair).

Boarding and lodging houses.

Books and stationary stores or shops.

Business or commercial schools, including photography, dancing and music academies.

Business and professional offices.

Business machine repair, sales, and services.

Carpet stores.

Cigar and tobacco stores.

Clothing and costume rental.

Commercial recreation uses, not including miniature golf courses and driving ranges.

Custom dressmaking, millinery, tailoring, and similar trades.

Delicatessens and catering establishments.

Department stores.

Drug stores.

Dry goods and notion shops.
Dry cleaning establishments.
Electric repair shops.
Fire stations, police stations, and other public buildings.
Fix-it, radio or television repair shops.
Florist or gift shops.
Furniture and home furnishing shops and stores.
Government administration buildings.
Grocery, fruit, and vegetable stores.
Hardware stores and shops.
Hobby, stamp, and coin shops.
Hotels and motels.
Household appliance stores.
Interior decorator shops.
Jewelry and metal craft stores and shops.
Laundries and laundrettes.
Leather goods and luggage stores.
Libraries and museums.
Lock and key shops.
Mail order catalogue stores.
Medical and dental clinics.
Medical and orthopedic equipment stores.
Meeting halls and auditoriums.
Messenger and telegraph service stations.
Milk and milk products distribution stations.
Music and music instrument stores and studios.
Newspaper offices.
News stands.
Newsprint, job printing, and printing supplies stores.
Offices and office buildings.
Office supply and equipment stores.
Optical sales and offices.
Package liquor stores.
Parking lots and garages (commercial, public and private).
Paint and wallpaper stores.
Pawn shops.
Pet shops.
Philanthropic institutions and places of historic interest.
Photographic equipment and supply stores.
Photographic studios.
Picture frame shops.
Plumbing, heating, and air conditioning shops when the entire operation is conducted entirely within the building.
Post office and court buildings.
Prescription shops.
Private clubs and lodges.
Public and private parking lots for temporary storage of automobiles.
Radio and T.V. stores.
Radio and television studios.

Railway, taxi, and bus passenger stations.
Restaurants and tea rooms (not drive-in restaurants).
Sewing machine stores.
Shoe stores and repair shops.
Sporting goods stores.
Tailor shops.
Taverns.
Theaters (not drive-in).
Toy shops.
Travel bureaus.
Upholstery shops.
Utility company offices.
Watch repair shops.
Wood products and repair.
Stores and shops, for the conduct of retail business, similar to the uses enumerated above.

2. Reasonable accessory uses incidental to the permitted business but these shall not include lockers, mobile, portables, unscreened storage or signs advertising a business that is not on the same premises as the sign.
3. Public utility equipment, including utility poles, overhead lines, underground pipes, and meter stations. This shall not include utility substations housed within enclosed structures.

9.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Temporary office or storage structures incidental to construction work, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.

9.4 LOT SIZE REQUIREMENTS

1. There shall be no requirements for minimum lot size except as may be dictated by loading and parking requirements, adequate circulation, and proper site utilization.

9.5 LOT COVERAGE

The lot coverage for permitted uses may be one hundred percent (100%) exclusive of easement areas; front yard, side yard and rear yard setbacks; and parking areas required.

9.6 YARD REQUIREMENTS

1. Front Yard:
 - a) No front yard is required for structures in this district except to conform with the building code, fire code, easements, and other City ordinances.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard:
 - a) No side yard is required for structures in this district except to conform with the building code, fire code, easements, and other City ordinances. In the event that such side yard shall abut a residentially zoned lot, a screen shall be provided between the commercial building and the residential lot line. The screen shall be wood (six feet in height) or flora planting (eight feet in height) and shall be maintained in good condition.
3. Rear Yard:
 - a) No rear yard is required for structures in this district except to conform with the building code, fire code, easements, and other City ordinances. For all new construction or major additions there shall be required a rear yard of ten (10) feet, which shall be hard surfaced. In the event that such rear yard shall abut a residentially zoned lot, a screen shall be provided between the commercial building and the residential lot line. The screen shall be wood (six feet in height) or flora planting (eight feet in height) and shall be maintained in good condition. However, under no circumstances shall any screening interfere with vehicular access, by existing easements or alleys, to any lot.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued.

9.7 HEIGHT REGULATIONS

A building may be erected to any height not in conflict with other ordinances or building codes.

9.8 PARKING REQUIREMENTS

Angle parking shall be provided within the public right-of-way, directly off of the public street, in the "C-1" Central Business District. No off-street parking shall be required in the "C-1" District, unless otherwise determined necessary by the City Engineer

(see Article 15.4). Loading zones and docks shall be permitted in rear yard alleys and access easements, as required by certain uses.

ARTICLE 10

"C-2" GENERAL COMMERCIAL DISTRICT

10.1 PURPOSE AND INTENT

The "C-2" General Commercial District is established for the purpose of providing a district primarily for the accommodation of more intensive commercial uses than are located in the "C-1" Central Business District.

10.2 PERMITTED USES

The following uses and structures, and no others, are permitted in the "C-2" General Commercial District.

1. All permitted uses and structures in the "C-1" Central Business District, and:

Ambulance Service.

Armories.

Automobile sales and service (including motorcycles).

Auto repair shops, but not including auto body and fender work or auto painting.

Bowling alleys and recreation buildings.

Candy and ice-cream stores.

Carpenter and cabinet shops employing five or less persons.

Commercial recreation uses.

Construction equipment rental and sales.

Drive through banking facilities.

Farm implement sales and repair.

Garden stores, greenhouses and nurseries.

Golf courses (including miniature golf and driving tees).

Grocery stores (including retail meat markets.)

Jails.

Mobile home sales.

Mortuaries and funeral homes.

Parks and recreation areas.

Pawn shops.

Public Utility Equipment.

Printing and publishing houses (including newspaper).

Rental equipment shop.

Restaurants and tea rooms (including drive-ins).

Retail convenience store.

Self-service laundries.

Service stations.

Sheet metal shops employing five or less persons.

Tire sales and repair shops.
Used car lots.
Used furniture, when entire stock is stored within the building.
Utility substations.
Wholesale establishments.
Stores and shops, for the conduct of retail business, similar to the uses enumerated above.

2. Customary accessory uses and structures located on the same lot with the principle use and which do not include any activity or use unrelated to the principle use.
3. Temporary office or storage structures incidental to construction work, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.

10.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Veterinary clinics and animal boarding establishments provided that all pens are located in an enclosed structure or completely fenced area using solid screening and located at least five hundred (500) feet from the nearest structure used for a residential purpose.
2. Storage rental units.
3. Truck terminals.
4. Storage of raw or processed materials.

10.4 LOT SIZE REQUIREMENTS

1. There shall be no requirements for minimum lot size except as may be dictated by off-street parking and loading requirements, adequate circulation, and proper site utilization.

10.5 LOT COVERAGE

The lot coverage for permitted uses may be one hundred per cent (100%) exclusive of easement areas; front yard, side yard and rear yard setbacks; and parking areas required.

10.6 YARD REQUIREMENTS

1. Front Yard:
 - a) Each lot in the "C-2" General Commercial District shall have a front yard of not less than twenty-five (25) feet.

b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.

2. Side Yard:

a) No side yard is required for structures in this district except to conform with the building code, fire code, easements, and other City ordinances. In the event that such side yard shall abut a residentially zoned lot, a screen shall be provided between the commercial building and the residential lot line. The screen shall be wood (six feet in height) or flora planting (eight feet in height) and shall be maintained in good condition.

3. Rear Yard:

a) No rear yard is required for structures in this district except to conform with the building code, fire code, easements, and other City ordinances. For all new construction or major additions there shall be required a rear yard of ten (10) feet, which shall be hard surfaced. In the event that such rear yard shall abut a residentially zoned lot, a screen shall be provided between the commercial building and the residential lot line. The screen shall be wood (six feet in height) or flora planting (eight feet in height) and shall be maintained in good condition. However, under no circumstances shall any screening interfere with vehicular access, by existing easements or alleys, to any lot.

4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance.

10.7 HEIGHT REGULATIONS

A building may be erected to any height not in conflict with other ordinances or building codes.

10.8 PARKING REQUIREMENTS

All uses, permitted and conditional, shall conform with the parking regulations of Article 15.

ARTICLE 11

"I-1" LIGHT INDUSTRIAL DISTRICT

11.1 PURPOSE AND INTENT

The "I-1" Light Industrial District is established to provide areas in the City in which light industrial or manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage, and for related incidental service facilities. The activities conducted in the "I-1" Light Industrial District will create no obnoxious sounds, glare, dust or odor.

11.2 PERMITTED USES

1. The following uses and structures, and no others, are permitted in the "I-1" Light Industrial District.

- Animal hospitals, clinics or pounds.
- Automatic car wash.
- Express storage and delivery services.
- Bottling works.
- Building material sales (except for ready-mix concrete and similar uses which emit dust, odor, or smoke).
- Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- Contractors office and equipment storage yards, providing the storage yard is completely enclosed with a six (6) foot fence or wall.
- Dog kennels.
- Dry cleaning and/or laundry plants.
- Express storage and delivery services.
- Frozen food lockers.
- Greenhouses, retail and wholesale.
- Laboratories, research, experimental or testing stations.
- Light manufacturing operations - where the entire operation is conducted within a building and providing no raw materials or manufactured products are stored outside the building other than for loading and unloading operations, and further providing that such operating is not noxious or offensive by reason of vibration or noise beyond the confines of the building, or causes emission of dust, fumes, gas, odor, or smoke.
- Lumber yards.
- Machinery sales or storage lots.
- Mobile home sales and service.
- Monument and burial vault sales.
- Motels and hotels.
- Motor vehicle sales, automobile and truck.

Moving company, storage and terminal.

Offices and office buildings.

Printing shops.

Public utility and public service uses as follows:

(i) Substations.

(ii) Railroads.

(iii) Telephone exchanges.

(iv) Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.

Restaurants.

Service stations.

Storage rental units.

Truck and rail terminals.

Upholstery shops.

Warehouses.

Water treatment facilities.

Wholesale merchandise sales and storage.

Other uses and structures similar or accessory, customarily incidental to the above uses.

2. Temporary office or storage structures incidental to construction work, provided that such use shall be permitted only during the construction period and thirty (30) days thereafter.

11.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been reviewed and approved as required by Article 21.4.

1. Micro-wave towers.
2. Radio towers.
3. Television towers.
4. Telephone transmission buildings.

11.4 LOT SIZE REQUIREMENTS

Minimum lot widths shall not be less than one hundred and twenty-five (125) feet at the building setback line and minimum lot depths shall not be less than one hundred and seventy-five (175) feet.

11.5 LOT COVERAGE

There shall be no requirements except as may be dictated by off-street parking and setback requirements. 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 provided by the more restrictive requirements of this Zoning Ordinance.

11.6 YARD REQUIREMENTS

1. Front Yard:
 - a) Each lot in the "I-1" District shall have a front yard of not less than thirty (30) feet.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard:
 - a) No side yard shall be required for uses permitted in this District except where such use abuts a Residential District, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the Residential District. See Article 11.9 for screening requirements.
3. Rear Yard:
 - a) No rear yard shall be required for uses in this District except where the District abuts a Residential District, in which case there shall be a twenty (20) foot rear yard provided there is not alley. In those cases where an alley exists, the rear yard may be ten (10) feet. See Article 11.9 for screening requirements.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance.

11.7 HEIGHT REGULATIONS

Maximum height for structures shall be forty-five (45) feet.

11.8 PARKING REGULATIONS

All uses, permitted and conditional, shall conform with the parking regulations of Article 15.

11.9 SUPPLEMENTAL DEVELOPMENT STANDARDS

1. Buffer Strip: Whenever the "I-1" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.

ARTICLE 12

"I-2" GENERAL INDUSTRIAL DISTRICT

12.1 PURPOSE AND INTENT

The "I-2" General Industrial District is established to provide areas in the City where industrial or manufacturing firms can engage in processing, manufacturing, and related activities protected from the encroachment of commercial and residential uses. The "I-2" District is intended to allow moderately obnoxious sounds, glare, dust, or odor. Certain extremely obnoxious or hazardous uses will require special permission to locate in this District.

12.2 PERMITTED USES

The following uses and structures, and not others, are permitted in the "I-2" General Industrial District.

1. All permitted uses and structures in the "I-1" Light Industrial District, and:
 - a) Auto repair and painting.
 - b) Body shops.
 - c) Contractors offices and equipment storage yards.
 - d) Feed mill.
 - e) Feed and seed stores.
 - f) Foundry and light casting.
 - g) Grain elevators.
 - h) Industrial vocation training schools.
 - i) Light manufacturing.
 - j) Machine shops.
 - k) Manufacturing or fabrication establishments, which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
 - l) Moving, transfer, and storage including truck and freight.
 - m) Processing and storage of agricultural products.
 - n) Radiator repair shops.
 - o) Sewage treatment facilities

12.3 CONDITIONAL USES

The following uses and structures may be permitted only after they have been approved as required by Article 21.4.

1. Auto wrecking yards, junk yards, and scrap processing yards subject to the following:
 - a) Located on a tract of land at least three hundred (300) feet from a Residential District zone.

- b) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a solid noncombustible fence or wall. The fence or wall shall be of uniform height (at least six (6) feet high), 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 neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
 - c) 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.
 - d) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department and Governing Body. Said burning, when permitted, shall be done during daylight hours only.
- 2. Landfills and waste storage facilities. Any site proposed for use as a landfill or waste storage facility shall obtain a recommendation of approval from a professional geological engineer or geologist, ensuring that the health, safety and general welfare of the community is not threatened by such facility. Landfills and waste storage facilities shall be designed and operated in conformance with the strictest design standards and regulative codes.
 - 3. Manufacturing or storage of bulk oil, gas, coke, coal, and explosives.
 - a) Petroleum refining.
 - 4. Micro-wave towers, radio towers, television towers, electric power plants, telephone transmission buildings.
 - 5. Ready-mix concrete and asphalt mix plants.
 - 6. Stock yard and slaughter houses.
 - 7. Poultry storage or slaughtering.
 - 8. Other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise, or vibration.

12.4 LOT SIZE REQUIREMENTS

Minimum lot widths shall not be less than one hundred and twenty-five (125) feet at the building setback line and minimum lot depths shall not be less than one hundred and seventy-five (175) feet.

12.5 LOT COVERAGE

A building structure or use allowed in this District may occupy all that portion of a lot, except as may be dictated by setback requirements, off-street parking, off-street loading and unloading, and their access roads. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the building or structure may cover the entire lot, except as otherwise required by this Zoning Ordinance.

12.6 YARD REQUIREMENTS

1. Front Yard:
 - a) Each lot in the "I-2" District shall have a front yard of not less than thirty (30) feet.
 - b) Where platted lots have a double frontage, or are located at the intersection of two streets, the required front yard shall be provided on both streets.
2. Side Yard:
 - a) No side yard shall be required for uses permitted in this District except where such use abuts a Residential District zone, in which case there shall be required fifteen (15) feet of side yard on the side of the lot which abuts the Residential District. See Article 12.9 for screening requirements.
3. Rear Yard:
 - a) No rear yard shall be required for uses permitted in this District except where the District abuts a Residential District, in which case there shall be a twenty (20) foot rear yard, provided there is no alley. In those cases where an alley exists, the rear yard may be ten (10) feet. See Article 12.9 for screening requirements.
4. Yard setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Yard setback requirements that are less than the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance.

12.7 HEIGHT REGULATIONS

1. Maximum height for structures shall be seventy-five (75) feet.
2. 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.

12.8 PARKING REQUIREMENTS

All uses, permitted and conditional, shall conform with the parking regulations of Article 15.

12.9 SUPPLEMENTAL DEVELOPMENT STANDARDS

1. Buffer Strip: Whenever the "I-2" District adjoins a Residential District, an additional side yard and rear yard shall be provided for a buffer strip. The buffer strip shall be at least five (5) feet wide and shall contain an approved permanent fence to serve as a screen between the residentially zoned property.

ARTICLE 13

SPECIAL PURPOSE ZONING

"FLOODPLAIN DISTRICTS"

13.1 PURPOSE AND INTENT

Special floodplain districts are established to identify areas prone to flooding, and to designate special provisions for various land uses and development located within said floodplains. It is not the intent of the Floodplain Districts to control land use and density in the same manner as is done with Zoning Districts "A-1" through "I-2", but rather to provide additional guidelines and restrictions to the permitted land uses within said Zoning Districts.

13.2 REQUIRED PERMIT

No person, firm or corporation shall initiate any development or substantially improve any existing structure without first obtaining a separate "flood plain" permit for each development or structure.

1. The City of Rossville Code Enforcement Administrator is hereby empowered to enforce and administer the provisions of these regulations, and any other City Ordinance pertaining to Floodplain Management. Where the provisions of this Zoning Ordinance and of the City Ordinance are not in perfect accord, the more restrictive provisions shall apply.
2. The duties of the Code Enforcement Administrator with respect to these flood plain provisions shall include, but are not limited to:
 - a) Review all development and building permits to assure that the designated sites are reasonably safe from flooding and that the permit requirements of these and any other City regulations have been satisfied.
 - b) Review all permits for proposed development to assure that all necessary permits have been acquired from the appropriate federal, state and local agencies from which prior approval is required.
 - c) Notify adjacent communities and political subdivisions of the State and the Kansas Board of Water Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration.

- d) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
 - e) Verify and record the actual elevation (relative to mean sea level readings) of the lowest floor (including basement) of all new or substantially improved structures.
 - f) Verify and record the actual elevation (relative to mean sea level) to which the new or substantially improved structures have been floodproofed.
 - g) To assure that all structures that have been floodproofed bear the seal of a registered professional engineer or architect on the construction or alteration plans.
3. All applicants for a special development permit shall:
- a) File an application on forms provided in the Office of the Code Enforcement Administrator.
 - b) Provide a legal description of the land on which the permit is being sought.
 - c) Describe the use, purpose and occupancy for the proposed project.
 - d) Submit working plans and specifications for all structures and alterations.

13.3 DEVELOPMENT STANDARDS

- 1. In the Flood Overlay Districts provided for in these regulations, as shown on the Official City of Rossville Zoning Map, the following standards shall govern in all development or alteration projects:
 - a) No building permits or special flood plain permits shall be issued in those areas indicated on the City of Rossville Zoning Map as "FP-1" (Floodway) or "FP-2" (Flood fringe) unless all conditions of these regulations are satisfied.
 - b) All "FP-1" and "FP-2" overlay districts shall be governed by and consistent with the data provided in the Flood Insurance Study and the Flood Reference Maps.
 - c) All new or substantially altered structures, preliminary plats, prefabricated buildings or mobile homes, including structures used for agricultural purposes shall require:
 - i) Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.

- ii) New or replacement water supply systems and sanitary treatment facilities shall be designed and constructed so as to eliminate or minimize infiltration of the flood waters into the systems and discharges from the systems into the flood waters. All on-site sanitary treatment facilities shall be located so as to avoid impairment or contamination.
- iii) New or substantially altered construction shall use materials and utility equipment that are resistant to flood damage and shall employ engineering and construction practices that will minimize flood damage within economic practicability.
- iv) All utility and sanitary facilities shall be elevated or floodproofed up to the regulatory flood protection elevation.
- v) All storage/processing of materials that are in time of flooding buoyant, flammable, explosive, or thought to be injurious to human, animal, or plant life is prohibited.
- vi) The storage or keeping of other materials or equipment which has a low flood damage potential shall be allowed provided that firm anchorage to the ground is provided to prevent flotation and such equipment/materials are readily removable in times of flooding.
- vii) All development subdivision proposals shall be designed consistent with the practice of minimizing flood damage to the built and natural environments. All review plats shall contain information on the location/elevation and flood proofing data for private facilities and utilities; information for drainage easements and capacities and contours showing the regulatory flood elevation shall also be provided.

13.4 "FP-1" FLOODWAY DISTRICT

1. The regulatory floodway has been selected on the principle that it is designed to carry the waters of the flood (base) without increasing the water surface elevation of the flood more than one foot at any point.
2. Limitations for Use - All encroachments within the "FP-1" District that would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited. Encroachments include fill, deposits, earth obstructions, new construction, substantial improvements and other development. Also prohibited within the adopted regulatory "FP-1"

Floodway District is the placement of new mobile homes unless such mobile homes are placed within existing (as of January 1, 1990) mobile home parks.

3. Permitted Uses:

Permitted uses shall be subject to the restrictions (Article 13.4, 1 and 2) listed above:

- a) Agricultural uses of the land including general farming and livestock.
- b) Natural resources, including forestry and nurseries and extraction.
- c) General open space uses including gardens, parking spaces, active and passive recreation and parks.
- d) Commercial uses such as parking, loading areas, airport landing and commercial farming and gardening.
- e) Governmental and private uses for enjoyment such as hiking, riding trails, motorcycle or car racing, shooting ranges, golf courses, wildlife study and preserves, parks, gardens and the keeping of livestock.

13.5 "FP-2" FLOODWAY FRINGE DISTRICT

1. Permitted Uses:

The "FP-2" Floodway Fringe District in the City of Rossville includes parts of existing Single-Family, Multi-Family, Commercial, Industrial and Mobile Home zoning districts. The flood overlay does not change the zoning requirements or the permitted uses in these districts. Rather, special development standards and practices set forth below are required before the regular building permit and/or the special flood development permit will be issued. These requirements are:

a) New or Substantially Improved Residential Structures:

The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as indicated on the City of Rossville Zoning Map and/or the Flood Insurance Rate Map (FIRM).

b) Non-Residential New or Substantially Improved Structures:

The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as

indicated on the City of Rossville Zoning Map and/or the Flood Insurance Rate Map (FIRM); or, the structure, together with all appurtenant utility and sanitary facilities, must be flood proofed up to or above the regulatory flood level.

- c) In areas marked A-0 on the Flood Insurance Rate Map (indicating areas of shallow flooding) all new construction of and substantial improvements to residences shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the official Flood Insurance Rate Map.
- d) Non-residential structures within the designated A-0 areas, together with all appurtenant utility and sanitary facilities, may be flood proofed to or above the depth number specified on the Flood Insurance Rate Map.
- e) For new mobile home parks or subdivisions or for expansions of the same and for new mobile homes not in a park or subdivision and for existing mobile home parks where the repair, reconstruction, or improvement of streets, utilities and pads equals or exceeds fifty (50) per cent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement has commenced, it shall be required that:
 - i) All mobile units shall be firmly anchored to the ground. Over the top ties shall be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations, with mobile homes more than fifty (50) feet long requiring one additional tie per side; or as an alternative, frame ties shall be provided using cross bracing at each corner of the home with five (5) additional ties per side at intermediate points, with mobile homes more than fifty (50) feet long requiring four additional ties per side.
 - ii) Stands or lots shall be elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
 - iii) Adequate surface drainage and easy access for a hauler is provided.
 - iv) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than ten (10) feet apart and steel reinforcements are provided for piers more than six (6) feet high.

13.6 VARIANCES

Variations may be issued by the Board of Zoning Appeals in accordance with the provisions set forth in this ordinance in Article 21 and within the guidelines provided under KSA 12-715. In addition to these requirements the Board of Zoning Appeals must also find for the record that:

1. Findings

- a) That issuance of the variance would not increase the flood height or cause threats to public safety.
- b) That the variance would not permit a change in use of the structure but only grant relief from the area requirements of the existing zone.
- c) That the subject property requesting the variance is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.

2. Notification

- a) The Office of the Code Enforcement Administrator will notify the applicant that the issuance of a variance to locate a structure below the 100 year flood level will result in increased actuarial rates for flood insurance coverage. The applicant will provide written and notarized acknowledgment of such notification.

13.7 FLOOD OVERLAY DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage.

Actuarial Rates

Also known as "risk premium rates", these are the rates established by the Code Enforcement Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

Channel	A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
Development	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
Flood	A temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface water from any source.
Flood Elevation Determinations	A determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one per cent chance of occurrence in any given year.
Flood Insurance Rate Map (FIRM)	An official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing rates applicable to the community.
Flood Insurance Study (FIS)	The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
Flood Plain Management	The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.

Flood Protection System	Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.
Flood Proofing	Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
Floodway	The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point, assuming equal conveyance reduction outside the channel from the two sides of the flood plain.
Floodway Fringe	That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one per cent change of flood occurrence in any one year).
Habitable Floor	Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "Habitable Floor".
Mobile Home	A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Mobile Home Park	"Mobile Home Park" means a tract of land which shall be used for rent or sale and the placement of mobile homes.
New Construction	New construction means those structures where new construction or substantial improvement of which is begun after January 1, 1990, or the effective date of the FIRM, whichever is later.
Overlay District	A district which acts in conjunction with the underlying zoning district or districts (i.e. "FP-1" and "FP-2" Districts).
Regulatory Flood Elevation	Elevation indicated on the FIRM as the elevation of the 100-year flood.
Regulatory Flood Protection Elevation	An elevation one foot higher than the water surface elevation of the regulatory flood.
Structure	A walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.

ARTICLE 14

ACCESSORY USES AND NON-CONFORMING USES

14.1 ACCESSORY USES - DEFINITION

An accessory use is a use or structure which is incidental and subordinate to the principle structure or use on a lot or group of lots. Accessory uses are subordinate in area and purpose and are intended for the convenience or necessity of the occupants, business, or industry in the principle building or use. An accessory building shall not cover more than fifteen percent (15%) of the lot area.

14.2 ACCESSORY USES PERMITTED

Accessory uses and structures may be permitted in any zoning district provided such uses or structures conform with the definition in Section 14.1. Permitted accessory uses and structures include but are not limited to the following:

1. Buildings such as garages, carports, bath houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principle use or structure.
2. Children's playhouses, provided they shall be in keeping with the principle structure and are located in the rear yard.
3. Swimming pools, gazebos, green houses, and permanent barbecue stoves, all to be located in the rear yard only.
4. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.
5. Flagpoles, fences, walls, trellises, statuary and arbors.
6. Fallout shelters provided that they shall not be used for any other purpose.
7. Off-street parking and loading in conformance with Article 15.
8. Satellite T.V. reception dish located in rear yards only.
9. Uses incidental to permitted hotels or motels such as clubs, gift shops, restaurants, etc.

14.3 ACCESSORY USE RESTRICTIONS

The following is a list of restrictions on accessory uses and structures:

1. In Residential Zoning Districts there shall be no storage or overnight parking of trucks, buses, or other vehicles with a manufacturer's rating of more than 2 tons.
2. No accessory structure shall be constructed within the front yard setback.
3. In Residential Zoning Districts, no accessory building shall be constructed upon a lot until the construction of the main building is substantially completed and no accessory building shall be used for dwelling purposes.
4. On corner lots, accessory structures and uses shall conform to the setback requirements on both street frontages.
5. Vision clearance areas shall be free of obstructions (See Article 17.14).

14.4 NONCONFORMING USES - DEFINITION

Any building or land lawfully occupied by a use, at the time of the effective date of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated.

14.5 NONCONFORMING USES PERMITTED TO CONTINUE

1. The lawful use of land or a structure:
 - a) Existing at the time of the adoption of this Zoning Ordinance,
 - b) Existing at the time of annexation of a particular area of the corporate limits of the City of Rossville, or
 - c) Existing at the time an amendment is made to the Zoning Ordinance so as to transfer the land to a more restricted district, as the case may be, may be continued, although such use does not conform to the provisions of this Zoning Ordinance as amended.

14.6 NONCONFORMING USES TO BE DISCONTINUED

1. Whenever a nonconforming use of a building has been changed to a more conforming use, such use shall not thereafter be changed to a less restricted use.

2. No nonconforming structure may be changed in any way unless such change is necessary to protect life and safety or unless the change results in a structure that is in greater conformity to these resolutions.
3. Any nonconforming use that discontinues operation for a period longer than one (1) year shall thereafter not be continued unless it fully conforms to the district regulations, provided that the Governing Body has shown intent to abandon said nonconforming use.
4. Any use which is accessory to a nonconforming use shall not continue after the principal structure or use ceases or is discontinued.
5. No building which has been damaged by any casualty, fire, flood, wind, act of God, or public enemy, to the extent of more than sixty (60%) percent of the structural value of the building and land upon which it is located, shall be restored unless authorized by the Board of Zoning Appeals in accordance with Article 20.3, Section 3, except in conformity with all Zoning Regulations then in effect as to the land involved, the same as though such land were unimproved and had never been occupied by a nonconforming use. Should there be a question as to the structural value, the same shall be determined by three appraisers, one of whom shall be selected by the Governing Body, one by the owner and a third by the two so appointed and the decision of the appraisers or a majority of them shall be final and conclusive and binding upon all concerned for the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

14.7 MAINTENANCE AND REPAIR OF NONCONFORMING STRUCTURES

1. Routine maintenance and repair may be permitted. Such repairs shall not be construed to mean major remodeling.
2. Remodeling may be permitted only after authorized by the Board of Zoning Appeals in accordance with Article 20.3, Section 5.

ARTICLE 15

OFF-STREET PARKING AND LOADING

15.1 PURPOSE AND INTENT

The purpose and intent of these regulations is to assure adequate parking and loading facilities for all land uses in order to maximize traffic movement for the convenience of the public.

15.2 GENERAL REQUIREMENTS

In all zoning districts, off-street parking facilities for the storage or parking of motor vehicles for use of the occupants, employees, or the patrons of the buildings hereafter erected, altered, or extended, and all uses of the land after the effective date of this Ordinance, shall be provided and maintained as herein prescribed. However, where a building permit has been issued prior to the date of adoption of this Ordinance and provided that construction has not begun within ninety (90) consecutive calendar days of such effective date, off-street parking facilities in the amounts required by this Ordinance shall prevail.

1. Off-Street Parking. The number of off-street parking spaces required in connection with any particular land use shall not be less than that set forth in this Article. In determining the number of parking spaces required, if such spaces result in fractional parts, the number of required spaces shall be the next highest whole number. All zoning districts, except the "C-1" Central Business Districts (See Article 9.8), shall comply with the parking requirements established herein.
2. Permanent Parking to be Provided. Whenever a structure is erected, converted, or structurally altered there shall be provided on the same lot, adjacent lot, or group of lots, accessible off-street parking spaces, including drives, as required by this Article. Said spaces may be provided in a garage or surfaced area. The parking area and its access to the street shall be surfaced with asphalt, concrete, or similar dust free surface as recommended and approved by the City Engineer.
3. Continuing Obligation. The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or vehicle loading facilities continues. It shall be unlawful for any owner of any building or use to discontinue or dispense with the required vehicle parking facilities without providing some other vehicle parking area which meets the requirements of this Article.

4. Nonconforming Facilities. Any use of property which, on the effective date of this Article, or of any subsequent amendment thereto, is nonconforming only as to the regulation relating to off-street parking facilities, may continue in the same manner as if the parking facilities were conforming. Such existing parking facilities shall not be further reduced, however.
5. Addition to Buildings. Wherever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, then additional hard surfaced drives and parking spaces shall be provided in the amounts hereafter specified for that use.
6. Location of Off-Street Parking Facilities. All off-street parking facilities shall be located on the same lot or zoning lot as the building or use served except the following:
 - a) Multiple family dwellings, or any use permitted in an industrial zone may supply off-street parking within two hundred feet from such lot served, upon approval of the Planning Commission, providing that such off-street parking is located within the same zoning district as the establishment being served and that off-street parking requirements of this Ordinance are complied with at all times. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide, as required herein, on the same lot.
 - b) Where single, two, or multiple family dwellings, which are permitted herein, are existing at the time of adoption of this Ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, the off-street parking may be permitted to locate within a distance not to exceed two hundred feet from the dwelling upon approval of the Planning Commission. In addition, the off-street parking lot shall be located in the same zoning district as the use being served and constructed in accordance with the municipal standards.
7. Collective Parking Provisions. Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum that would otherwise be individually required.
8. Access. Non-residential parking lots or areas adjacent to streets, roads, highways, or deeded right-of-ways shall have driveways or openings not less than twenty-four (24) feet in width and no more than thirty-five (35) feet in width at the curb line. These curb cuts shall be so located as to minimize traffic hazards and congestion. There shall not be more than two (2) access

points from any one property to a public street, road, highway, or deeded right-of-way for each four hundred (400) feet of street frontage. No residential driveway width at a street, road, highway, or deeded right-of-way junctions shall be more than twenty feet.

9. Approval of Curb Cuts Required in Commercial and Industrial Zones. Detailed plans shall be submitted to the Planning Commission for approval of all curb cuts or driveway openings in commercial and industrial zones before a building permit may be obtained.
10. Parking Spaces and Driveways. Each parking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, including a two (2) foot bumper allowance. Such parking space shall have a vertical clearance of at least seven (7) feet. Each parking space shall be appropriately dimensioned for automobile parking. All parking lots shall be laid out with the following minimum access drive widths.
 - a) Ninety (90) degree perpendicular parking: Twenty-four (24) feet in either one or two-way circulation.
 - b) Sixty (60) degree angle parking: Eighteen (18) feet one-way circulation and twenty-four (24) feet two-way circulation.
 - c) Forty-five (45) degree angle parking: Thirteen (13) feet one-way circulation and twenty-four (24) feet two-way circulation.
 - d) Thirty (30) degree angle parking: Twelve (12) feet one-way circulation and twenty-four (24) feet two-way circulation.
 - e) Zero degree parallel parking: Twelve (12) feet one-way circulation and twenty-four (24) feet two-way circulation.

Minimum access drive widths for irregular angle parking lots not provided for above, shall be determined by the City Engineer.

11. Off-Street Parking Space to be Used for Parking Only. Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, shall be in violation of the provisions of this Ordinance.
12. No Building Shall be Erected in Off-Street Parking Space. No building of any kind shall be erected in any off-street parking lot except a parking garage containing spaces equal to the requirements set forth in this section of the Ordinance, or a shelter house booth for a parking attendant providing the number of spaces required are not reduced. The required parking area on

any lot, as set forth in this Ordinance, shall not be reduced or encroached upon in any manner.

13. **Parking Plan Approval Required.** Plans for all parking lot facilities including parking garages, excepting that required for single and two family development, shall be submitted to the Code Enforcement Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent Ordinances of the City of Rossville. Such plans shall show the number of spaces and the arrangements of parking aisles, location of driveway entrances and exits, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, cross-sections of pavement, both the base and sub-base in accordance with municipal regulations, location of lighting facilities and such other information or plans as the circumstances may warrant.

15.3 SPECIFIC PARKING REQUIREMENTS FOR VARIOUS USES

The amount of off-street parking space required of uses, buildings, or additions thereto shall be determined according to the following requirements, and the space so required shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements of this section of the Ordinance.

Except as otherwise provided in this Zoning Regulation the number of off-street parking spaces for various uses will be as follows:

<u>USE</u>	<u>REQUIRED PARKING SPACES</u>
1. Auditorium	One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats.
2. Automobile Sales	One (1) space for each four hundred (400) sq. ft. of retail floor area, in addition to all cars available for sale.
3. Auto Service Station & Garage	Four (4) spaces for each garage service bay and each gasoline pump station. Service bays and pump stations may be included when counting parking spaces.

4. Automatic Car Wash
Five (5) spaces for each car wash bay. Individual car wash bays may be included when counting parking spaces.
5. Banks, and Business Buildings
One (1) space for each two hundred (200) sq. ft. up to one thousand (1,000) sq. ft. and one (1) space for each four hundred (400) sq. ft. of additional space thereof.
6. Bowling Alleys
Five (5) spaces for each lane or alley.
7. Churches
One (1) space for each three (3) seats in the auditorium or one (1) space for each seventeen (17) classroom seats, whichever is the larger.
8. Dance Halls, Assembly Halls, and Exhibition Halls, without fixed seats.
One (1) space for each one hundred (100) sq. ft. used for assembly.
9. Dental Clinics or Offices
Two (2) spaces for each examination chair plus one (1) for each dentist and employee.
10. Dwellings, Single Family and Two Family.
Two (2) space shall be provided for each dwelling unit. All parking shall be located behind the front building line and may be in the side or rear yard.
11. Dwellings, Three, Four, and Multiple Family.
One and one-half (1-1/2) spaces shall be provided for each dwelling unit containing one (1) bedroom, and two (2) spaces shall be provided for each dwelling unit containing two (2) or more bedrooms. All parking shall be located behind the front building line of each structure.

12. Funeral Homes and Mortuaries. One (1) space for each four (4) seats in any chapel or parlor room, or one (1) space for each fifty (50) sq. ft. of floor area, whichever is greater.
13. Furniture and Appliance Stores One (1) space for each eight hundred (800) sq. ft. of floor area.
14. Home Occupations Two (2) spaces, in addition to those required for dwelling purposes, to be located behind the front building line in the side or rear yard.
15. Hospitals One (1) space per two (2) beds plus one (1) space per three (3) employees plus one (1) space per staff doctor.
16. Hotel, Motel, Rooming and Boarding houses One (1) space for each living or sleeping unit. For a facility with a restaurant, see restaurant requirements.
17. Industrial Uses One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.
18. Laundromat One (1) space for each two (2) washing machines.
19. Libraries, Museums, Art Galleries, etc. One (1) space for each four (4) seats in rooms for public use, or one (1) space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater. In addition, there shall be provided one (1) space for each two (2) employees.

20. Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc. One (1) space per two (2) employees on maximum shift and one (1) space for each company vehicle.
21. Medical Clinics or Offices Three (3) spaces for each examination room plus one (1) for each doctor and employee.
22. Motor Vehicle and Machinery Repair, Sales or Wholesaling One (1) parking space for each eight hundred (800) sq. ft. of floor area.
23. Nursing Homes, Rest Homes, Institutional Homes, Clinics with Beds. One (1) space for each three (3) beds shall be located behind the front building line in the side or rear yard.
24. Offices not providing customer services or sales on the premises. One (1) parking space for each four hundred (400) sq. ft. of gross floor area.
25. Personal Service Establishments in Commercial Zones, including:
- (a) Barber Shops.
 - (b) Beauty Shops.
 - (c) Shoeshine and Shoe Repair Shops.
 - (d) Custom Dressmaking, Furrier, Millinery, and Tailor Shops.
- One (1) space for each two hundred (200) sq. ft. of floor area.
26. Professional Offices of Attorneys, C.P.A.'s, Architects, Engineers, etc. Four (4) spaces per one thousand (1000) sq. ft. of gross floor area. For offices less than one thousand (1000) sq. ft. the minimum requirement shall be four (4) spaces.
27. Public Buildings. One (1) space for each three (3) employees, plus one (1) space for each one hundred (100) sq. ft. used for public assembly.

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| 28. Restaurants and Night Clubs | One (1) space for each three (3) seats. |
| 29. Retail Stores, except as otherwise specified herein. | One (1) parking space for each two hundred (200) sq. ft. of retail floor area. |
| 30. Schools; Elementary and Intermediate (Public and Private) | Two (2) spaces per classroom; but not less than one (1) space per teacher and staff. |
| 31. Schools; Secondary and Vocational (public & private) | One (1) space per teacher and staff, and one (1) space for three (3) students of driving age. |
| 32. Shopping Centers | One (1) space for each one hundred seventy-five (175) feet of sales floor area. |
| 33. Taverns, Pool and Billiard Halls | One (1) space for each three (3) seats, or three (3) spaces for each fifty (50) square feet of floor area used for assembly, whichever is greater. |
| 34. Theaters | One (1) parking space for each four (4) seats up to eight hundred (800) seats, plus one (1) parking space for each eight (8) seats over eight hundred (800) seats. |
| 35. Warehouses and Wholesale Storage Buildings (dead storage or high volume distribution.) | Two (2) parking spaces for each employee on the maximum shift. |

15.4 PARKING REQUIREMENTS FOR USES NOT SPECIFIED

The parking requirements for land uses which are not specified in this Article shall be determined by the City Engineer. Said determination shall be based upon the requirements for the most comparable use specified herein.

15.5 GENERAL PROVISIONS FOR OFF-STREET PARKING

The following General Provisions shall apply to off-street parking requirements in this Article:

1. Design Standards:
All off-street parking facilities shall be so designed and constructed to meet the requirements set forth by the City Engineer.
2. Maintenance:
All areas used for parking shall be maintained in good condition free of holes, dust, and debris.
3. Lighting:
Any lights provided to illuminate any parking area permitted by this Article shall be arranged so as to reflect the light away from adjacent properties.
4. Exceptions:
Off-street parking requirements in Districts "C-1", "C-2", "I-1", or "I-2" may be waived by the City Engineer when it can be established that off-street parking to satisfy the above requirement is available, either private or public, on adjoining property or within two hundred (200) feet of the proposed use. In determining whether or not sufficient off-street parking is available to satisfy the requirements of this section, vacant land or spaces allotted to other uses shall not be considered.

15.6 LOADING AND UNLOADING REGULATIONS

Loading and unloading spaces shall be provided off-street and on the premises and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with traffic and public use of streets, alleys, and walkways. Such space shall include a twelve (12) foot by fifty (50) foot area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet. The number of spaces shall be provided as follows:

<u>Number of Spaces</u>	<u>Square Feet of Building</u>
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One additional space shall be provided for each 50,000 square feet above 150,000 square feet.

ARTICLE 16

HOME OCCUPATIONS

16.1 DEFINITION

The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises.

16.2 HOME OCCUPATION PERMIT REQUIRED

To assure compliance with the provisions of this Zoning Ordinance and to protect the character of residential neighborhoods in the City of Rossville, a Home Occupation Permit shall be obtained from the Office of the Code Enforcement Administrator.

16.3 PROCEDURE

When applicable, the Code Enforcement Administrator as directed from the Board of Zoning Appeals, may issue a Home Occupation Permit which shall state the Home Occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Board of Zoning Appeals is satisfied that the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions.

16.4 CONDITIONS

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

1. No person other than members of the family residing on the premises and one receptionist/secretary and one assistant shall be engaged in the home occupation.
2. The Home Occupation shall be conducted wholly within the structure on the premises and shall not exceed twenty-five (25) percent of the total floor area of said structures. The Home Occupation shall not occupy any area within said structures which is required for off-street parking by the provisions of this Zoning Ordinance, (i.e., garage space).

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name place of four (4) square foot is permitted. In the "A-1" Agricultural District a name place of sixteen (16) square feet is permitted (See Article 3.2, No. 11).
4. There shall not be any exterior storage of any material related to the home occupation stored on the premises. Inventory and supplies for the Home Occupation shall not occupy more than fifty (50) percent of the permitted area.
5. There shall be no display, customer services, or sales of goods, wares, or merchandise except those made upon said premises.
6. No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. 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 fluctuation in line voltage off the premises.
7. All maintenance or service vehicles and equipment, or any vehicle bearing any advertising related to the Home Occupation, or any other similar vehicle shall be garaged or stored entirely within a building or structure.
8. The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
9. There shall be complete conformity with fire, building, plumbing, electrical, and health codes and to all state and city laws and ordinances.
10. The Home Occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
11. The Home Occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations.
12. Any special condition established by the Board of Zoning Appeals and made of record in the Home Occupation permit, as they deem necessary to carry out the intent of this Section, shall be met.

16.5 HOME OCCUPATIONS PERMITTED

Customary home occupations include, but are not limited to, the following list of occupations provided, however, that each listed occupation shall be subject to the requirement of Article 15.2, Section 4 (Nonconforming Parking Facilities).

1. Dressmakers, seamstresses, and tailors.
2. Music teachers, provided that instructions shall be limited to one pupil at a time except for occasional groups.
3. Artists, sculptors, authors, or composers.
4. Ministers, rabbis, and priests.
5. Office facilities for accountants, salesmen, sales representatives, and manufacturer's representatives; when no retail, wholesale or exchange of goods are made or transacted on the premises.
6. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers, accountants and the like where the service rendered is by other than direct contact with the customers at that location.
7. Homecrafts and hobbies.
8. Day care and the boarding of children as permitted within this Ordinance.
9. Sale of antiques.
10. Dentist, doctor and medical professionals.
11. Crafts.
12. Barber or beauty shops, provided that the service is limited to one chair and one operator only.

16.6 HOME OCCUPATIONS PROHIBITED

1. Dancing Schools.
2. Funeral Homes.
3. Nursery Schools and Group Day Care Centers, unless specifically permitted by the District Regulations.
4. Restaurants.

5. Stables or kennels.
6. Tourist Homes, unless specifically permitted by the District Regulations.
7. Renting of trailers.
8. Medical or Dental Clinics or Hospitals.
9. Animal Kennels or Hospitals.
10. Barber and Beauty Shops employing more than one operator and one chair.

16.7 FEES

A fee of ten dollars (\$10.00) shall accompany the initial application for a Home Occupation permit. Annual renewals thereafter shall be free of charge provided there has not been a lapse of more than three (3) months in the renewal of said permit beyond the one (1) year time limit for the permit.

16.8 NONCOMPLIANCE

Any Home Occupation permit shall be revoked by the Code Enforcement Administrator upon violation of any requirements of this Article, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within one (1) week of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Article, notwithstanding compliance to the violation notice.

16.9 APPEAL

In the event of denial of any permit, or of the revocation thereof, or of objection to the limitations placed thereon, appeal may be made to the Board of Zoning Appeals in accordance with the provisions of this Zoning Ordinance.

16.10 BUSINESS LICENSE REQUIRED

A Home Occupation permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.

ARTICLE 17

SUPPLEMENTAL DEVELOPMENT STANDARDS

17.1 PURPOSE AND INTENT

The purpose of this Article is to provide for the several miscellaneous development standards which will qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Regulation. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provisions of this Article shall prevail over conflicting provisions of any other Articles.

17.2 ESTABLISHMENT OF USES NOT SPECIFIED

When a use is not specifically contained in the list of permitted or conditional uses in any commercial or industrial district, but is of the same character as other uses listed in these districts, the Planning Commission may allow the establishment of that use, upon request, if said Planning Commission makes the following findings:

1. That the establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
3. That the use will not be detrimental to the public health, safety, or welfare.
4. That the use shall not adversely effect the character of that district in which it is proposed to be established.
5. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectional influence that the amount normally created by any of the uses listed as permitted uses in that district.
6. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing at which the Planning Commission shall determine whether the use should be recommended to the Governing Body as an amendment to this Zoning Ordinance which is

to be added to the list of permitted or conditional uses in the respective district said use was allowed.

17.3 CLARIFICATION OF AMBIGUITY

If ambiguity or uncertainty arises concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

17.4 PARKING OR STORAGE OF PLEASURE VEHICLES, RECREATIONAL VEHICLES, TRAVEL TRAILERS, CAMPER, BOATS, BOAT TRAILERS, ETC.

1. Definitions: A recreational vehicle or pleasure vehicle shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not include hauling trailers designed and normally used for over the road transporting of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.
2. Any recreational vehicle or pleasure vehicle, as defined in this Section, may be parked, stored or maintained anywhere on a lot except that when parked, stored or maintained in any residential zone shall be parked, maintained or stored on a driveway when so parked in the front or exterior side yard areas; provided no more than two (2) such vehicles shall be parked, maintained or stored in the required front and side yard areas; provided further, no pleasure vehicles or recreational vehicles parked or stored in the front or side yard areas shall be parked or stored within (10) feet of any City right-of-way, sidewalk or other area of the street at the entrance of the driveway; however, the ten (10) feet limitation shall not apply to alleys. Provided further, no pleasure vehicle or recreational vehicle shall be parked or stored on any corner lot within the vision clearance area as defined in Article 17.14.
3. No pleasure vehicle or recreational vehicle as defined herein shall be parked, stored or maintained within ten (10) feet of any residential structure on adjoining property except when such vehicle is stored inside of a garage or other storage structure or

upon obtaining the written consent of the adjoining property owner.

4. No pleasure or recreational vehicle as defined herein may be parked, stored or maintained on any public street, thoroughfare, right-of-way or other public area; provided said vehicles may be parked in exception to this section for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes or for temporary storage or parking not to exceed fourteen (14) days if such vehicle is owned by a bona-fide guest of the occupants of the premises, provided that when stored, parked or maintained on any public street, thoroughfare, right-of-way or other public area no person shall sleep, live or otherwise inhabit any recreational or pleasure vehicle. Any person or persons may live or sleep in a recreational or pleasure vehicle for a period not to exceed fourteen (14) days when said vehicle is parked or stored on a lot and said persons are bona-fide guests of the occupants of the premises.

No nonmotorized travel trailer or boat, when on a trailer, shall be left unattached when parked or stored on any public street.

5. The Board of Zoning Appeals may permit an exception on appeal, to the foregoing requirements if it should find that in the particular case appealed the location of existing structures, the exceptional shape and size of the property, or other exceptional situation or condition not generally applicable to other properties justifies such action.

17.5 ABANDONED, WRECKED, OR JUNKED VEHICLES

It shall be unlawful, without prior authorization of the Governing body, to park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is inoperable, upon any private property within the incorporated city limits of the City of Rossville unless the same is completely enclosed within a building, or behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; or unless it is in connection with a business enterprise properly operated in the appropriate business zone.

17.6 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL DISTRICTS

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of two (2) tons shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

17.7 SWIMMING POOLS

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.

17.8 ADDITIONAL HEIGHT REQUIREMENTS

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wireless towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted regulations by the Governing Body.

17.9 ADDITIONAL LOT REQUIREMENTS

1. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest point of the side lot line toward the nearest part of the main building.
2. For the purpose of the side yard regulations, a two-family dwelling, row housing, or a multiple dwelling, shall be considered as one building occupying one lot or a group of lots.
3. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed four (4) feet (except as authorized by the Governing Body). In no instance shall any portion project into the right-of-way of a street or alley.
4. When the common boundary separating two or more contiguous lots is covered by a building or a permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of this Title shall apply only to the exterior boundaries of the contiguous lots so joined.
5. Any lot recorded hereafter shall comply in all respects with the lot size, area and bulk requirements of these regulations.

6. If a setback on a recorded plat is greater than that required by these regulations, then plat setback shall govern.
7. Only those lots recorded as lots of record on a plat or as a lot of record in the Office of the Register of Deeds shall be granted, as a matter of right, a permit to build in accordance with the proper zoning requirements, except as otherwise specified for structures constructed within the "A-1" Agricultural District (See Article 3).

17.10 MOVING OF STRUCTURES

1. Hereafter no structure shall be moved from one location to another within the jurisdiction of these regulations without first obtaining a valid building permit. The structure to be moved shall comply in all respects with the district requirements in the district to which it is to be moved.

17.11 FENCE REGULATIONS

1. No fence, except fences constructed upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six and one-half (6 1/2) feet unless otherwise approved by the Board of Zoning Appeals.

17.12 SANITATION REQUIREMENTS

1. Hereafter all structures used for habitation, employment or otherwise providing indoor plumbing facilities shall be connected to a municipal type, public benefit, or approved private sewerage disposal system. It shall be unlawful to occupy any structure without providing for said system. It shall be unlawful to discharge sewage either beneath or on top of the ground without an approved system. It shall be unlawful to operate a malfunctioning sewerage system that discharges effluent to the surface of the ground.

17.13 CHEMICAL OR FUEL STORAGE RESTRICTIONS

1. Petroleum (gasoline and diesel fuels) and propane used for cars, trucks, machinery and home uses shall not be stored in underground, on-the-ground or above-ground tanks in any "R" Residential District or in the "C-1" Central Business District unless in conjunction with an already existing auto service station. Residential and Central Business District storage of petroleum is limited to containers manufactured and clearly marked for such storage.

2. No Agricultural, Commercial (except the "C-1" District), nor Industrial Districts shall be restricted on petroleum storage by the above requirements except that all such storage facilities shall comply with the Occupational Safety and Health Administration (OSHA) and State of Kansas requirements.

17.14 VISION CLEARANCE AREA

A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the property lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of thirty (30) inches in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets, the vision clearance area is created by points forty (40) feet from the intersection of the property lines. Due consideration shall be given for vision clearance areas at the intersection of alleys and streets.

ARTICLE 18

SIGNS AND OUTDOOR ADVERTISING

18.1 PURPOSE AND INTENT

It is the intent of this regulation to control the construction, size, and uses of signs and outdoor advertising devices to prevent the needless cluttering of the appearance of the City by unreasonable number, location, size, and illumination of signs. The purpose of this Article is to further the overall purposes of the Zoning Ordinance.

18.2 GENERAL REQUIREMENTS

1. PERMITS - No persons shall erect, alter, construct, rebuild, remodel, relocate, or expand any sign or outdoor advertising structure in the City of Rossville without first obtaining a sign permit from the Code Enforcement Administrator in accordance with the provisions of this Article.
 - (a) No permit shall be issued by the Code Enforcement Administrator until an application has been filed showing the plans and specifications, and materials and details of conditions, locations, and method of anchoring the proposed sign.
 - (b) All proposed signs and outdoor advertising shall conform with the provisions of the Uniform Building Code and the National Electrical Code. Additional permits may be required, as dictated by state or federal agencies, to ensure compliance with said codes.
 - (c) Permit Fees. In addition to fees for electrical and other permits, any person, firm or corporation desiring a sign permit which is required under the provisions of this Article shall at the time of receiving such permit pay to the City a fee as follows:
 - (i) For all signs having a valuation from One Dollar (\$1.00) to One Thousand Dollars (\$1,000.00), the fee shall be Five Dollars (\$5.00).
 - (ii) For all signs which exceed One Thousand Dollars (\$1,000.00) in valuation, the fee shall be computed on the basis of Five Dollars (\$5.00) for the first One Thousand Dollars (\$1,000.00) and Twenty Cents (\$0.20) per One Hundred Dollars (\$100.00) of cost or fraction thereof for the remainder.

- (iii) For additional inspections or reinspections the fee shall be Seven Dollars and Fifty Cents (\$7.50) per inspection.

All such fees shall be received by the City Clerk and credited to the general operating fund of the City.

2. SIGNS ON PREMISES - Except as provided within the provisions of the respective zoning districts, and unless otherwise expressly provided in this Article, no signs shall be permitted which are not used exclusively to advertise the ownership, sale, or lease or property upon which said sign is placed, or to advertise a business conducted, services rendered, or goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises.
3. MAINTENANCE AND REPAIR - Every sign erected in Rossville shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, or repainting, cleaning, and other acts required for the maintenance of said sign. The Code Enforcement Administrator shall require compliance with all standards of this Article. If sign is not made to comply with adequate safety standards, the Code Enforcement Administrator shall require its removal in accordance with this Section.
4. METAL SIGNS - Signs constructed of metal and illuminated by any means and requiring electrical service shall maintain a free clearance to grade of ten (10) feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of ten (10) feet to ground.

18.3 LOCATION STANDARDS

All signs and outdoor advertising structures shall comply with the following location requirements:

1. FIRE ESCAPES, ETC. - No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
2. TRAFFIC - No free-standing or projecting signs shall be erected at any intersection improved for vehicular traffic within the vision clearance area (see definition in Article 17.14) unless same in its entirety is less than two (2) feet or more than ten (10) feet above the curb grade and no part of its means of support shall have a single or joined horizontal dimension exceeding twelve (12) inches.

3. UTILITY LINES - No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Kansas or rules and regulations duly promulgated by agencies thereof.
4. TREES AND POLES - No sign shall be attached to a tree or utility pole whether on public or private property.

18.4 EXCEPTIONS

The following signs shall be exempt from the requirements of this Article:

1. The display of official notices used by any court, or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
2. Any official flag, pennant, or insignia of any nation, state, city, or other political unit, civic, educational, or religious organization.
3. Barber poles not to exceed three (3) feet in height located on private property and bearing no advertising copy or message.
4. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.
5. Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility. (e.g. railroad crossing, no dumping, no parking, etc.)
6. Small signs, not exceeding five (5) square feet each 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, restrooms, freight entrances, and the like.
7. Farm signs or signboards relating to farm produce grown or produced on property within the "A-1" Agricultural District, provided such signs or signboards are located on the premises of the owner of the farm.
8. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are subject to the following regulations:
 - (a) Said signs may be erected not earlier than sixty (60) days prior to said election and shall be removed within ten (10) days following said election.

- (b) No sign shall be located within or over the public right-of-way.
9. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation, provided that the content and size of the signs do not exceed the requirements of such law, order, rule, or regulation.
 10. Scoreboards in athletic stadiums.

18.5 SPECIAL PURPOSE SIGNS

In addition to any other permitted sign or signs, signs for special purposes set forth in this section shall be permitted as provided herein.

1. For Sale, Rent, or Lease Signs - In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs shall be limited to one (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or twenty-four (24) square feet in non-residential zoning districts. Said signs shall be exempt from site plan approval.
2. Building Directory Signs - In all districts where group occupancies in office building, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. Said sign shall be situated at least two (2) feet inside the property line and shall not exceed eight (8) feet in height. Said sign shall not exceed an area of sixty (60) square feet and shall not be placed within the clear-vision area of a corner lot as set forth in this Zoning Regulation.
3. Construction Project Signs - Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, the architects, the engineers, and construction organizations participating in the project, and such other information as may be approved by the Code Enforcement Administrator. In residential districts no such signs shall exceed thirty-two (32) square feet in area. In other districts no such sign shall exceed an area of sixty (60) square feet and no free standing signs shall exceed ten (10) feet in height. All such signs shall be removed before a final inspection is granted by the Code Enforcement Administrator.

4. On-Off Site Directional Signs - Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain. No such sign shall be used for advertising purposes and shall not exceed six (6) square feet.
5. Open House Signs - Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owners, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet in area and shall be exempt from the Site Plan Approval.
6. Church, Quasi-Public Organizations, and Apartment House Identification Signs - In all districts a church or quasi-public organization may erect one (1) sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five (5) or more dwelling units may erect one (1) sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said sign shall comply with the following:
 - (a) Wall signs shall not exceed an area of thirty-two (32) square feet. Said wall signs may be mounted upon a freestanding ornamental masonry wall.
7. Development Promotional And Directional Signs - In all residential zones one development promotional sign may be placed on the premises of each subdivision or planned development having five (5) or more lots or approved dwelling unit sites. Said promotional sign may have an area of sixty (60) square feet, plus five (5) additional square feet for each lot or dwelling unit in said development in excess of five (5), up to a maximum area of one hundred (100) square feet.

In addition, two directional signs may be located off-site to contain only the name and direction of any subdivision or planned development. Said signs may have a maximum area of six (6) square feet each and shall not be located in the right-of-way of any public street.

All of the above signs shall be removed no later than fifteen (15) days following the initial sale of all lots or dwelling units in said development, and a bond or other surety of removal shall be posted with the City in the amount of Five Hundred Dollars (\$500.00) for each promotional sign and One Hundred Dollars (\$100.00) for each directional sign which shall be released by the City upon removal of said signs, or shall be forfeited in the

event said signs are not removed in conformance with these provisions.

18.6 SIGNS PROHIBITED

The following signs shall be strictly prohibited in all districts:

1. Animated And Intensely Lighted Signs - No signs shall be erected within the City which are so designed and operated to have rotating parts, flashing or sequence lighting, or create an illusion of movement, that they will materially or practically tend to create a traffic hazard.
2. Sound - No signs shall be designed for the purpose of emitting sound.
3. Abandoned Signs - Signs which are no longer used such as business signs or other signs that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located shall be prohibited.
4. Swinging Or Twirling Signs - Swinging or twirling signs are prohibited in all zoning districts of the City.
5. Billboards - Billboards are prohibited in all zoning districts.
6. Others - The following signs are also prohibited which:
 - (a) Emit an odor or audible sound.
 - (b) Affect traffic safety in any manner.
 - (c) Are attached to a tree or utility pole.
 - (d) Have visible moving parts or any portion of which moves or gives the illusion of motion.

18.7 NONCONFORMING SIGNS

1. No nonconforming signs shall be in any manner enlarged, altered, reconstructed, or moved without being made to comply in all respects with the provisions of this Article provided, however, that nothing herein shall prohibit the normal maintenance and repair, painting or repairing of the face, or the replacement of a removable face of said nonconforming sign.

ARTICLE 19

AMENDMENTS TO THE ZONING ORDINANCE

19.1 AUTHORITY

The Governing Body of the City may from time to time on it's own motion or on petition of any party; amend, supplement, change, modify, or repeal, by ordinance, the boundaries of any zoning district or the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning Commission for it's recommendation and report.

19.2 PURPOSE

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Ordinance and Map except to promote more fully the objectives and purposes of this Zoning Regulation or to correct manifest errors.

19.3 PROCEDURE

1. Request for an amendment. Any person seeking an amendment to this Zoning Ordinance or Map shall file an application with the Code Enforcement Administrator at least thirty (30) days prior to the date of the public hearing when the planning commission will consider the request for amendment. The City of Rossville Planning Commission shall hold said public hearing on the third Wednesday of the month. Said application shall be made upon forms provided by the City, and such application shall be accompanied by any such data and information as may be prescribed by the Planning Commission including:
 - (a) Ten (10) copies of a drawing at an appropriate scale to show the location of the subject property in relation to surrounding properties and zoning classifications within 200 feet. A legal description shall also be included.
 - (b) An ownership certificate prepared by a certified title company which shall provide the Code Enforcement Administrator with the names and addresses of all property owners of any land located within two hundred (200) feet of the outer limits of the subject area for which the applicant desires change of zoning.

- (c) Application 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 a fee in the amount of One Hundred (\$100.00) Dollars.

2. Duties of the Planning Commission:

- (a) Promptly upon the filing of any such application, the Code Enforcement Administrator shall refer the application to the Planning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and the fact of its referral to the Planning Commission.
- (b) 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, whether initiated by the Governing Body or by others, the Planning Commission shall hear such proposal at its regularly scheduled monthly public hearing and such a hearing shall be held only after notice of the hearing has been given as follows:
 - (i) One notice published as a legal notice in the official newspaper of the City of Rossville, Kansas, said publication notice to be at least twenty (20) days prior to the date set for said hearing.
 - (ii) A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice, to all owners, whose addresses with reasonable diligence can be ascertained, residing in, or having an office, in Shawnee County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said owners to be determined by the records in the office of the Register of Deeds as of 8:00 o'clock A.M. on the date on which said application is filed with the Code Enforcement Administrator.

19.4 ACTION BY THE PLANNING COMMISSION

The City of Rossville Planning Commission shall consider any proposed amendment to the Zoning Ordinance at the regularly scheduled monthly public hearing, provided that all conditions and requirements as outlined in this Article for proper submittal have been satisfactorily completed. For action on zoning amendments, a quorum of the planning commission is more than one-half of all the members.

A vote either for or against an amendment by a majority of all of the planning commissioners present constitutes a recommendation of the planning commission; whereas a vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend."

19.5 ACTION BY THE CITY GOVERNING BODY

1. When the planning commission submits a recommendation of approval or disapproval of such amendment, the Governing Body, if it approves such recommendation, may either adopt such recommendation by ordinance or take no further action thereon, as appropriate. If the planning commission submits a "failure to recommend" to the Governing Body, the Governing Body may take such action as it deems appropriate.
 - a) In the event that a protest against such amendment, supplement, or change be filed in the Office of the Code Enforcement Administrator within fourteen (14) days after the said public hearing of the Planning commission, duly signed and acknowledged by the owners of twenty (20) percent or more of any land located within two hundred (200) feet of the area proposed to be altered, then, in such event, such amendment shall not be approved except by at least a three fourths (3/4) vote of the Governing Body of the City.
2. Upon receipt of a recommendation of the planning commission which the Governing Body disapproves, the Governing Body shall return such recommendation to the planning commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original zoning recommendations returned to the planning commission.
3. If an amendment shall affect the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if the city has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall amend the section of the ordinance incorporating the same and reincorporate such map as amended.

ARTICLE 20

BOARD OF ZONING APPEALS

20.1 THE BOARD OF ZONING APPEALS ESTABLISHED

A Board of Zoning Appeals is hereby created by the Governing Body of the City as prescribed by law. Such Board shall consist of five members all of whom shall be taxpayers and residents of the City of Rossville. Members of the Board of Zoning Appeals shall be appointed by the Governing Body. Not less than one or more than two members of the Board shall be members of the Planning Commission. One member of said Board shall be appointed to serve for a period of one year, two for a period of two years, and two for a period of three years. Vacancies shall be filled by appointment for the unexpired term only. Members of the Board serve without compensation.

20.2 ORGANIZATION OF THE BOARD

The Board of Zoning Appeals shall organize by electing annually one of its members as Chairman. The Board of Zoning Appeals may also select from among their members a Vice-Chairman and such other officers as the Board of Zoning Appeals shall consider necessary. The Board of Zoning Appeals shall appoint a Secretary, who need not be a member of the Board of Zoning Appeals, to maintain its records and keep minutes of all proceedings before the Board of Zoning Appeals. The Governing Body of the City shall have the power to remove any member of the Board of Zoning Appeals for cause. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Code Enforcement Administrator and shall be a public record. (Ref. Board of Zoning Appeals rules etc. K.S.A. 12-174).

20.3 POWERS AND JURISDICTION

The Board of Zoning Appeals shall have the following powers and jurisdictions:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by the Code Enforcement Administrator in the enforcement of this regulation.

2. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purposes of the plan, as shown upon the map (fixing the several districts) accompanying and made a part of this Ordinance.
3. To permit the reconstruction of a nonconforming building which has been damaged by casualty, act of God, or the public enemy, to the extent or more than sixty (60) percent of the structural value of the building and the land upon which it is located, where the Board finds some compelling public necessity requiring continuance of the nonconforming use, and the primary purpose of continuing the nonconforming use is not to continue a monopoly. In the case of doubt, the fair market value shall be determined, as provided in Article 14.6, Section 5.
4. To permit a variation in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variation will not seriously affect any adjoining property or the general welfare of the neighborhood or where variations may be permitted which allow unusual arrangement on the lot and still clearly and unmistakably accomplish the intent of this regulation.
5. To authorize variances to the District Regulations upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the use, construction, or alteration of buildings or structures or the use of land, will impose upon him practical difficulties or particular hardship, and that such variations of the strict applications of the terms of this ordinance as are in harmony with its general purpose and intent, (but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty too great as to warrant a variation from the Comprehensive Plan as established by this regulation) and at the same time the surrounding property will be properly protected.
6. To hear and grant exception to district zoning regulations subject to the requirements of Article 21.
7. To hear and grant variances and exceptions to the City of Rossville Subdivision Ordinance, pursuant to the requirements of Article 2.5 of said Subdivision Ordinance.

20.4 APPEALS TO THE BOARD

1. Who May Appeal. Appeals to the Board may be taken by any person or persons aggrieved, or by an officer, department, any board, other than the Board of Zoning Appeals, or bureau of the City of Rossville affected by a decision of the Code Enforcement Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Code Enforcement Administrator and with the Board a Notice of Appeal specifying the grounds thereof. The Code Enforcement Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.
2. Time For Appeal. The Board shall fix a reasonable time for the hearing of the appeal, give not less than five (5) days notice thereof, by the posting of not less than one (1) sign containing notice of the hearing in a conspicuous place on or near the property upon which application for appeal is made as well as due notice to the parties in interest, as required in Section 20.4, Number 4. Upon the hearing, any party may appear in person, by agent, or by attorney.
3. Stay Of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Administrator certifies to the Board after the Notice of Appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record, on application or notice to the Code Enforcement Administrator on good cause shown.
4. Hearing And Notice. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date, and subject of such hearing shall be published once in the official City newspaper at least twenty (20) days prior to the date of the hearing. A copy of such notice shall be mailed by certified mail by the Board of Zoning Appeals to each party in interest and to the Planning Commission; and if action directly affects specific property in the subject area of the appeal, then to owners of all property within two hundred (200) feet of the boundaries thereof. The Board of Zoning Appeals may give such additional notice as it may from time to time by rule provide. Any party in interest may appear and be heard at the hearing in person, by agent, or by attorney.

20.5 DECISION OF APPEALS

The Board of Zoning Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Code Enforcement Administrator to direct the issuance of a permit. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Code Enforcement Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such ordinance, or to affect any variation in such ordinance. Upon the hearing, any party may appear in person, by agent, or by attorney.

20.6 FEE

Fees for all variance requests shall be figured at five (5) percent of the improvement cost with a minimum fee of Twenty-five (\$25.00) Dollars and a maximum of One Hundred (\$100.00) Dollars. The conditional use fee shall be One Hundred (\$100.00) Dollars. Fees shall be paid to the City Clerk at the time the Notice of Appeal is filed.

20.7 APPLICATIONS

Applications to the Board of Zoning Appeals shall be on forms furnished by the Code Enforcement Administrator.

20.8 JUDICIAL APPEAL

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or of any officer, department, board or bureau of the City of Rossville may appear before the Governing Body of the City to determine the reasonableness of any such order or determination or may bring an action in the District Court having jurisdiction in Shawnee County, to determine the reasonableness of any such order or determination. Provided any action taken by the Governing Body of the City shall not preclude an aggrieved party from appealing to the District Court having jurisdiction in Shawnee County. Provided, any action brought in the District Court shall be within thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

ARTICLE 21

VARIANCES AND EXCEPTIONS TO THE DISTRICT REGULATIONS

21.1 VARIANCE - PROCEDURE

The Board of Zoning Appeals may authorize, upon appeal, such variances from the terms of the Subdivision Ordinance and the Zoning Ordinance as will not be contrary to the public interest, where owing to special conditions the literal enforcement of the provisions of the Subdivision Ordinance and the Zoning Ordinance will result in unnecessary hardship; provided, that the spirit of these Ordinances be observed and substantial justice done. Before any variance may be authorized however, it shall be shown that:

1. (a) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant.
- (b) The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- (c) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- (d) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
- (e) Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

21.2 ALLOWABLE VARIANCES

Variances to the Zoning Ordinance shall be limited to setback, parking and height regulations only, and shall not be allowed for changes in land use.

21.3 WRITTEN FINDINGS

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

21.4 CONDITIONAL USE PERMITS - PROCEDURE

The Board of Zoning Appeals may authorize, as an exception to the provisions of these zoning regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. No conditional use shall be authorized as an exception to these regulations unless the Board is specifically authorized, by these regulations, to grant such conditional use and unless such grant complies with all of the applicable provisions of these regulations.

The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, and may have potentially detrimental characteristics if not properly designed, located, and conditioned. A conditional use permit may be granted only for uses listed as conditional uses in respective zones, and for such other uses as are set forth in various provisions of this Title.

The following requirements and procedures shall apply in the issuance of a conditional use permit:

1. Application for a conditional use permit must be filed with the Code Enforcement Administrator. The Chairman of the Board of Zoning Appeals will call a meeting of the Board within at least thirty (30) days following the application for permits but no earlier than fifteen (15) days after the permit application. Application forms are available at the Office of the Code Enforcement Administrator. The application shall contain the following information:
 - (a) Plots, plans, or drawings, drawn to scale, as may be required to clearly show how a conditional use will occupy a site and/or buildings; and what the effect of said conditional use will be upon adjacent properties.
 - (b) Legal description of the tract to be used.
 - (c) Location of all proposed improvements, including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.

- (d) Grade elevations.
- (e) Building setback from all property lines.
- (f) Such perspective drawings of the proposed improvements in such detail as the Board may require to clearly show the finished appearance of the improvements proposed.
- (g) Location and type of planting, screening or walls.
- (h) Such other items on the Board shall deem reasonably necessary to properly process the application.

21.5 CONSIDERATION OF A CONDITIONAL USE

1. In considering any application for a conditional use permit hereunder, the Board of Appeals shall give consideration to the Comprehensive Zoning Plan of the City; the health, safety, morals, comfort, and general welfare of the inhabitants of the City, 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 over-crowding 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) Provisions for orderly and proper urban renewal, development, and growth.
- 2. The Board of Appeals shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

21.6 PERMITTED CONDITIONAL USES

Conditional uses which may be authorized by the Board of Zoning Appeals are listed for each zoning district in Articles 3 through 12 of this Ordinance.

21.7 PERFORMANCE BOND REQUIRED

The Board shall require a performance bond for improvements such as parking lot surfacing, landscaping, etc.. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the City Engineer, and shall be enforceable by or payable to the City in the sum equal to the cost of constructing the required improvements.

ARTICLE 22

ENFORCEMENT

22.1 ENFORCEMENT

It shall be the duty of the Code Enforcement Administrator to enforce the provisions of this Zoning ordinance. All department officials and public employees of the City of Rossville vested with the duty or authority to issue permits shall conform to the provisions of this Zoning Ordinance and shall issue no permit, certificate, or license for use or building that would be in conflict with the provisions of the Zoning Ordinance.

22.2 ABATEMENT

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Zoning Ordinance, and any land use or structure established, the same is hereby declared to be unlawful and a public nuisance; and the City Attorney of the City of Rossville shall immediately commence action or proceedings for the abatement, removal, and enjoinder thereof in the manner as provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such buildings or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Zoning Ordinance. The remedies provided for herein shall be cumulative and not exclusive.

22.3 OCCUPANCY PERMIT

Subsequent to the effective date of this regulation, no change in the use or occupancy of any existing building other than for single-family dwelling purposes, shall be made, nor shall any new building for any purpose be occupied until a certificate of occupancy has been issued by the Code Enforcement Administrator. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this regulation.

No permit of excavation for, or the erection or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.