



ZONING REGULATIONS FOR THE CITY OF HESSTON, KANSAS

PREPARED AT THE DIRECTION OF THE
HESSTON CITY PLANNING COMMISSION

BY
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Lindsborg Kansas

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ARTICLE I ZONING REGULATIONS

SECTION 1. TITLE. These regulations, including the Zoning District Maps incorporated herein, shall be known and cited as the Zoning Regulations for the City of Hesston, Harvey County, Kansas, edition of 1997.

SECTION 2. PURPOSE AND INTENT. These zoning regulations adopted, pursuant to the provisions of Kansas State Statutes are enacted for the purpose and intent of:

1. Promoting and serving the public health, safety, morals, comfort, and general welfare of the citizens of the City of Hesston.
2. Preserving and protecting property values.
3. Lessening congestion on the streets.
4. Preventing overcrowding of land.
5. Providing adequate light and air.
6. Avoiding undue concentration of population.
7. Regulating and restricting location and use of buildings and land.

SECTION 3. CONSISTENCY WITH COMPREHENSIVE PLAN. These regulations are intended to promote land use patterns consistent with the intent and direction established by the comprehensive plan for the Hesston community.

SECTION 4. JURISDICTION. The jurisdiction of these Zoning Regulations shall apply to all land located within the corporate limits of the City of Hesston, Harvey County, Kansas, and to any land outside the corporate limits of the City which shall be added to the jurisdiction by ordinance in accordance with the provisions of the state statutes.

ARTICLE II
RULES-INTERPRETATIONS-DEFINITIONS

SECTION 1. RULES AND INTERPRETATION.

1. Rules:
 - a. In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:
 - (1) Words used in the present tense shall include the future.
 - (2) Words in the singular number include the plural number and also the plural includes the singular.
 - (3) The phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.
 - (4) The word “shall” is mandatory.
 - (5) The word “may” is permissive.
 - (6) The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - (7) The word “Board” means the Hesston Board of Zoning Appeals.
 - (8) Unless otherwise specified, all distances shall be measured horizontally.
 - (9) The word “City” means City of Hesston, Kansas.
 - (10) The word “County” means Harvey County, Kansas.
 - (11) The abbreviation “N/A” means not applicable.
 - b. Any word or phrase which is defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

2. Interpretation.

- a. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- b. Overlapping or Contradictory Regulations. Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or. of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive shall govern unless otherwise accepted.
- c. Private Agreements. These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement or legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- d. Non-conforming Uses. Any structure or use which was not legally conforming with existing zoning regulations at the time of the adoption of these regulations shall not become or be made conforming solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said non-conforming structure or use is in conflict with the requirements of these regulations, said structure or use remains legally non-conforming hereunder.

SECTION 2. SEPARABILITY. It is hereby declared to be the intention of the City of Hesston that the several provisions of these regulations are separable, in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provisions of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property the judgment shall not affect the applicability of the provisions to any other property or structure.

SECTION 3. DEFINITIONS. For the purpose of these regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

1. Accessory Building. A subordinate building located on the same lot or groups of lots as a main building and which serves a function customarily incidental to the main use. Customary accessory buildings include garages, carports, and small storage sheds.
2. Accessory Use. A subordinate use which serves an incidental function to that of the main use of the premises. Customary accessory uses include tennis courts, swimming pools, barbecue ovens, air conditioners and fireplaces.
3. Agriculture. The use of a tract of land for the growing of crops, pasturage, nursery, dairying, animal and poultry husbandry and the sale of such products on the premises that are produced on the premises. Agriculture shall also include the structures necessary for carrying out the fanning operation but shall not include feed lots as defined by Kansas statutes.
4. Airport or Heliport. Any landing area, runway or other facilities designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxies, aircraft storage, tie-down areas, hangars, or other necessary uses, and open spaces.
5. Alley. A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.
6. Alley Line. The line of division between the public travelway comprising the alley and the private lot.
7. Alter or Alteration. Any change, addition or modification in construction or use of a structure.
8. Animal Clinic or Hospital. Any building or structure designed for examination, observation, treatment, board or care of animals by a doctor of veterinary medicine.
9. Apartment. (See Dwelling, Two-Family, Multiple).
10. Approved Public Sanitary Sewer System. A sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the City of Hesston, Kansas and the Kansas State Department of Health and Environment.
11. Approved Public Water System. Water treatment plant and service lines approved by the governing body of the City of Hesston, Kansas and the Kansas State Department of Health and Environment.
12. Attached Single Family Dwelling. See Article XV, Section 14.

13. Automobile. Truck and Trailer Sales and Service. A building or premises used for the display and/or sales of new or used automobiles, trucks or trailers and where only minor repair work is performed.
14. Automobile Service Station. A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and/or for accessory uses, such as the sale of lubricants, accessories, or supplies; the incidental washing of motor vehicles, and the performing of minor repairs; but not including tire recapping, body repairs, major overhaul, provision of rental equipment, or open sales lots.
15. Basement. That portion of a building having more than one-half of its height below grade.
16. Bed and Breakfast Inn. A residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that in all allowable residential districts, the number of such sleeping rooms shall be determined by the Board of Zoning Appeals, but in no case shall exceed a maximum of six (6) sleeping rooms.
17. Block. A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, or a combination thereof.
18. Board of Zoning Appeals. The legally appointed municipal board empowered to hear and decide appeals from, and to provide interpretations of the terms of the zoning ordinance and official zoning map as defined in this ordinance and in accordance with the laws of the State of Kansas.
19. Boarding Home for Children. A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four (24) hours a day by adult supervision, which is licensed by the Kansas Department of Health and Environment.
20. 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 (3) or more persons, but not exceeding twenty (20) persons.
21. Buildable Area. That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these Regulations.
22. Building. Any structure designed or intended for the enclosure, shelter, or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.
23. Building. Community. A building used and designed for social, educational, or recreational activities of a subdivision, manufactured home park, neighborhood or community, providing such use is not for commercial gain.

24. Building Height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields the greater height:
- a. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of a building when such sidewalk or ground surface is no more than ten (10) feet above the lowest grade.
 - b. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item A above is more than ten (10) feet above the lowest grade.
25. Building Official. The person or persons designated to administer this zoning ordinance, whether such persons be entitled City Administrator, Building Official, Building Inspector, Administrative Official, or Zoning Official.
26. Building, Principal. A non-accessory building in which a principal use of the lot on which it is located is conducted.
27. Building Site. The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these Regulations.
28. Bulk Regulations. Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.
29. Business and Professional Office. The office of an architect, engineer, dentist, doctor, attorney, real estate or insurance agent, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
30. Campgrounds. Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground except on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.
31. Canopy or Marquee. A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public right-of-way.
32. Car Wash. An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

33. Child Care. The process of caring for unrelated minor children as a service with or without financial arrangements. Childcare shall include the term “baby-sitting” but shall not include preschools.
34. Child Care Center. A day nursery providing care for four (4) or more children for part or all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, head start centers giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all requirements of the Kansas Department of Health and Environment for licensing.
35. Clinic. An establishment where patients who are normally not lodged overnight are admitted for examination and treatment. This does not include Animal Hospitals or Animal Clinics.
36. Club or Lodge. A non-profit association or organization formed for either fraternal, social, educational, philanthropic or other similar purposes, including unions and professional organizations.
37. Cluster Housing. See “Condominium”, “Dwelling Multiple” and “Townhouse”. Also see “Planned Unit Development”.
38. Common Open Space. An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as open space.
39. Comprehensive Plan. The duly adopted comprehensive plan for the development of the City.
40. Condominium. A multiple family dwelling structure wherein the separate dwelling units are individually owned as opposed to rental units in an apartment.
41. Density. Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
42. Developer. The legal or beneficial owner or owners of all of the land proposed to be included in a proposed development or the duly authorized agent thereof. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these Regulations.
43. District. A section or sections of the City for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform and regulated.

44. Drive-in Service. A type of retail sales establishment which encourages, recognizes, or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.
45. Dump. A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
46. Dwelling. A building or portion thereof, not including manufactured homes, which is designed and used exclusively for residential purposes.
47. Dwelling, Attached. A residential building which is joined to another dwelling at one or more sides by a party wall or walls.
48. Dwelling, Detached. A residential building which is entirely surrounded by open space on the same lot.
49. Dwelling, Single-Family. A residential building having accommodations for and occupied exclusively by one family.
50. Dwelling, Two-Family. A residential building having accommodations for and occupied exclusively by two families independently.
51. Dwelling, Multiple-Family. A residential building having accommodations for and occupied by more than two families, independently.
52. Dwelling Unit. Any building or portion thereof which contains living facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family.
53. Established Building Line. A building setback line generally parallel to the street right-of-way line established by a plat of record, by existing principal buildings in a block, or by this Zoning Regulation.
54. Exception. A use which is not permitted outright within a district, but is only allowed by a special use permit granted by the Board of Zoning Appeals when such exception is clear and specifically listed in the district regulations.
55. 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 raw materials.

56. Family. One or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four unrelated persons living together as a single housekeeping unit; plus in either case, usual domestic servants.
57. 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.
58. Fence, Site Obstructing. A free-standing structure of metal, masonry, glass or wood, or evergreen plantings, or any combination thereof resting on or partially buried in the ground which shall be of such height and of such construction as necessary to block the view from outside by motorists and pedestrians. Visual density of the fence shall be at least 90 percent.
59. Flood Plain. The land area subject to inundation from surplus storm water as defined by the HUD flood insurance study and as depicted on the Hesston Floodway Map.
60. Floor Area. For the purpose of applying the requirements of off-street loading and parking based on ‘floor area’, floor area shall mean the floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, restrooms, utilities, kitchens, fitting or dressing rooms.
61. Fraternal, Civic and Social Organizations. A corporation, partnership, business trust or association which is non-profit, which has been exempted from the payment of federal income taxes and which the sale of alcoholic beverages to members and their guests may be allowed under the Class A club definition of the State Statutes provided it is secondary and incidental to the promotion of some other common objective of the organization. Said organizations may include, but are not limited to the following: VFW, Eagles, Elks, Knights of Columbus, American Legion, Masonic Lodges and Moose Lodges.
62. Frontage. All the property of 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.
63. Garage, Private. An accessory building to residential uses designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is an accessory.
64. 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.

65. Garage, Storage. A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
66. Governing Body. Unless otherwise specified, the City Council of the City of Hesston, Harvey County, Kansas.
67. Grade. Adjacent ground elevation is the lowest point of elevation of the finished surface of the ground, pavement or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
68. Group Home. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.
69. Home Occupation. An accessory occupational use conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site. (See Article XV, Section 10)
70. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continued basis.
71. Hotel or Motel. A building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin, camp, tourist cabin, motel or other type of lodging unit.
72. Housing for the Elderly. A residential building designed specifically to meet the needs of ambulatory aged persons who are not in need of medical or nursing treatment. Such use shall not include convalescent, retirement or nursing homes.
73. Inoperable Motor Vehicle. A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency, or is not currently licensed.
74. Institution (Non-profit). A building occupied by a non-profit corporation or non-profit establishment for public use.
75. Institution of Higher Learning. A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.

76. Kennel. Any place, area, building or structure where dogs (including those under one year of age) and other domesticated animals are boarded, housed, cared for, fed, or trained by other than the owner, or where more than three domesticated animals of one species more than one year of age are kept for purposes of breeding, raising, or as pets.
77. Laboratory. Medical. An establishment which provides bacteriological, biological, medical, X-ray, pathological, and other similar analytical or diagnostic services.
78. Landscaping. The improvement of a lot, parcel, or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
79. Laundry. An establishment where commercial laundry and dry-cleaning work is undertaken.
80. Laundry (Self-service). An establishment equipped with individual coin-operated washing, drying or dry-cleaning machines.
81. Licensed Provider. Shall mean a person or agency who provides mental health services and is licensed by:
- a. The Department of Social and Rehabilitation Services pursuant to KSA 75-3307b or 65-425 et seq., and amendments thereto; or
 - b. The Behavioral Sciences Regulatory Board pursuant to KSA 75-5346 et seq. or 74-5301 et seq, and amendments thereto; or
 - c. The State Board of Healing Arts pursuant to KSA 65-2801 et seq., and amendments thereto.
82. Loading or Unloading Space. An off-street space or berth, on the same tract and contiguous with the principal building or group of buildings for the temporary parking of commercial vehicles for loading and unloading merchandise or materials.
83. Lodging House. A residential building or place where lodging is provided or which is equipped regularly to provide lodging by pre-arrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels, motels or bed and breakfast inns which are open to transients.
84. Lot. A parcel or tract of land (legally described or platted) which is on record in the office of the Register of Deeds. For the purpose of this regulation, a lot shall have a frontage upon a public street.
85. Lot Area. The total horizontal area within the lot lines of a lot.

86. Lot Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front upon that street on which it has its least dimension. A corner tract made up of more than one platted lot shall conform to all requirements established for a corner or other lot and shall be deemed to front upon that street on which one or more of such platted lots, which would individually not be classified as corner lots, front.
87. Lot Coverage. The total area of building expressed as a percentage of the total lot, plot, or tract. (Includes both principal and accessory buildings.)
88. Lot, Depth of. The mean horizontal distance between the front and rear lot lines.
89. Lot, Double Frontage. A lot having a frontage on two non-intersecting streets as distinguished from a corner lot.
90. Lot, Interior. A lot other than a corner lot which has frontage on one street only.
91. Lot Line. The property line bounding a lot either on the front, side or rear of the property.
- a. The front lot line is the lot line separating the lot from the street, other than an alley, and in the case of a corner lot, the shortest lot line along a street, other than an alley.
 - b. The rear lot line is the lot line which is opposite and more distant from the front lot line and in the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.
 - c. The side lot line is any lot line which is not a front or rear lot line.
92. 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 Harvey County or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Harvey County.
93. Lot Width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
94. Lot, Zoning. A parcel or tract of land used, developed, or built upon under single ownership or control. Said parcel or tract may consist of one or more lots or record, one or more portions of a lot or lots of record, or any combination thereof.
95. Manufacturing. Any method of processing, developing, fabricating, or assembling, either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

96. Manufactured Housing. Any factory-assembled structure, or structures, equipped with the necessary utility service connections and made so as to be readily movable or transportable as a unit or units on its own running gear and designed to be used as a year-round single-family residential dwelling. The term manufactured home includes single wide, double-wide and multi-wide units. The term does not include modular homes.
97. Manufactured Housing - Certified. A manufactured housing unit which has been constructed in conformance with the Federal Manufactured Home Construction and Safety Standards Act, generally known as the HUD Code established pursuant to 42 U.S.G., Section 5403.
98. Manufactured Home Lot. A designated plot of ground within a manufactured home park designed to provide the utility service facilities and accommodation of one manufactured home and its accessory buildings, off-street parking and recreational areas for the exclusive use of its occupants.
99. Manufactured Home Park. Any area, parcel or tract of land which has been planned or designed and used, or intended to be used, by one or more occupied manufactured homes not placed on permanent concrete footings and foundations. Manufactured home parks are under one ownership and control and under no circumstances shall the individual manufactured home spaces or lots be sold or offered for sale. The term manufactured home park does not include sales lots, on which occupied or unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.
100. Manufactured Home, Residential Design. A manufactured home on permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes
101. Manufactured Home Space. A plot of ground within a manufactured home park, which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage, gas and electricity.
102. Manufactured Home Subdivision. Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.

103. Modular Home. A dwelling unit which is a factory-built home other than a manufactured home, which meets all of the following requirements:
- a. Is designed only for erection or installation on a site-built permanent foundation;
 - b. Is designed not to be moved once it is erected or installed;
 - c. Is designed and manufactured to comply with a nationally recognized model building code or with state modular building code recognized as generally equivalent to building codes for site-built housing;
 - d. Is to the manufacturer's knowledge not intended to be used other than on a site-built permanent foundation.
104. Medical Clinic. Any building designed for use by more than one person lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include a pharmacy.
105. Mortuary. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.
106. Motel. See Hotel definition.
107. Motor Vehicle Body Shop. A building or premises used for vehicle body repair including painting.
108. Motor Vehicle Repair Service. A building or premises used for the repair and servicing of motor vehicles excluding body and paint work.
109. Motor Vehicle Storage Yard. A building or premises where operable, inoperable, abandoned, wrecked or junked vehicles are stored while awaiting final disposition.
110. Nonconforming Lot of Record. An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of subdivision regulations and neither said lot or parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.
111. Nonconforming Structure. An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
112. Nonconforming Use. An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

113. Nursing Homes or Convalescent Homes. An institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.
114. Open Space. A parcel of land that is not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.
115. Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.
116. Parcel. All contiguous lands (including lots and parts of lots) held in one (1) ownership
117. Park. A public or private area of land, with or without buildings, intended for outdoor activities or passive recreational areas.
118. Parking Lot. An open area, other than a street, used for the parking of automobiles.
119. Parking Space. An area surfaced for the purpose of storing one parked automobile. For the purpose of this 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.
120. Paved Parking. A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free all-weather condition.
121. Permanent Foundation. A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
122. Person. Every natural person, firm, partnership, association or corporation.
123. Pharmacy. A place or premises used solely for the preparation, compounding, and dispensing of drugs, medicines, medical-surgical supplies and prosthetic devices.
124. Place or Court. An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
125. Planned Unit Development. A tract of land, meeting specified minimum site size, whereon all elements of development may be designed as interrelated aspects of an overall improvement concept in accordance with the provisions of Article XIII of this ordinance.
126. Planning Commission. The Hesston Planning Commission.

127. Plat. A layout of a subdivision indicating the location and boundaries of individual properties.
128. Platting. Whenever the terms platting, platted or subdivided are used in this ordinance they shall refer to the process established by the duly adopted subdivision regulations of the City of Hesston.
129. Plot Plan. A plat of lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or building to be erected, the location of the lot in relation to abutting streets, and other such information.
130. Preschool. A public or privately owned facility with defined curriculum which offers preparatory education for minor children aged 5 years and younger. The term does not include kindergarten. Such facility shall meet all state requirements for licensure.
131. Premises. A parcel together with all buildings and structures thereon
132. Private Club. An organization licensed under state statutes in which the club members shall be permitted to consume alcoholic beverages. Said private club shall include Class A clubs unless otherwise permitted and Class B as defined by state statutes.
133. Professional Office. Any building or part thereof used by one or more persons engaged in the practice of a recognized profession.
134. Public Improvement. Any work within dedicated rights-of-way or easements.
135. Public Utility. Any business of which the purpose is to furnish service to the general public:
- a. Telephone Service
 - b. Telegraph Service
 - c. Electricity
 - d. Natural Gas
 - e. Water
 - f. Transportation of Persons and Property
 - g. Cable TV
 - h. Any other business so affecting the public interest as to be subject to supervision or regulation by a governmental agency.
136. Quasi-Public. Essentially a public use, although under private ownership or control.
137. Quorum. A majority of the authorized members of a board or commission as defined by the organizational by-laws.

138. Recreational Vehicle. A vehicular unit, other than a manufactured home, whose gross floor area is less than 320 square feet (29.7m²), which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheeler trailer or van.
139. Recycling Facility. Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.
140. Renovation. The interior or exterior remodeling of a structure, other than ordinary repair.
141. Restaurant. A public eating establishment except drive-ins in which the primary functions are the preparation and serving of food on the premises.
142. Restaurant, Drive-in. An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include what is commonly called a cafeteria.
143. Rooming House. A building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for four or more persons in contradistinction to hotels open to transients.
144. Salvage Yard. A building or premise where junk, waste, inoperable motor vehicles or discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.
145. Sanitary Landfill. A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery, or motor vehicles or parts thereof or other waste and which is in conformance with the requirements of the Kansas Department of Health and Environment.
146. School. A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
147. Service Station and Filling Station. A service station or filling station shall consist of a building and adjacent surfaced area where motor vehicles are or may be refueled and serviced. Self-service pumps without buildings shall also be included but such service shall not include tire recapping, body repair, major overhaul, or sale or rental of motor vehicles (including automobiles, trucks, trailers, manufactured homes, campers), or similar uses.

148. Setback. The minimum required distance between the property line and the building line.
149. Sight Triangle. An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the bottom of the curb of the intersecting streets, ninety (90) feet each direction, measured from the point of intersection of the centerline of the streets. At the intersection of or with arterial or collector streets, the 90-foot distance shall be increased to 120 feet on the arterial street.
150. Sign. An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.
151. Site Plan. A plan, to scale, showing uses and structures proposed for a parcel of land. A site plan includes lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, site drainage, and the proposed locations of utility lines.
152. Site Plan Review. The process of reviewing the site plans and maps of a developer to assure they meet the stated purposes and standards of the zone, provide for the necessary public facilities such as roads, drainage, and landscaping and protect and preserve topographical features and adjacent properties, through appropriate siting and land use layout.
153. Special Use Permit. A permit which allows a use as an exception by authorization of the Board of Zoning Appeals.
154. Spot Zoning. The awarding of a use classification to an isolated parcel of land which is detrimental or incompatible with the uses of the surrounding area.
155. Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
156. Street. A right-of-way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.
157. Street Line. A dividing line between a lot, tract or parcel of land and the contiguous street.

158. Street Network.
- a. 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.
 - b. Collector. A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - c. Local. A street which provides for direct access to abutting property and for local traffic movement whether in business, industrial or residential areas.
159. Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
160. Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this regulation, the following shall not be considered a structural alteration:
- a. Attachment of a new front where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.
 - c. New windows where lintels and support walls are not materially changed.
 - d. Repair or replacement of non-structural members.
161. Subdivision. The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, a division of a parcel of land. The term subdivision includes re-subdivision.
162. Subdivision Plat. A plan or map prepared in accordance with the provisions of the City of Hesston, Kansas Subdivision Regulations and recorded with the Harvey County, Kansas Register of Deeds.
163. Tavern. An establishment in which the primary function is the public sale and serving of cereal malt beverages for consumption on the premises.
164. Theater. Moving Picture. A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
165. This Ordinance. The document duly approved and adopted by the Planning Commission and the City Council of Hesston, Kansas, which establishes zoning requirements.
166. Tourist Cabins. See “Motel.”
167. Townhouse. See Article XV, Section 14.

168. Tract. A plat or parcel of land, other than a lot in a subdivision which is recorded in the office of the Harvey County Register of Deeds.
169. Trailer. (See Manufactured Housing).
170. Use. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.
171. Use. Change of. A change within the classified use of a structure or premises.
172. Use. Nonconforming. A use which lawfully occupied a building or land at the time this ordinance became effective, which has been lawfully continued and which does not now conform with these regulations.
173. Use Regulations. The provisions of these Regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.
174. Use. Temporary. A use that is authorized by this ordinance to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks stands, carnivals, flea markets and garage sales.
175. Variance. The authorization, by the Hesston Board of Zoning Appeals, of an adjustment or variation from the specific terms of this zoning ordinance. Variances are limited to those authorized in the powers and duties of the Hesston Board of Zoning Appeals as defined in this ordinance.
176. Vision Control Area. See "Sight Triangle
177. Way. A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
178. 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 Regulation.
179. 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 and the building setback line.
180. 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 of such main building.
81. Yard Side. A yard between the main building and the side lot line, extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

- 182. Zero Lot Line. See Article XV, Section 13
- 183. Zone or District. A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land and open space are herein established.
- 184. Zoning Administrator. The person or persons authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.
- 185. Zoning Area. The area to be zoned as set out on the official Zoning Map filed on record.
- 186. Zoning Regulations. The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

SECTION 4. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

ARTICLE III DISTRICTS AND BOUNDARIES

SECTION 1. DISTRICT CLASSIFICATIONS. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City of Hesston, Kansas, zoning jurisdiction is hereby divided into seventeen districts which are designated as follows:

“A-L”	Agricultural District
“F-P”	Flood Plain
“R-S”	Residential Suburban District
“R-1”	Single-Family Dwelling District
“R-2”	Two-Family Dwelling District
“R-3”	Multiple-Family Dwelling District
“R-4”	Multiple-Family Dwelling District
“C-S”	Highway Service District
“C-1”	Neighborhood Shopping District
“C-2”	General Commercial District
“C-3”	Central Business District
“M-P”	Manufactured Home Park District
“M-S”	Manufactured Home Subdivision District
“TT-P”	Travel Trailer Park District
“I-1”	Light Industrial District
“I-2”	Heavy Industrial District
“PUD”	Planned Unit Development District
“P”	Public Use District

SECTION 2. ZONING DISTRICT MAPS. The boundaries of the districts are shown on the Official Zoning District Maps which are filed in the office of the Zoning Administrator. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

SECTION 3. ANNEXATION. Land hereafter annexed into the City of Hesston shall retain the zoning district status received in the county unless procedures are followed to amend the zoning status.

SECTION 4. RULES WHERE UNCERTAINTY MAY ARISE. Where uncertainty exists with respect to the boundaries of the various districts as shown on the accompanying map and made a part of this Zoning Regulation, the following rules apply:

1. The district boundaries are the centerline of either streets or alleys unless otherwise shown.
2. Where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the accompanying map and made a part of this regulation are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the district unless the boundaries are otherwise indicated on the map.
3. In un-subdivided property, the district boundary lines, on the accompanying map which is made a part of this regulation, shall be determined by the use of scale appearing on the map.
4. Where uncertainty may arise, other than in items listed above, an interpretation of the Board of Zoning Appeals shall be required.

SECTION 5. BUILDINGS AFFECTED. Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this Zoning Regulation for each and every building existing at the time of passage of this Zoning Regulation or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Regulation.

ARTICLE IV INTENT OF DISTRICTS

SECTION 1. "A-L" AGRICULTURAL DISTRICT. It is the intent of the "A-L" district to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot, but is designed to accommodate agricultural operations on substantial acreage. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the basis that they are no more offensive than normal agricultural uses.

SECTION 2. "F-P" FLOODPLAIN DISTRICT. The "F-P" Floodplain District is intended for application in those areas of the community which have been defined as subject to inundation from surplus storm water as defined by the Flood Insurance Study and accompanying Floodway Map and any subsequent additions or amendments thereto, prepared for the City of Hesston, Kansas, by the Federal Insurance Administration. This zone is intended for application throughout the Hesston Zoning Jurisdiction in locations where official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drain ways.

SECTION 3. "R-S" RESIDENTIAL SUBURBAN DISTRICT. The intent of the "R-S" district is to provide for areas of residential development which are not served by municipal type water and sewer facilities. The district requirements are based on the assumption that each dwelling will be served by its own well or rural water district and approved sewage disposal system.

SECTION 4. "R-1" SINGLE-FAMILY DWELLING DISTRICT. The intent of the "R-1" district is to provide for areas of low density single-family development including certain public uses such as schools, churches, and parks which will not interfere with the health, safety, order, or general welfare of persons residing in the district.

SECTION 5 "R-2" TWO-FAMILY DWELLING DISTRICT. The intent of the "R-2" district is to provide for areas of single-family and two-family residential development and related residential activities at a moderate density.

SECTION 6. "R-3" MULTIPLE-FAMILY DWELLING DISTRICT. The intent of the "R-3" district is to provide for areas of residential development at a medium density. Single family, two-family, three and four-family dwelling units and related residential activities are allowed.

SECTION 7. "R-4" MULTIPLE-FAMILY DWELLING DISTRICT. The intent of this district is to provide for areas of multiple-family or apartment development at a moderate to high density. Single-family, two-family, three-family and four-family dwellings are also permitted at a higher density.

SECTION 8. "C-S" HIGHWAY SERVICE DISTRICTS. The intent of the "C-S" district is to provide for areas of limited service businesses only when grouped on a single tract and located adjacent to an arterial street or any Federal, State, or Interstate Highway. Floor areas are restricted, off-street parking is required, and screening is required in order to reduce possible adverse effects on surrounding residential uses.

SECTION 9. “C-1” NEIGHBORHOOD SHOPPING DISTRICT. The intent of the “C-1” district is to provide commercial locations for small areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential

SECTION 10. “C-2” GENERAL COMMERCIAL DISTRICT. The intent of the “C-2” district is to allow basic retail, service, and office uses other than those normally permitted in neighborhood centers. This district is also intended to provide locations for commercial activities that do not require a central location downtown, but do require a location easily accessible to downtown shoppers. Business uses needing large floor areas, particularly those of a service nature, not compatible with Central Business District uses, are included in this district.

SECTION 11. “C-3” CENTRAL BUSINESS DISTRICT. The intent of the “C-3” district is to provide for grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping.

SECTION 12. “M-P” MANUFACTURED HOME PARK DISTRICT. The intent of this district is to provide low density manufactured home park development which is compatible with the character of the surrounding neighborhood. Manufactured home parks are considered as residential uses and should be located in areas where services and amenities are available such as those found in conventional residential areas. Manufactured homes are on leased spaces and not permitted to be placed on permanent foundations.

SECTION 13. “M-S” MANUFACTURED HOME SUBDIVISION DISTRICT. The intent of this district is to provide low density manufactured home development which would be compatible with the character of the surrounding neighborhood. Individuals can purchase lots for the placement of manufactured homes. Permanent foundations will be required.

SECTION 14. “TT-P” TRAVEL TRAILER PARK DISTRICT. The intent of the “TT-P” district is to provide locations for campgrounds including travel trailers, camping tents, and the accessory service buildings and facilities for such use.

SECTION 15. “I-1” LIGHT INDUSTRIAL DISTRICT. The intent of the “I-i” district is to provide locations for those manufacturing industries and related industrial activities in which the finished product is generally produced from semi-finished materials and requires little or no outside material storage. The effect of the production process upon surrounding areas is normally that of traffic generated by the receipt and delivery of materials and goods and traffic generated by employees. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.

SECTION 16. “I-2” HEAVY INDUSTRIAL DISTRICT. The intent of the “I-2” district is to provide locations for basic or primary industries and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap materials for processing to semi-finished products. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.

SECTION 17. “PUD” PLANNED UNIT DEVELOPMENT DISTRICT. The intent of the Planned Unit Development District is to encourage innovation in residential, commercial, and industrial development by allowing greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates to the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

SECTION 18. “P” PUBLIC USE ZONE. The intent of the “P” district is to provide locations owned by and intended for use by the public such as schools and other institutions.

ARTICLE V
“A-L” AGRICULTURAL DISTRICT

SECTION 1. INTENT. It is the intent of this district to preserve and protect agricultural resources. The district is not intended to serve the homeowner who lives on a small suburban lot, but is designed to accommodate agricultural operations on substantial acreage. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the basis that they are no more offensive than normal agricultural uses.

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

1. General agricultural operations.
2. Single-family dwellings, including residential design manufactured homes, where the land is used or intended to be used only for agricultural purposes.
3. Public parks and recreation areas.
4. Farms and ranches.
5. Golf courses, except miniature, pitch and putt golf courses, and driving tees operated for commercial purposes.
6. Greenhouses and nurseries.
7. Home occupations. (See Article XV)
8. Stands for the sale, at retail, of agricultural products or commodities raised on the premises.
9. Accessory uses and structures.
10. The following exceptions may be permitted by special use permit when submitted, reviewed, and approved in conformance with Article XXI.
 - a. Airports and heliports.
 - b. Any public building or land used by any department of the City, County, State or Federal Government.
 - c. Barber or beauty shops when located within a dwelling and operated by a member of the family residing in said dwelling; provided that said use does not occupy more than twenty-five (25) percent of the floor area of one (1) floor in the dwelling.
 - d. Cemetery, crematory or mausoleum.
 - e. Churches, synagogues and similar places of worship.

- f. Commercial agricultural product storage (elevators) when no other business is in combination with said storage.
- g. Commercial development of natural resources and commercial extraction of raw materials such as rock, gravel, sand, etc.
- h. Confinement livestock feeding facility, or livestock sales and auction pavilion, or both, and ancillary facilities including, but not limited to, offices, retail food and clothing sales, retail and wholesale sale of agricultural supplies and products, feed and fertilizer processing, and commodities brokerage.
 - (1) The term “confinement” shall mean facilities designed and constructed so that all livestock and livestock operations shall be at all times within a fully enclosed facility.
 - (2) All such confinement livestock, feed facility and livestock sales and auction pavilions shall be:
 - (a) Designed and constructed so that no livestock waste is carried into any roadway ditch, drainage area, or sanitary lagoon disposal system; and,
 - (b) Designed and constructed so as not to be in violation of applicable federal, state or local sanitation and environmental control laws, rules, and regulations.
- i. Exploration and extraction of oil and natural gas.
- j. Feedlots subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the feedlot).

Operation:

- (1) Manure shall be removed or disposed of in one of the following manners:
 - (a) Spraying or spreading on land followed by discing or plowing.
 - (b) Grinding or dehydrating in properly designed dehydrators.
 - (c) Stockpiling in a compost plant in an isolated area in such a manner as to not create a water pollution problem.
- (2) Insect and rodent control:
 - (a) Removal of manure and disposal as outlined above.
 - (b) Use chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.

Drainage:

- (1) All ground surfaces within pens shall be so graded and compacted to insure positive drainage.
 - (2) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge bands where flies and mosquitoes can breed or create water pollution.
- k. Kennels provided that:
 - (1) The minimum lot size shall be not less than two (2) acres.
 - (2) No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property lines.
 - (3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade, or chain-link fence with aluminum strip intertwined or other equivalent fencing, providing a sight barrier to the dogs.
1. Manufactured homes as farm residences subject to the following conditions:
 - (1) Minimum lot size shall be as required by Section 3..
 - (2) If the area is rezoned to a residential district the owner will remove the manufactured home within ninety (90) days of the effective date of the zoning change.
 - (3) The manufactured home shall not be placed on a permanent foundation but shall be secured by tie downs and ground anchors in accordance with the Manufactured Home and Residential Vehicle Code KSA 75-121 1 through 17-1234.
 - (4) Health and sanitation requirements shall be complied with for water and sewer systems.
- m. Privately-owned parks, playgrounds, or other outdoor recreational areas such as campgrounds, youth camps, gun clubs, and archery, trap and skeet ranges.
- n. Public or parochial schools, elementary, junior high, high schools and private schools with equivalent curriculum.
- o. Radio or television transmitters and towers.
- p. Riding stables and academies providing no structure housing horses shall be located nearer than six hundred (600) feet to the boundary of any residential district.

- q. Seasonal or temporary uses such as recreation camp or similar enterprises.
- r. Telephone exchange, electric substations, cable T.V., or similar public utilities.
- s. Theaters, motion picture, outdoor.
- t. Temporary uses or uses of a temporary nature, such as portable auto shredders and balers, or asphalt or concrete batch plants, subject to the following requirements:
 - (1) Said temporary use shall be located at least three hundred (300) feet from a residential district.
 - (2) The routing and movement of trucks or similar heavy vehicles which are necessary to the operation of said use shall be on streets, roads or highways designated by the County or City as capable of carrying the loads imposed by such vehicles.
 - (3) Accumulation of trash, junk, or other-waste materials generated as part of such use shall be disposed of daily.
 - (4) The applicant shall demonstrate to the Board that satisfactory provisions have been made for fire protection, police protection, safety and site drainage.
 - (5) Upon termination of said use, the site shall be cleared of improvements and debris not conforming with "A-L" permitted uses, and the Board may require a bond guaranteeing the removal of said improvements.
 - (6) Approval of said temporary use may be granted for twelve (12) months. Upon conclusion of the twelve (12) month period, the Board may grant an extension, upon holding a public hearing, not to exceed twelve (12) additional months. Should the Board deny an extension of time, the operation shall cease and the site be cleared of improvements and debris within ninety (90) days from the time of termination.
- u. Waste disposal sites and sanitary landfills.

SECTION 3. INTENSITY OF USE. Tracts which are smaller than 40 acres may not be occupied by a dwelling unless the site is an existing farmstead or is non-farmable. In no case shall the tract be smaller than 5 acres.

SECTION 4. HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height, except as otherwise provided in Article XV.

SECTION 5. YARD REGULATIONS.

1. Front Yard:

- a. Front yards on arterial and collector streets and un-platted tracts on local streets shall conform with Article XX.
- b. There shall be a front yard having a depth of not less than thirty (30) feet from the established lot line as defined in Article II, except as required in (a.) above.
- c. Where lots have a double frontage, the required front yard shall be provided on both streets.
- d. Where a lot or tract is located at the intersections of two (2) or more streets or roads, there shall be a front yard on each street or road side of said lot or tract.
- e. No accessory building shall project beyond the principal building setback from front lot line.

2. Side Yard:

Except as otherwise provided in Paragraph 1 © and (d) above and in Article XV 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:

Except as otherwise required in Article XV thereof, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

SECTION 6. SIGN REGULATIONS. See Article XVIII

SECTION 7. PARKING REGULATIONS. See Article XVII.

SECTION 8. LANDSCAPING REGULATIONS. See Article XV.

ARTICLE VI

“F - P” FLOODPLAIN DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT: The “F — P” Floodplain District is intended for application in those areas of the community which have been defined as subject to inundation from surplus storm water as defined by the Flood Insurance Study and accompanying Floodway Map and any subsequent additions or amendments thereto, prepared for the City of Hesston, Kansas, by the Federal Insurance Administration. This zone is intended for application throughout the Hesston Zoning Jurisdiction in locations where official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainways.

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

SECTION 3. SPECIAL USE REGULATIONS: Notwithstanding the requirements of the parent district, the other requirements of this Zoning Ordinance, and the detailed regulations present in City Ordinance No. 010-1987-063 and any amendments thereto, the following regulations shall supplement the regulations of the parent district, of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm, or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed requirements of City Ordinance No. 010-1987-063 and any amendments thereto. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the City Clerk. The application shall be accompanied by explanatory background information as required by Ordinance No. 010-1987-063 and any amendments thereto, which shall include as a minimum:
 - a. Identification and description of the work to be covered by the permit.
 - b. Description of the land on which the proposed work is to be done by lot, block, tract, and house and street address or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indication of the use or occupancy for which the proposed work is intended.

- d. Provision of plans and specifications for proposed construction.
- e. Signature of the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- f. Provision of other information as reasonably may be required by the Building Inspector.

In areas within the Hesston Zoning Jurisdiction which are designated as “F - P” Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by Ordinance No. 010-1987-063 and any amendments thereto.

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

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

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

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

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

SECTION 9. LANDSCAPING REGULATIONS: The landscaping requirements of the parent district of which this district is made a part shall be the minimum requirements for landscaping.

ARTICLE VII RESIDENTIAL ZONED DISTRICTS

SECTION 1. INTENT. It is the intent of the Residential Zoning Districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development. (See Article IV for specific intent of each district)

SECTION 2. RESIDENTIAL ZONING DISTRICTS. The following Residential Zoning Districts are hereby created: R-S, Residential Suburban District, R-1, Single Family Dwelling District; R-2, Two Family Dwelling District; R-3, Multiple Family Dwelling District and R-4, Multiple Family Dwelling District.

SECTION 3. USE REGULATIONS. No building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than a use listed in the following Tables VII-1 or VII-2.

TABLE VII-1

X = Allowed

O = Not allowed in this zone

		<u>ZONING DISTRICTS</u>				
	<u>USE</u>	<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
1	Single Family Dwellings	X	X	X	X	X
2	Residential Design Manufactured Homes	X	X	X	X	X
3	Two Family Dwellings	O	O	X	X	X
4	Three-Four Family Dwellings	O	O	O	X	X
5	Multiple Family Dwellings	O	O	O	X	X
6	Boarding - Lodging Houses	O	O	O	X	X
7	Housing for the Elderly	O	O	O	X	X
8	Fraternities - Sororities	O	O	O	X	X
9	Nursing - Rest Homes	O	O	O	X	X
10	Child Care Center	X	X	X	X	X
11	Group Homes	X	X	X	X	X
12	Home Occupation	X	X	X	X	X
13	Accessory Uses or Structures	X	X	X	X	X
14	Sleeping Rooms	O	X-(2)	X-(3)	X	X
15	Public Parks and Recreation Areas	X	X	X	X	X
16	Golf Courses(4)	X	X	X	X	X
17	Animal Husbandry	X-(5)	O	O	O	O

(1) See Special Use Permits under Table VII-2.

(2) No kitchen facilities and not to exceed three (3) persons.

(3) No kitchen facilities and not to exceed two (2) persons.

(4) Excluding miniature and pitch and putt golf courses and commercially operated golf driving ranges.

(5) See special conditions in Article XV.

TABLE VII-2

The following uses, where so indicated, may be allowed when authorized by the Board of Zoning Appeals. (See Article XXI)

X = Allowed with Board approval

O = Not allowed in this zone

		<u>ZONING DISTRICTS</u>				
<u>USE</u>		<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
1 Any public building or land uses by any department of the City, County, State, or Federal Govt.		X	X	X	X	X
2 Barber-Beauty Shops (1)		O	O	O	X	X
3 Bed & Breakfast Establishments		O	O	X	X	X
4 Cemeteries and crematories		X	X	X	X	X
5 Churches and similar places of worship		X	X	X	X	X
6 Dormitories		O	O	O	X	X
7 Fraternal Organizations-Lodges		O	O	O	O	X
8 Public-Private Schools-Elementary through High School		X	X	X	X	X
9 Telephone Exchanges, Electric Sub-stations, similar public utilities		X	X	X	X	X
10 University, College, Junior College & professional educational centers		O	O	O	O	X

(1) When located within a dwelling unit and operated by a member or members of said dwelling unit and providing that said use does not exceed twenty-five (25) percent of the floor area of the floor on which it is located.

(2) Allowed outright in this zone. (See Table VII-1)

SECTION 4. **INTENSITY OF USE.** Every dwelling structure erected, enlarged, relocated, or reconstructed shall be upon lots or tracts containing the following minimum areas in square feet per dwelling unit.

TABLE VII-3

		<u>ZONING DISTRICTS</u>				
<u>USE</u>		<u>R-S</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
1 Single Family Dwelling	5 ac. (1)	6,000	5,000	5,000	5,000	5,000
2 Two Family Dwelling		NA	NA	2,500	2500(1)	2,500(1)
3 Three Family Dwelling		NA	NA	NA	2500(1)	1,000(1)
4 Four Family Dwelling		NA	NA	NA	2500(1)	1,000(1)
5 Multiple Family Dwelling		NA	NA	NA	2000(1)	1,000(1)

(1) Lot Area Per Dwelling Unit

ADDITIONAL REQUIREMENTS

- A. Maximum lot coverage by principal buildings not to exceed 40%.
- B. Where a lot has less area than required in Table VII-3 and was in existence as a separate lot prior to the adoption date of this ordinance, such lot may be used only for single family purposes or other allowable non-residential uses.

SECTION 5. HEIGHT REGULATIONS. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except as authorized by Article XV.

SECTION 6. YARD REGULATIONS. Minimum front, side and rear yards shall conform with the following table.

TABLE VII-4

<u>DISTRICT</u>	<u>FRONT(1)</u>	<u>SIDE</u>	<u>REAR(2)</u>
R-S	30'	8'	30'
R-1	25'	8'	25'
R-2	25'	8'	25'
R-3	25'	8'	25'
R-4	25'	5' - 1 & 2 STORIES; 8' - Over Two Stories	25'

- 1. Front yards on arterial or collector streets shall comply with Article XX
- 2. Or 20% of the depth of the lot whichever is less.
- 3. Structures over 35' in height shall provide an additional foot of yard for every two (2) feet of height above 35'.

SECTION 7. LOCATION OF ACCESSORY USES AND STRUCTURES. No accessory use or structure shall be placed closer to the front lot lines than the principal structure.

SECTION 8. SIGN REGULATIONS. See Article XVIII

SECTION 9. PARKING REGULATIONS. See Article XVII

SECTION 10. ATTACHED SINGLE FAMILY, TOWNHOUSE, CONDOMINIUMS, ZERO LOT LINE. See Article XV

SECTION 11. SUPPLEMENTARY REGULATIONS. See Article XV for additional Regulations which may apply.

ARTICLE VIII COMMERCIAL ZONED DISTRICTS

SECTION 1. INTENT. It is the intent of the Commercial Districts to provide for areas of compatible commercial and service businesses. (See Article IV for specific intent of each district.)

SECTION 2. COMMERCIAL ZONING DISTRICTS. The following Commercial Zoning Districts are hereby created: C-S Highway Service District; C- 1, Neighborhood

Business District; C-2, General Commercial District; and C-3, Central Business District.

SECTION 3. USE REGULATIONS. No building or land shall be used, and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses indicated in the following Tables VIII-1 or VIII-2.

TABLE VIII-1

X = Allowed outright

C = Allowed with conditions specified

O = Not allowed in this zone

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
1. Air Conditioning, Heating, Plumbing, Electrical Contractor	O	O	X	X
2. Alteration, Garment Repair	O	O	X	X
3. Ambulance Service	O	O	X	X
4. Amusement Places - Indoor	O	O	X	X
5. Animal Hospitals	O	O	C-1	C-1
6. Antique Sales	O	O	X	X
7. Appliances - Retail	O	O	X	X
9. Artists, Authors, Composers - Studios & Galleries	O	X	X	X
10. Auditoriums	O	O	X	X
11. Automobile - Truck Rental	O	O	X	X
12. Automobile Parking	O	O	X	X
13. Automobile Parts & Supplies	O	O	X	X
14. Automobile - Other Motor Vehicles - Retail	O	O	X	X
15. Automobile Wash Services	X	O	X	X
16. Bait Shops	O	O	X	X
17. Bakery - Pastry Shops	O	O	X	O
18. Banks and Other Financial Institutions	O	O	X	X
19. Barber	O	X	X	X
20. Bed & Breakfast Establishments	X	O	X	X
21. Bicycle Shops	X	X	X	X
22.a Blueprinting - Photocopying	O	O	X	X
22.b Boat Rentals	O	O	X	X

X = Allowed outright
C = Allowed with conditions specified
O = Not allowed in this zone

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
23. Book-Magazine-Stationary Stores	X	O	X	X
24. Bottled Gas - Retail	X	O	X	X
26. Bowling Alleys	O	O	X	X
27. Building Materials - Retail	O	O	X	X
28. Business-Special Training Schools	O	O	X	X
29. Camera-Photographic Supplies	O	O	X	X
31. Candy-Nut-Ice Cream Stores	O	X	X	X
32. Carpet-Rug Cleaning-Repair	O	O	X	O
33. Carpet-Retail	O	O	X	X
34. China-Glassware-Metalware	O	O	X	X
35. Chiropractor-Optometrist-Similar	X	X	X	X
36. Churches-Similar Places of Worship	X	X	X	X
37. Cigar-Cigarette Shops	O	O	X	X
38. Clock-Watch-Jewelry Sales and Repair	O	X	X	X
39. Clothing-Costume Rental	O	O	X	X
40. Construction Equipment Sales	O	O	X	O
41. Convenience Stores	X	X	X	X
42. Curtain-Draper-Upholstery Materials Retail	O	O	X	X
43. Dairy Products - Retail	O	O	X	X
44. Day Care Centers-Nursery Schools	O	X	X	X
45. Dental Offices - Clinics	O	X	X	X
46. Department Stores	O	O	X	X
47. Diaper Service	O	O	X	X
48. Discount-Variety Stores	O	O	X	X
49. Drug Stores	O	X	X	X
50. Dry-Cleaning Pick-Up Stations	O	X	X	X
51. Dry Cleaning-Laundering-Self Service	O	X	X	X
52. Dry Cleaners-Laundries	O	O	X	X
53. Dry Goods-General Merchandise	O	O	X	X
54. Dwelling, Multiple Family	O	O	C-2	C-2
55. Electrical Appliance Stores	O	O	X	X
56. Electrical Supplies - Retail	O	O	X	X
57. Electric-Telephone-Substations	O	O	X	X
58. Electrotyping-Stereotyping	O	O	X	O
59. Equipment Rental-Leasing	O	O	X	X
60. Exhibition Halls	O	O	X	X
61. Fabric-Yard Goods	O	O	X	X
62. Fairgrounds	O	O	X	O
63. Farm Machinery	O	O	X	X
64. Farm Supplies	O	O	X	X
65. Feed-Grain-Hay-Retail	O	O	X	X

X = Allowed outright
C = Allowed with conditions specified
O = Not allowed in this zone

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
66. Field House	O	O	X	X
67. Floor Coverings - Retail	O	O	X	X
68. Florist	O	X	X	X
69. Food Catering Service	O	O	X	X
70. Food Lockers - Storage	O	O	X	X
71. Fraternal-Civic-Social Organizations	O	O	X	X
72. Fruits-Vegetables-Sales	O	X	X	X
73. Funeral-Crematory Services	O	O	X	X
74. Furniture Repair-Upholstering	O	O	X	X
75. Furniture Retail	O	O	X	X
76. Furriers	O	O	X	X
77. Garages-Private	O	O	X	X
78. Garden Supplies-Nurseries	X	X	X	X
79. General Store	O	X	X	X
80. Gifts-Novelties-Souvenirs	O	X	X	X
81. Glass-Paint-Wallpaper - Retail	O	O	X	X
82. Governmental Offices-Uses	O	X	X	X
83. Greenhouse - Nurseries	X	X	X	X
84. Groceries	O	X	X	X
85. Gymnasium-Athletic Clubs	O	O	X	X
86. Hardware - Retail	O	O	X	X
87. Health and Exercise Spas	O	O	X	X
88. Hearing Aids-Optical Goods-Similar Uses	O	O	X	X
89. Heating-Plumbing Equipment	O	O	X	X
90. Hobby-Stamps-Coin Shops	O	X	X	X
91. Hospitals	O	X	X	X
92. Hotels-Motels-Tourist Camps	X	O	X	X
93. Ice Cream Stores	O	X	X	X
94. Interior Decorating Shops	O	O	X	X
95. Jewelry	O	O	X	X
96. Libraries	O	X	X	X
97. Locker Plants	O	O	X	X
98. Locksmith Services	O	X	X	X
99. Lumber Yards	O	O	X	X
100. Mail Order House	O	O	X	X
101. Meat Market	O	X	X	X
102. Medical-Dental Offices, Clinics, Laboratories	O	X	X	X
103. Message Service	O	O	X	X
104. Miniature Golf	O	O	X	O
105. Manufactured Home Sales	O	O	X	O
106. Monument Sales	O	O	X	O
107. Motels	X	O	X	X

X = Allowed outright
C = Allowed with conditions specified
O = Not allowed in this zone

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
108. Motion Picture Studios-Distribution Centers	O	O	X	X
109. Motor Vehicle Repair	O	C-3	C-3	C-3
110. Museums	O	O	X	X
111. Musical Instruments-Supplies	O	O	X	X
112. Newspaper Publishing-Printing	O	X	X	X
113. News Syndicate Service	O	O	X	X
114. Office Equipment-Sales & Repair	O	O	X	X
115. Offices-Professional-Business-Industrial-Religious Public	O	O	X	X
116. Outdoor Advertising Services	O	O	X	X
117. Parking Lots-Rental Spaces	O	O	X	X
118. Pawn Shops	O	O	X	X
119. Pet Shops-Grooming	O	O	X	X
120. Pharmacy	O	X	X	X
121. Photographic Studios	O	O	X	X
122. Printing-Commercial	O	O	X	X
123. Private Clubs	C-4	O	X	X
124. Public Parks-Recreation Areas	X	X	X	X
125. Radio Broadcasting Studios	O	O	X	X
126. Radio-Television-Similar Sales-Repairs	O	O	X	X
127. Railroad Passenger Terminals	O	O	X	X
128. Recreation Centers-Uses Commercial	O	O	X	X
129. Recreational Vehicles-Trailer-Equipment Sales	O	O	X	X
130. Research-Development-Testing	O	O	X	X
131. Restaurants	X	C-6	X	X
132. Schools-Business-Technical-Trade Vocational	O	O	X	X
133. Secondhand Merchandise	O	O	X	X
134. Service Station	C-7	O	X	X
135. Shoe Sales-Repair-Shining	O	O	X	X
136. Skating Rinks	O	O	X	X
137. Sporting Goods - Retail	O	O	X	X
138. Stadiums	O	O	X	X
139. Stenographic-Duplicating-Mailing Services	O	O	X	X
140. Tailoring Service	O	X	X	X
141. Taverns	O	O	O	X
142. Taxicab Dispatch Station	O	O	X	X
143. Taxicab Garage-Maintenance	O	O	X	X
144. Telephone Exchange Station	O	O	X	X
145. Television Broadcasting Studios	O	O	X	X
146. Tennis Clubs	O	O	X	X

X = Allowed outright
C = Allowed with conditions specified
O = Not allowed in this zone

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
147. Theaters-Indoor	O	O	X	X
148. Universities-College and Junior College	O	O	X	X
149. Upholstery Shops	O	O	X	X
150. Vending Machine Operators	O	O	X	X
151. Veterinarian Services	O	O	X	X
152. Window Cleaning Services	O	O	X	X
153. Zoo	O	O	X	O

CONDITIONS OF USE

1. Providing all services, runs and pens are within an enclosed building.
2. On other than the ground floor.
3. Provided all work shall be performed within a building.
4. Within a motel or restaurant.
5. When located within a shopping center.
6. Excluding drive-ins.
7. Light service work only.

TABLE VIII-2

The following uses, where so indicated, may be allowed when authorized by the Board of Zoning Appeals. (See Article XXI)

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
1. Arenas	O	O	X	O
2. Bowling Alleys	X	O	X	O
3. Carpenter and Cabinet Shops employing 5 or less persons	O	O	O	X
4. Disinfecting and Exterminating Services	O	O	X	X
5. Go-Cart Tracks	O	O	X	O
6. Golf Driving Ranges	O	O	X	O
7. Heliports when located at a Hospital or Other Medical Facility	O	X	X	X
8. Industrial Laundry and Linen Supply Services	O	X	X	X
9. Kennels-Boarding & Breeding	O	O	X	O

<u>USE</u>	<u>C-S</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
10. Landscaping Services-Lawn Care Service	O	X	X	O
11. Magazine, Books, Newspaper Distributing-Wholesale	O	O	X	O
12. Motor Vehicle Body Shop, provided all work shall be performed and all materials shall be stored within an enclosed building; and provided that all operable or inoperable vehicles determined by the Zoning Administrator to be a visual blight shall be screened from public view and access by a fence at least six (6) feet in height and having a visual density as determined by the Board of Zoning Appeals.	O	O	X	X
13. Motor Vehicle Body Shop as above and having the additional right to salvage a maximum of four (4) wrecked, scrapped or inoperable motor vehicles on the premises for sale or reuse.	O	O	X	X
14. Painting-Wallpaper Hanging Service	O	O	X	X
15. Race Track and Courses - Vehicle and Animal	O	X	X	O
16. Radio or Television Transmitting Station or Towers	X	X	X	X
17. Storage or Warehousing, except for products of a highly explosive, combustible or volatile nature	O	O	X	X
18. Telephone Exchanges, Electrical Substations Cable T.V., or similar Public Utility Uses	O	X	X	X
19. Theaters-Outdoor	O	X	X	O
20. Truck Wash Services	X	O	X	O
21. Wholesale Establishment	O	O	X	X

SECTION 4. INTENSITY OF USE.

1. No new commercial zone shall be created unless such tract is an extension of an adjacent zone of the same type or contains at least 10,000 square feet of area.
2. Structures shall not cover more than 40% of the lot area in the C-S OR C-1 zoning districts or more than 50% of the lot area in the C-2 zoning district. Structures may cover 100% of the lot in a C-3 zoning district.

SECTION 5. HEIGHT REGULATIONS. Except as otherwise provided in Article XV no building or structure shall exceed forty (40) feet in height in the C-S or C-1 zoning districts nor more than seventy-five (75) feet in the C-2 or C-3 zoning districts.

SECTION 6. YARD REGULATIONS. Front, side, and rear yards shall comply with Table V 111-3.

TABLE VIII-3

<u>DISTRICT</u>	<u>FRONT YARD (1)</u>	<u>SIDE YARD</u>	<u>REAR YARD (2)</u>
C-S or C-1	25'	5-1 or 2 stories 8'-3 stories	The lesser of 15' or 20% of depth of lot.
C-2	0	0(3)	The lessor of 25' or 20% of depth of lot. If abutting other than a commercial zone
C-3	0	0(3)	

1. Front yards adjacent to Arterial or Collector streets shall comply with Article XX.
2. There shall be a 30' rear yard for 3 stories or more in all zones except the C-3 zoning district.
3. There shall be a 5' side yard for any side yard which abuts other than a commercial or industrial zone except in the C-3 zoning district.

SECTION 7. USE LIMITATIONS.

1. C-S, C-1 zoning districts: All business, storage, service of goods shall be located completely within an enclosed structure.
2. C-2, C-3 zoning districts: all outdoor storage shall be screened from public view by at least 90% density screening, unless such goods are for resale to the public.
4. All commercial zones:
 - (1) Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, may be located not less than twelve (12) feet from any property line if at least forty (40) feet from the center of any street.
 - (2) Exterior lighting shall be shaded to minimize direct light on any residential property and to reduce glare visible to traffic on public streets.

SECTION 8. SIGN REGULATIONS. See Article XVIII.

SECTION 9. PARKING REGULATIONS. See Article XVII.

SECTION 10. OFF-STREET LOADING AND UNLOADING REGULATIONS. See Article XIX.

SECTION 11. SUPPLEMENTARY REGULATIONS. See Article XV for additional regulations which may apply.

ARTICLE IX INDUSTRIAL ZONED DISTRICTS

SECTION 1. INTENT. It is the intent of the Industrial Zones to provide for areas of both light and heavy industrial uses and for other compatible uses. (See Article IV for the specified intent of each industrial zone)

SECTION 2. INDUSTRIAL ZONING DISTRICTS. The following Industrial Zoning Districts are hereby created: I-1, Light Industrial District; I-2, Heavy Industrial District.

SECTION 3. USE REGULATIONS. No building or land shall be used and no building or structure altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses indicated in the following Table IX- 1.

TABLE IX-1

<u>USE</u>	<u>I-1</u>	<u>I-2</u>
1. Air Conditioning - Heating - Plumbing Contractors	X	X
2. Aircraft & Accessories	X	X
3. Aircraft Storage & Equipment Maintenance	O	X
4. Airport Freight Terminals	X	X
5. Airport Passenger Terminal	X	X
6. Animal Hospitals	X	X
7. Armature Rewinding	X	X
8. Auction Sales, Excluding Livestock	X	X
9. Automobile & Truck Rental	X	X
10. Automobile Sales, Excluding Livestock	X	X
11. Automobile & Other Motor Vehicles - Retail	X	X
12. Automobile Wash Service	X	X
13. Blacksmith & Welding	X	X
14. Book Binding	X	X
15. Bottled Gas - Retail	X	X
16. Bottling - Canning - Soft Drinks	X	X
17. Building Construction Contracting	X	X
18. Building Materials-Retail	X	X
19. Cable TV Maintenance Yard	X	X
20. Carpentry Services	X	X
21. Carpet-Rug Cleaning-Repair	X	X
22. Coal Mining Services	X	X
23. Composting Plants	O	X
24. Construction Equipment	X	X
25. Diaper Service	X	X
26. Disinfecting - Exterminating	X	X
27. Dry Cleaners - Laundries	X	X
28. Dyeing & Furnishing of Textiles	X	X
29. Educational - Scientific - Research Centers	X	X
30. Electrical Contractor Service	X	X

<u>USE</u>	<u>I-1</u>	<u>I-2</u>
31. Electrical Repair Service	X	X
32. Electrical Utility Maintenance Yard	X	X
33. Electric Generator Plants	O	X
34. Electric - Telephone Substations	X	X
35. Equipment Rental Leasing	X	X
36. Farm Machinery-Equipment	X	X
37. Farm Supplies	X	X
38. Feed-Grain-Hay-Retail	X	X
39. Food Lockers - Storage	X	X
40. Foundries	O	X
41. Freight Forwarding Services	X	X
42. Fuel (Except Bottled Gas)	X	X
43. Fuel Oil	X	X
44. Furniture Repair - Upholstering	X	X
45. Fur Repair - Storage	X	X
46. Gas & Petroleum Drilling	O	X
47. Gas & Petroleum Field Service	O	X
48. Gas Pressure Control Plants	O	X
49. Gas Production Plants	O	X
50. Gas Storage & Distribution Points	O	X
51. Gas Utility Maintenance Yard	X	X
52. Greenhouse - Nurseries	X	X
53. Harvesting Services	X	X
54. Industrial Laundry -Linen Supplies	X	X
55. Kennels	X	X
56. Labor Unions & Similar Labor Organizations	X	X
57. Landscape Contracting Services	X	X
58. Landscape Nursery & Garden Supplies	X	X
59. Lawn Care Services	X	X
60. Light Manufacturing	X	X
61. Locker Plants	X	X
62. Lumber Yards	X	X
63. Machine Shop	X	X
64. Mail Order House	X	X
65. Manufactured Housing - Retail	X	X
66. Manufacturing - Fabrication of Non-Noxious Products	O	X
67. Masonry - Stonework - Tile	X	X
68. Meat Packing Plant	O	X
69. Military Administration Command Center	X	X
70. Military Administration Communication	X	X
71. Military Defense Installations	X	X
72. Military Training Bases	O	X
73. Millwork	X	X
74. Manufactured Home - Sales	O	X
75. Monuments	X	X

<u>USE</u>	<u>I-1</u>	<u>I-2</u>
76. Motion Picture Production Studio	X	X
77. Motor Freight Terminals	X	X
78. Motor Vehicle Body Shop	C(1)	(2)
79. Motor Vehicle Repair Service	C(1)	C(2)
80. Motor Vehicle Storage Yard	O	C(3)
81. Newspaper - Publishing - Printing	X	X
82. Outdoor Advertising Services	X	X
83. Packing - Crating Service	X	X
84. Painting - Wallpaper Hanging Services	X	X
85. Pattern Shop	X	X
86. Petroleum Refining	O	X
87. Photoengraving	X	X
88. Photo Finishing Services	X	X
89. Planing Mills - Saw Mills	O	X
90. Plumbing - Heating - Equipment	X	X
91. Postal Service	X	X
92. Poultry - Small Game Dressing	O	X
93. Printing - Commercial	X	X
94. Private Clubs, Non-Profit	X	O
95. Radio - Television - Similar Repair	X	X
96. Railroad Equipment Yards	O	X
97. Railroad Freight Terminals	O	X
98. Railroad Passenger Terminals	X	X
99. Railroad Switching Yards	O	X
100. Restaurants	X	X
101. Road Maintenance Yards	X	X
102. Roofing - Sheet Metal Contractors	X	X
103. Schools - Vocational	X	X
104. Service Stations	X	X
105. Sewage Treatment Facilities	O	X
106. Taxicab Garage - Maintenance	X	X
107. Telephone Exchange Station	X	X
108. Telephone Maintenance Yards	X	X
109. Television Broadcasting Studios	X	X
110. Truck Wash Service	X	X
111. Vending Machine Operators	X	X
112. Veterinarian Services	X	X
113. Warehouse Storage	X	X
114. Water Storage Towers	O	X
115. Water Treatment Plants	X	X
116. Water Utility Yards	X	X
117. Water Well Drilling Services	X	X
118. Wholesale Establishments	X	X

CONDITIONS OF USE

1. Provided that all work shall be performed and all materials shall be stored in an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Zoning Administrator to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than fifty (50) percent.
2. Provided that all outdoor storage of materials and motor vehicles determined by the Zoning Administrator to be a safety hazard or visual blight shall be screened from public view and access from adjacent arterial streets and all zoning districts other than industrial districts by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than fifty (50) percent.
3. Provided that all vehicles determined by the Zoning Administrator to be a safety hazard or visual blight shall be screened from public view, and access from adjacent arterial streets and all zoning districts other than industrial districts by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than fifty (50) percent.

The following uses, where so indicated, may be allowed when authorized by the Board of Zoning Appeals. (See Article XXI).

TABLE IX-2

<u>USE</u>	<u>I-1</u>	<u>1-2</u>
1. Agricultural Chemicals - Manufacturing	O	X
2. Aircraft Storage & Equipment Maintenance	X	O
3. Airports & Flying Fields	X	X
4. Animal Fats & Oils Including Grease & Tallow Rendering	O	X
5. Bulk Petroleum Storage - Wholesale	X	X
6. Cement Manufacturing	O	X
7. Electric Generation Plants	X	O
8. Explosives Manufacturing	O	X
9. Feedlots - subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the feedlot.)		
<u>Operation:</u>		
(1) Manure shall be removed or disposed of in one of the following manners:		
(a) Spraying or spreading on land followed by discing or plowing.		
(b) Grinding or dehydrating in properly designed dehydrators.		
(c) Stockpiling in a compost plant in an isolated area in such a manner as to not create a water pollution problem.		

USE**I-1****I-2**

(2) Insect and rodent control:

- (a) Removal of manure and disposal as outlined above.
- (b) Use chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.

Drainage:

(1) All ground surfaces within pens shall be so graded and compacted to ensure positive drainage.

(2) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed or create water pollution

O X

10. Gravel & Sand Quarrying

X X

11. Heliport Pads

O X

12. Industrial Waste Disposal

X X

13. Liquid Petroleum Gas - Wholesale

X X

14. Livestock - Wholesale

O X

15. Manufacturing, fabrication or processing operations not elsewhere listed, which may be noxious or offensive by reason of vibration, noise, dust, fumes gas, odor, or smoke.

O X

16. Motor Vehicle Body Shops as provided in item 78 and having the additional right to salvage a maximum of four (4) wrecked, scrapped, or inoperable motor vehicles for parts for sale or reuse

X X

17. Motor Vehicle Storage Yard providing all operable or inoperable motor vehicles determined by the Zoning Administrator to be a safety hazard or visual blight shall be screened from public view and access as determined by the Board of Zoning Appeals

X X

18. Prisons

O X

19. Radio Transmitting Stations & Towers

O X

20. Recycling Center

O X

21. Refuse Incineration

O X

22. Roller Skating Rinks

X O

23. Salvage Yards, subject to the following:

O X

(1) Located on a tract of land at least one hundred (100) feet from a residential district zone.

(2) The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a fence or wall at least six and one-half (6 ½) feet high. The fence or wall, having a visual density of at least ninety (90) percent shall be of uniform height, uniform texture and color, and shall be maintained by the proprietor as to insure maximum safety to the public and obscure the junk from normal view of the public. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.

(3) No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.		
(4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted shall be done only during daylight hours.		
(5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.		
(6) Said use shall not be located on or visible from an arterial or major street or highway.		
24. Sanitary Landfill	O	X
25. Sewage Treatment Facilities	X	X
26. Solid Waste Transfer Station	X	X
27. Stockyards	O	X
28. Mineral Quarrying	X	X
29. Telephone Relay Towers	X	X
30. Television Transmitting Towers	X	X
31. Warehousing & Storage of products of a highly explosive, combustible or volatile nature.	O	X
32. Water Storage Towers	X	X
33. Wholesale Establishments which handle products of a highly explosive, combustible or volatile nature.	O	X

SECTION 4. INTENSITY OF USE.

1. A building, structure, or use, allowed in these districts, may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads subject to the requirements of Section 6 and Article XVII and XIX.
2. 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 in Section 6 below and Article XX.

SECTION 5. HEIGHT REGULATIONS.

1. When a building or structure is within one hundred fifty (150) feet of a Residential Zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a Residential Zone, said building or structure shall not exceed seventy-five (75) feet in an I-1, Light Industrial Zone nor more than one hundred fifty (150) feet in an I-2, Heavy Industrial Zone.

SECTION 6. YARD REGULATIONS.

1. Front Yards. There shall be a front yard having a depth of not less than thirty (30) feet, measured from the lot line, for all lots fronting on local streets. Lots fronting on Arterial or Collector streets shall comply with Article XX.
2. Side Yards. No side yard shall be required except where a use adjoins a residential or Manufactured Home District, in which case there shall be a fifteen (15) foot side yard.
3. Rear Yards. When the rear lot line adjoins an area which is not zoned for commercial or industrial use, except as otherwise provided in Article XV there shall be a rear yard for buildings as follows:
 - a. One and two story buildings shall have a rear yard of twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.
 - b. Three story or more buildings shall have a rear yard of not less than thirty (30) feet.

SECTION 7. SIGN REGULATIONS. See Article XVIII.

SECTION 8. PARKING REGULATIONS. See Article XVII.

SECTION 9. LOADING AND UNLOADING REGULATIONS. See Article XIX.

SECTION 10. SCREENING REQUIREMENTS. See Article XV.

SECTION 11. LANDSCAPING REQUIREMENTS. See Article XV.

SECTION 12. USE LIMITATIONS.

1. No retail sales or service shall be permitted except when incidental or accessory to a permitted use or except when specifically permitted in Section 3 of this Article.
2. No building shall be used for residential purposes, except a watchman may reside on the premises.
3. In the I-1, Light Industrial District, storage may be maintained outside provided the view of non-retail storage areas is screened from streets and residential areas by a solid or semi-solid fence, wall or landscape screen six (6) feet in height and having a visual density of at least ninety (90) percent.
4. Where the industrial district adjoins residential by zoned areas of neighborhood development, noise generated by industrial operations shall be abated so as to avoid nuisance conditions in the adjoining neighborhood.

ARTICLE X
M-P MANUFACTURED HOME PARK DISTRICT

SECTION 1. INTENT. The intent of this district is to provide for low density manufactured home park developments which are compatible with the character of the surrounding neighborhood in which they are located. Manufactured home parks are considered as residential uses and should be located in areas where services and amenities are available such as those found in conventional residential areas.

SECTION 2. USE REGULATIONS. In District M-P, no building shall be used and no building shall be altered, enlarged or erected, which is arranged, intended or designed for other than one of the uses listed below:

1. Manufactured homes.
2. Home occupations.
3. Public park and recreation areas.
4. Accessory uses and structures.
5. One single family dwelling for use of the manufactured home park operator, provided that the dwelling meets all lot area and setback requirements as if it were in an R-2, Single Family Dwelling District.
6. The following exceptions may be allowed by special use permit when submitted, reviewed and approved in conformance with Article XXI.
 - a. Any public building or land used by any department of the City, County, State, or Federal government.
 - b. Churches, synagogues and other similar places of worship.
 - c. Telephone exchange, electric substations, cable T.V., or other similar utilities.
 - d. Public or private schools, elementary, junior high, and high schools.

SECTION 3. GENERAL REQUIREMENTS.

1. The tract to be used for a manufactured home park shall not be less than five (5) acres, unless it is an extension of an existing manufactured home park.
2. Manufactured homes shall be placed on leased spaces and not permitted to be placed on permanent foundations.
3. Construction shall commence within a period of one (1) year following the approval of the Governing Body of the final plan and shall be completed within a period of two (2) years. If construction is not completed within two (2) years, the applicant may request an extension from the governing body.

SECTION 4. SPECIFIC REQUIREMENTS.

1. **WATER.** All manufactured home parks shall be connected to a public water supply where it is available. The individual water service connections shall be provided at each manufactured home space and the size, location and installation shall be in accordance with the applicable plumbing code.
2. **SEWAGE DISPOSAL.** All manufactured home parks shall be connected to a public sewage disposal system where available. The individual sewage connections shall be provided at each manufactured home space and the size, location and installation shall be in accordance with the applicable plumbing code.
3. **COMMUNITY BUILDINGS AND GROUNDS.** All community buildings and grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition menacing the health of any occupant or the public or constituting a nuisance.
4. **UTILITIES.** Electric, telephone and cable television service lines shall be installed underground and shall be in accordance with City and County codes and utility company specifications.
5. **REFUSE AND GARBAGE.** The park operator shall insure that the storage, collection, and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers in racks designed so as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them. Refuse and garbage shall be removed from the park at least once a week.
6. **BLOCKING.** All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home and this blocking shall provide sixteen (16) inches by sixteen (16) inches bearing upon the stand.
7. **TIE DOWNS AND GROUND ANCHORS.** All manufactured homes shall be secured to the ground by tie downs and ground anchors in accordance with the Manufactured Home and Recreation Vehicle Code K.S.A. 75-1211 to 75-1234.
8. **SKIRTING.** Each manufactured home shall be provided with skirting on all sides and such material shall be harmonious with the manufactured home.

SECTION 5. APPLICATION FOR PRELIMINARY APPROVAL. An applicant for a M-P, Manufactured Home Park District, shall prepare a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1"=100', and twenty (20) copies of said plan shall be submitted to the Planning Commission for their review and recommendation. Said plan shall be designed in accordance with Section 3, General Requirements, and Section 4, Specific Requirements, shall have contours at two (2) foot intervals and shall conform with the following requirements:

1. The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
2. The park shall have a maximum density of eight (8) manufactured homes per gross acre and space shall be provided for each manufactured home consisting of a minimum of three thousand six hundred (3,600) square feet.
3. Each manufactured space shall be at least forty (40) feet wide and clearly defined.
4. Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall be not less than fifteen feet. No manufactured home shall be located closer than twenty-five (25) feet from any building within the park or from any property line bounding the park.
5. All manufactured home spaces shall front upon a private roadway of not less than twenty-seven (27) feet in width, which shall have unobstructed access to a public street. Thirty (30) feet of private roadway shall be required where parking is allowed in the roadway.
6. Walkways not less than thirty (30) inches wide shall be provided from the manufactured home spaces to service, community buildings, or storm shelters.
7. All roadways and walkways within the manufactured home park shall be surfaced with asphalt, concrete or asphaltic concrete and adequately lighted at night with electric lamps.
8. Paved off roadway parking shall be provided at the rate of two (2) spaces for each manufactured home space.
9. A community building may be provided which may include recreation facilities, laundry facilities, and other similar uses.
10. A recreational area shall be provided at a central location in the manufactured home park at the rate of two hundred (200) square feet for each manufactured home space but in no event shall an individual recreational area be less than five thousand (5,000) square feet.
11. A centrally located storm shelter shall be provided within the park. Such storm shelters shall be located underground unless engineered drawings are approved by the Building Official for above ground installations. Space within the shelter shall be provided at a rate to accommodate all occupants of the park.

12. A solid or semi-solid fence or wall and a ten (10) foot landscaped buffer area shall be provided between the manufactured home park and any adjoining residential zoning district. Said fence or wall shall not be less than four (4) feet high, no more than six (6) feet high and shall have a visual density of at least ninety (90) percent. The operator of the park shall be responsible for the maintenance of the fence or wall and the landscaped buffer area.
13. Each manufactured home space shall be provided with a paved patio or equivalent, other than parking space, of not less than two hundred (200) square feet. No open storage of any unsightly material shall be permitted within the manufactured home park.

SECTION 6. FINAL PLAN. Upon approval of the preliminary plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested by the Planning Commission. The final plan shall be reviewed by the Planning Commission and their recommendations shall be forwarded to the Governing Body for their review and approval. The final plan shall be filed and recorded with the Register of Deeds as if it were a Final Subdivision Plat.

SECTION 7. DEVIATION. Any substantial deviation, as determined by the Zoning Administrator, from the approved plan- shall constitute a violation of the zoning approval. Substantial changes in the plan must be resubmitted to the Planning Commission for their approval prior to any installation.

SECTION 8. UNUSED MANUFACTURED HOME PARK. Whenever a manufactured home park ceases to be used for such purposes for a period of two (2) years, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former district or to a more appropriate district.

SECTION 9. SIGN REGULATIONS. See Article XVIII.

SECTION 10. PARKING REGULATIONS. See Article XVII.

SECTION 11. LANDSCAPING REQUIREMENTS. See Article XV.

SECTION 12. VISIBLE LOT NUMBERS. All manufactured home lots shall be clearly numbered with a permanent marker placed at the front of the lot line or on the street side of the manufactured home. All such numbers shall follow a consecutive numbering system on the same roadway. All such numbers shall be clearly visible and at least two (2) inches in height. The numbering system will be designated on the Final Plat of the Manufactured Home park and approved by the Planning Commission. It shall be the Park Operators responsibility to ensure the numbering system is installed and maintained.

Existing Manufactured Homes: All Manufactured Home Parks in existence prior to the adoption of this regulation shall comply with the above numbering system within six months of the adoption of this regulation. The numbering system and location shall be submitted to and approved by the Zoning Administrator prior to erection of the markers.

ARTICLE XI
“M-S” MANUFACTURED HOME SUBDIVISION DISTRICT

SECTION 1. INTENT. The intent of this district is to provide low density manufactured home development which would be compatible with the character of the surrounding neighborhood. Individuals can purchase lots for the placement of manufactured homes on permanent foundations. Other types of support systems will not be permitted.

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

1. Churches, synagogues and other similar places of worship.
2. Home occupations.
3. Manufactured homes, single-family occupancy.
4. Public park and recreation areas.
5. Accessory uses and structures.
6. The following exceptions may be allowed by special use permit when submitted, reviewed and approved in conformance with Article XXI.
 - a. Any public building or land used by any department of the City, County, State or Federal government.
 - b. Telephone exchange, electric substations, cable TV or other similar utilities.

SECTION 3. INTENSITY OF USE. No manufactured home shall be placed on a lot having less than six thousand (6,000) square feet of lot area. The maximum lot coverage by the principal building shall be forty percent (40%).

SECTION 4. HEIGHT REGULATIONS. No building shall exceed thirty-five (35) feet in height except as otherwise provided in Article XV.

SECTION 5. YARD REGULATIONS.

1. Front Yard.
 - a. Front yards on arterial or collector streets shall conform with the provisions of Article XX.
 - b. In all cases not provided for in Article XX there shall be a front yard of not less than twenty-five (25) feet.

2. Side Yard.

Except as otherwise provided in Article XV there shall be a side yard on each side of a principal building of not less than eight (8) feet. Accessory structures that are at least ten (10) feet from the main building may be located within five (5) feet of a side property line.

3. Rear Yard.

Except as otherwise provided in Article XV there shall be a rear yard having a depth of not less than twenty (20) feet or twenty (20%) of the average depth of the lot, whichever amount is smaller.

SECTION 6. SIGN REGULATIONS. See Article XVIII.

SECTION 7. PARKING REGULATIONS. See Article XVII.

SECTION 8. LANDSCAPING REGULATIONS. See Article XV.

SECTION 9. USE LIMITATIONS. The following performance standards shall apply to all manufactured home lots:

1. Minimum Manufactured Home Size. Any manufactured home shall have a minimum width often (10) feet and contain a minimum of four hundred fifty (450) square feet.
2. Fences. Fencing on each lot shall comply with the Fence Regulations of the City of Hesston.
3. Skirting Each manufactured home shall be provided with skirting on all sides and shall be of a material harmonious to the manufactured home.
4. Permanent Foundation. Each manufactured home shall be sited on a permanent foundation.
5. Utilities. All utility connections shall be in conformance with City and County codes.
6. Tie Downs and Ground Anchors. All manufactured homes shall be secured to the foundation by tie downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code K.S.A. 75-1211 to 75-1234.
7. Area. The tract to be used for a manufactured home subdivision shall not be less than five (5) acres.
8. Platting. The area shall be platted in accordance with the Subdivision Regulations.

ARTICLE XII

“TT-P” TRAVEL TRAILER PARK DISTRICT

SECTION 1. INTENT. The intent of this district is to provide locations for campgrounds including travel trailers, pickup coaches, motor homes, camping trailers, camping tents and the accessory service buildings and facilities for such use.

SECTION 2. USE REGULATIONS. In District “TT-P”, no land shall be used for purposes other than a travel trailer park, and no building shall be altered, enlarged or erected, except those arranged, intended or designed for use as travel trailers, pick-up coaches, motor homes, camping trailers, camping tents and accessory service buildings and facilities for such use.

SECTION 3. GENERAL REQUIREMENTS.

- I. The tract to be used for a travel trailer park shall not be less than five (5) acres.
2. The applicant shall prepare and submit a schedule of construction, which shall provide for commencement of construction within a period of one (1) year following the approval of the Governing Body, and which shall provide that construction shall be completed within a period of two (2) years.
3. The applicant for a travel trailer park shall prepare or cause to be prepared a development plan and shall present twenty (20) copies of said plan for review by the Planning Commission and Governing Body. This plot plan shall show the proposed development which shall conform with the following requirements:
 - a. The travel trailer park shall be located on a well-drained site that is not subject to objectionable noise, smoke, odors, or other objectionable influences including unpredictable or sudden flooding. Exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing and eliminating dust.
 - b. Travel trailer parks shall have a maximum density of twenty (20) trailer spaces per acre. A minimum of one thousand two hundred fifty (1,250) square feet shall be provided for each trailer space.
 - c. Each travel trailer space shall be at least twenty (20) feet wide and fifty (50) feet deep and shall have a clearly defined or marked border.
 - d. Trailers shall be placed on each space so that there is at least a ten (10) foot clearance between trailers. No trailer or other structure shall be located closer than twenty (20) feet from any building within the park or from any property line surrounding the park, except where such property line is a public Street.

- e. All parks shall be provided with safe and convenient vehicular access to each trailer space. Surfacing and maintenance shall provide a smooth, hard and dense surface which should be well drained. Access to trailer spaces shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. Private roadways within the park should be of adequate width to accommodate anticipated traffic, and in any case shall meet the following requirement:

One-way, no parking	15 ft. width
One-way, parking on one side only	20 ft. width
Two-way, no parking	24 ft. width
Two-way, parking on one side only	27 ft. width
Two-way, parking on both sides	30 ft. width
- f. All roadways and walkways within the travel trailer park shall be hard-surfaced and adequately lighted at night with electric lamps.
- g. A recreation area shall be provided at a central location in the park. The size of such recreation area shall be no less than two hundred (200) square feet for each trailer space in the park.
- h. A solid or semi-solid fence, wall, or evergreen hedge six (6) feet in height and having a visual density of at least ninety (90) percent shall be installed and maintained by the owner when the district abuts a residential, manufactured home park, or manufactured home subdivision zoning district except that said fence, wall, or hedge shall be reduced to forty-two (42) inches in height when located in a front yard. A district shall not be considered as abutting if it is separated from the "TT-P" District by a street or alley right-of-way.
- i. One dwelling unit which may be a manufactured home may be permitted on the site for the park operator.
- j. Travel trailer spaces shall be rented by the day or week only, and the occupant of a travel trailer space shall remain in the same travel trailer park area no more than thirty (30) days.

SECTION 4. WATER SUPPLY. An accessible, adequate, safe and potable supply of water shall be provided in each travel trailer park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively. The appropriate Health Authority shall approve all private sources of water. The water supply shall be capable of supplying fifty (50) gallons per space per day for all spaces lacking individual water connections, and one hundred (100) gallons per space per day for all spaces provided with individual water connections. All water piping, fixtures and other plumbing equipment shall be constructed and maintained in accordance with applicable City of Hesston Plumbing Codes. Individual risers shall be protected against damage by the parking of trailers. The water system shall not be connected in any way to non-potable water and shall be protected against the hazards of backflow or back siphonage.

SECTION 5. SEWAGE SYSTEMS. An approved sewage system shall be provided within each Travel Trailer Park. Where a public sewage system is available, connection shall be made thereto. The appropriate Health Authority shall approve all private sewage systems. A sanitary disposal station shall be provided at the rate of one such station for every hundred (100) trailer spaces. The minimum sanitary disposal station shall have a trapped four (4) inch sewer riser pipe, shall be connected to the park sewage system, shall be surrounded at the inlet end by a concrete apron sloped to the drain, and shall be provided with a suitable hinged cover and a water outlet to permit periodic wash down of the immediate adjacent areas. Such stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any trailer or adjoining property by a distance of at least fifty (50) feet. All sewage systems of pipes, risers, vents, and other plumbing fixtures shall be constructed and maintained in accordance with applicable City of Hesston or Harvey County Plumbing Codes.

SECTION 6. ELECTRICAL DISTRIBUTION. Electrical wiring systems shall be installed in accordance with applicable City of Hesston or Harvey County Electrical Codes. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum of eight (8) feet of vertical clearance between any trailer and the overhead wiring.

SECTION 7. SERVICE BUILDINGS. A central service building containing the necessary toilet and other plumbing fixtures specified below shall be provided in travel trailer parks having camping spaces for units which do not have self-contained water and sewage systems. Such service buildings shall be conveniently located within a three hundred (300) foot radius of the spaces to be served.

No. of Spaces	Toilets		Urinals	Lavatories		Showers		Service Sink
	M	F	M	M	F	M	F	
1 to 15	1	1	1	1	1	1	1	1
16 to 30	1	2	1	2	2	1	1	1
31 to 45	2	2	1	3	3	1	1	1
46 to 60	2	3	2	3	3	2	2	1
61 to 80	3	4	2	4	4	2	2	1
81 to 100	3	4	2	4	4	3	3	1

For parks having more than one hundred (100) travel trailer spaces, there shall be provided:

One (1) additional toilet and lavatory for each sex for each additional forty (40) travel trailer spaces or fraction thereof and one (1) additional men's urinal for each additional one hundred (100) travel trailer spaces or fraction thereof.

Where a travel trailer park is designed for and exclusively limited to use by camping units with self-contained water and sewage systems, only the following minimum sanitary facilities shall be required: for each one hundred (100) trailer spaces or fractional part thereof, there shall be one (1) flush toilet, one (1) lavatory, and one (1) shower for each sex.

Other service and accessory uses may be established within the travel trailer park, but shall be limited to one (1) or more of the following: management offices and storage buildings; caretaker's residence; sanitary facilities; laundry facilities; recreation uses and store supplying essential goods or services, both for the exclusive use of the park occupants.

SECTION 8. REFUSE RECEPTACLES. The storage, collection and disposal of refuse in the travel trailer park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in fly-tight, watertight, rodent proof containers, which shall be located not more than one hundred fifty (150) feet from any trailer space. Containers shall be provided in sufficient number and capacity to store all refuse containers. Such container stands shall be designed so as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them. All refuse shall be collected at least twice weekly.

SECTION 9. OPEN FIRES. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property being used, and on neighboring properties. No open fire shall be permitted, except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

SECTION 10. PETS. No dogs, cats, or other domestic animals shall be permitted unrestricted freedom in a travel trailer park. Any kennels, pens or other facilities provided for such pets shall be maintained in a sanitary condition at all times.

SECTION 11. REGISTER OF OCCUPANTS. It shall be the duty of the park operator to keep a register containing a record of all trailer owners and occupants located within the park. The register shall contain the following information:

1. The name and address of each trailer owner or tenant.
2. The name and address of each owner of a motor vehicle.
3. The date of arrival and departure of each trailer.
4. The license tag number of each vehicle.

The park owner, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.

SECTION 12 SUPERVISION. The park operator, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the park operator for the violation of any provision of this article.

SECTION 13. SIGN REGULATIONS. See Article XVIII.

SECTION 14. LANDSCAPING REGULATIONS. See Article XV.

SECTION 15. UNUSED TRAVEL TRAILER PARKS. Whenever a property zoned "TTP" ceases to be used for such purposes for a period of two (2) years, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former district zoning or to any other appropriate zoning district.

ARTICLE XIII
“PUD” PLANNED UNIT DEVELOPMENT

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

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

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

SECTION 3. GENERAL PROVISIONS.

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

Residential.....	1 acres
Commercial.....	2 acres
Industrial	2 acres

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

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

SECTION 4. STANDARDS AND CONDITIONS FOR PLANNED UNIT DEVELOPMENT.

Upon recommendation of the Planning Commission the Governing Body may from time to time adopt general policies or specific rules and regulations for Planned Unit Developments and place said policies or rules and regulations of public record in the office of the Zoning Administrator; provided said policies and/or rules and regulations are not inconsistent with the adopted standards and conditions; and provided that no policies, rules or regulations shall be revised or added to, so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development plan has been filed.

2. A Planned Unit Development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site.
 - a. The applicant shall satisfy the Planning Commission and the Governing Body that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 18 months following approval of a final plan by the Governing Body, and a minimum of fifty percent (50%) of the total planned construction shall be completed within a period of three (3) years following such approval or the approval of the plan. The period of time established for the completion of the development may be modified from time to time by the Governing Body upon the showing of good cause by the developer.
 - b. The applicant may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which developments of each such unit must be commenced. In the case of residential Planned Unit Developments, the Governing Body may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
 - c. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the Planning Commission and approved by the Governing Body, to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

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

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

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

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

SECTION 5. APPLICATION FOR APPROVAL OF PRELIMINARY PLAN.

1. An application for a Planned Unit Development shall be handled in the same manner prescribed for amending the zoning ordinance. The same requirements for notice, advertisement of public hearing, protests and adoption shall be required as in conventional zoning.
2. The applicant shall prepare and submit twenty (20) copies of the preliminary development plan for review and recommendation by the Planning Commission, which said plan shall include:
 - a. A site plan showing:
 - (1) Contours at intervals of two (2) feet.
 - (2) General location, size and use of all proposed structures in conformance with the yard requirements; or designation of individual lots if such lots are proposed to be sold to individual owners.
 - (3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
 - (4) All streets adjoining subject property and the width of the existing right-of-way.
 - (5) Areas set aside for public and private open space with the type of recreational facilities planned for each area indicated.
 - (6) Designation of individual parcels if the proposed development is to be set up in separate construction phases.
 - (7) Location of required screening.
 - (8) Location of natural features such as ponds, tree clusters and rock out-cropping.
 - (9) Existing development on adjacent properties within two hundred (200) feet.
 - b. The above described site plan shall also include a section designated as “General Provisions” and said section shall include the following items when said items are applicable.
 - (1) Net area _____ square feet or _____ acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (1) parcel is proposed, designate net area by parcel as well as total net area.)

- (2) Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than twenty (20%) percent.
- (3) Building coverage shall not exceed _____ of the net area of the Planned Unit Development by individual or total development.
- (4) A minimum of _____ percent of the development plan shall be provided for common open space as defined by this regulation. (Note: Normally, this figure should be approximately fifty (50%) percent.)
- (5) A minimum of fifty (50%) percent of the recreational facilities shall be constructed prior to the development of one-half (1/2) of the project and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
- (6) If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
- (7) Required number of off-street parking spaces: _____
- (8) Gross floor area proposed: _____ square feet. (Commercial “PUD” only)
- (9) All proposed land uses shall be listed by parcel.
- c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- d. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
- e. A vicinity map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed Planned Unit Development.
- f. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
- g. When a Planned Unit Development includes provisions for a common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- h. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.

- i. In the case where a Planned Unit Development calls for construction in units over a period of years, a schedule showing the proposed item and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted.
 - j. A written statement by the applicant shall be submitted setting forth the reasons why in his opinion the Planned Unit Development would be in the public interest and would be consistent with the intent of the Governing Body on Planned Unit Development.
- 3. Action by Planning Commission: The Planning Commission shall, within sixty (60) days after a preliminary Planned Unit Development is filed, hold a public hearing on said development after giving notice as required by statute for hearings on amendments. Said public hearing may be adjourned from time to time and within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant specific findings of fact with respect to the preliminary Planned Unit Development. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
- 4. Action by Governing Body: The Governing Body shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan. If the Governing Body approves the preliminary plan, it shall pass an ordinance designating the tract with an overlay of Planned Unit Development and so order the official zoning map to be amended.
- 5. Substantial or significant changes in the preliminary Planned Unit Development shall only be made after rehearing and re-approval as required for the initial approval of the preliminary plan.

SECTION 6. FINAL PLAN APPROVAL.

1. After approval of a preliminary plan, the applicant shall submit an application for final approval. Said final application may include the entire Planned Unit Development or may be for a unit or section thereof as set forth in the approval of the preliminary plan and shall include changes required in the approval of the preliminary plan. The application shall include twenty (20) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for Planned Unit Developments.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5%) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, or
 - b. Increase by more than ten (10%) percent the floor area proposed for nonresidential use, nor
 - c. Increase by more than five (5%) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - d. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The juxtaposition of different land uses.
 - (3) The relation of open space to residential development.
 - (4) The proposed phasing of construction.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, storm water, sanitary sewers, or other public facilities.

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

4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.
5. In the event that a plan or section thereof is given final approval and thereafter the land owner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the land owner shall fail to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the land owner.

SECTION 7. RECORDING. Any approved final plan shall be filed of record with the register of deeds.

SECTION 8. ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN.

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

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

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

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

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

ARTICLE XIV

“P” PUBLIC USE DISTRICT

SECTION 1. INTENT. The “P” Public Use District is intended for application to sites in public ownership and used for major public facilities.

SECTION 2. PERMITTED USES. Any activity of a governmental, civic, or public institutional nature, when located on lands in city, county, state, or federal ownership. Such uses may include agricultural, commercial, or industrial uses conducted accessory to or in support of a primary public use on the same site. Primary uses include, but are not limited to such uses as:

- | | |
|------------------------|------------------------------|
| 1. Armories | 10. Jails |
| 2. Athletic Complexes | 11. Libraries |
| 3. Auditoriums | 12. Museums |
| 4. City Halls | 13. Parks |
| 5. Civic Buildings | 14. Post Offices |
| 6. Community Buildings | 15. Public Safety Structures |
| 7. Court House | 16. Public Schools |
| 8. Fairgrounds | 17. Treatment Plants |
| 9. Generating Plants | 18. Zoos |

Once land has been zoned for Public Use and is being utilized by one of the primary uses, no other Public Use shall be made of the land until such time as the Governing Body conducts a Public Hearing and approves of the new use.

SECTION 3. HEIGHT REGULATIONS. Within one hundred (100) feet of any residential district, the maximum height of the nearest residential district shall apply. There shall be no height requirement for structures more than one hundred (100) feet from a residential district.

SECTION 4. YARD REGULATIONS.

1. Front Yards. There shall be no setbacks required, except yards adjacent to Arterial or Collector streets shall comply with Article XX, and yards adjacent to a residential zone shall have a setback equal to the adjoining residential district.
2. Side and Rear Yards. No side or rear yard shall be required, except where such use abuts a manufactured home or residential zone then there shall be a minimum of a ten (10) foot side and/or rear yard.

SECTION 5. SIGN REGULATIONS. Except for identification signs not exceeding thirty-two (32) square feet in area, all signs shall be approved by the Hesston Board of Zoning Appeals after Public Hearing and notification of all property owners within two hundred (200) feet of the property in question.

SECTION 6. PARKING REGULATIONS. See Article XVII.

SECTION 7. LANDSCAPING REGULATIONS. See Article XV.

ARTICLE XV SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. GENERAL. The regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this ordinance.

SECTION 2. HEIGHT REGULATIONS.

1. Chimneys, cooling towers, elevator headhouses, fire towers, monuments, stacks, stage towers, scenery lofts, water towers, communication towers in commercial and industrial zones, or necessary mechanical appurtenances, usually subject to height limitations contained in district regulations. In all districts, two (2) additional feet of building height above the specified height limitations shall be permitted for each one (1) foot of additional required yard space over the minimum requirements.
2. Accessory Buildings and Structures. Accessory buildings and structures in residential zones are limited to one (1) story and twenty-five (25) feet of building height.

SECTION 3. YARD REGULATIONS AND EXCEPTIONS.

1. Front Yards. The front yards established by the district regulations, shall be adjusted in the following cases:
 - a. Where there is no recorded front building setback line established by platting and all of the structures on one (1) side of a block are set back greater than required by the district regulations, a new or enlarged structure may set in line with the structure closest to the street.
 - b. Where there is no recorded front building setback line established by platting and fifty (50%) percent or more of the structures on one (1) side of a block are set back less than required by the district regulations a new or enlarged structure may be placed in line with adjacent structures, but not closer to the front property line than fifteen (15) feet in a residential zone nor closer than ten (10) feet in a commercial or industrial zone.
2. Accessory Buildings and Structures.
 - a. Detached accessory buildings or structures must be located behind the front building line and may be located no closer than five (5) feet from the principal building, side or rear lot line, except if the structure has a vehicular entrance directly from an alley such accessory building or structure shall set back no less than ten (10) feet from the property line adjacent to the alley.
 - b. Existing accessory buildings or structures which do not meet minimum setbacks may be rebuilt, reconstructed, or enlarged, providing they do not further decrease the existing setbacks.

3. Structural Projections. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:
 - a. Eave projections, sills, belt courses, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard and,
 - b. Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and one-half (3 ½) feet into a required rear yard, and
 - c. Un-enclosed porches open to the sky and no more than three (3) feet above grade, may project no more than two and one-half (2 ½) feet into a required side yard.

SECTION 4. NUMBER OF STRUCTURES ON A LOT. Where a lot is used for other than a single family or manufactured home, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as condominiums or townhouses.

SECTION 5. SIGHT TRIANGLE. All corner lots shall observe the requirements of the sight triangle as defined in article II of these regulations.

SECTION 6. ACCESS TO COMMERCIAL AND INDUSTRIAL DISTRICTS. No land which is located in other than a commercial or industrial zone shall be used as access to or exit from any land in a commercial or industrial zone.

SECTION 7. TEMPORARY USES: PERMITTED; APPLICATIONS; CONDITIONS.

1. Only the following temporary uses may be permitted.
 - a. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from a residential zone and for a time period not exceeding two (2) weeks.
 - b. Christmas tree sales lots in a commercial or industrial zone.
 - c. Contractors office and equipment sheds on the site of a construction project only during the construction period.
 - d. Model homes or development sales offices located within the subdivision or development area to which they apply and to continue only until sale or lease of all units in the development.
 - e. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 - f. Seasonal sales of farm or garden produce on an individual's place of residence and raised by the same individual, provided no structure is constructed for such use.

- g. One manufactured home to be used as a temporary office for any allowable use in an Industrial Zoning District, provided that such manufactured home shall not be used for more than a two (2) year period starting the day the manufactured home is set upon the property.
2. Persons seeking approval for a temporary use authorized by items a, b, d and e in Item 1 above shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. Such application shall include a site plan showing existing and proposed usage. The Zoning Administrator may issue a Certificate of Temporary use upon finding:
 - a. The temporary use will not impair the normal, safe, and effective operation of any permanent use on the same or adjoining site.
 - b. The temporary use will not affect the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.
 - c. That adequate off street parking is available for the temporary use and any permanent use on the site.
 3. The following conditions for a temporary use shall apply.
 - a. Each site used by an authorized temporary use shall be left free of debris, litter and all evidence of such use.
 - b. Such use when conducted upon a parking lot of another business shall not occupy more than twenty (20%) percent of the required parking spaces of such uses.
 - c. No temporary use shall be located within the required setback of the site.
 - d. Any sign used in conjunction with the temporary use shall comply with all requirements of the sign regulations for temporary signs, including the obtaining of a sign permit.

SECTION 8. DETERMINATION OF BUILDING SETBACK LINES. All required building setbacks shall be determined by measuring from the property line to the nearest portion of any structure or building.

SECTION 9. FENCES. Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations, the following restrictions shall apply to the construction of all fences.

1. Location and Heights of Fences
 - a. Front Yard. Fences may be erected adjacent to or within a required front yard providing such fence shall be no more than forty-eight (48") inches in height following the natural contour of the ground, except no fence over twenty-four (24") inches in height shall be erected within a sight triangle.

- b. Side Yard or Rear Yard. Fences may be erected adjacent to or within a side or rear yard provided such fence shall be no more than six feet six inches (6' 6") in height following the natural grade of the ground.
 - c. Buildable Areas. Fences located in any area of the lot on which a main building may be built may be built to a height of eight (8') feet.
 - d. Exception to Heights. The Zoning Administrator may authorize a higher fence at Public or Private Schools, Parks, Playgrounds, or Commercial or Industrial Areas where needed for security and when such fence will promote the safety, health or general welfare of the public.
2. Prohibited Fences. No barbed wire or other sharp fence and no electrically charged fence of any type shall be erected or maintained. Any barbed fence existing at the time of adoption of these regulations shall be removed within thirty (30) days of the effective date thereof. Any electrically charged fence existing at the time of adoption of these regulations shall be removed immediately. PROVIDED, the Zoning Administrator may, when he deems necessary for security around commercial, industrial, or public properties, authorize the placing of barbed wire on top of a fence no less than six (6) feet in height. The Zoning Administrator shall determine the direction that such barbed wire must be installed.
3. Retaining Walls. Retaining walls may be erected at locations and heights of fences, providing the maximum height of such retaining wall shall be measured from the low side of the wall.
4. Adverse Affect. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety, and welfare.
5. Removal. Any fence or wall maintained in violation of these regulations is hereby declared a nuisance and shall be removed within five (5) days after receipt of notice of the Zoning Administrator.
6. Permit - Fees. No person shall erect any fence without first having obtained a written permit to do so from the Zoning Administrator. Fees for a fence permit shall be in accordance with a schedule of fees adopted by the Governing Body.

SECTION 10. HOME OCCUPATIONS. Home occupations shall be permitted in the "A-L", "M-P", "M-S", and all residential zones, subject to the following restrictions and limitations:

1. Restrictions and Limitations:
- a. No person shall engage in such home occupations other than a person occupying the dwelling unit as his or her place of residence.
 - b. There shall be no outdoor storage of materials or equipment used in the home occupation.
 - c. No exterior alterations or other construction shall be made to the dwelling, which changes the character or appearance from a residential use.

- d. No new accessory buildings shall be constructed for use in home occupation.
 - e. No sign shall be permitted, unless required by law, and then such required sign shall be mounted flat against the exterior wall of the dwelling unit.
 - f. No equipment or material shall be used which creates any noise, vibration, smoke, or odors perceptible at the boundary line of the property.
 - g. No commodities shall be displayed or sold on the premises, except craft or art articles made by the person operating the home occupation. In no instance shall there be any outside display of articles in connection with the home occupation.
 - h. The area exclusively devoted to all home occupations shall be limited to fifteen (15%) percent of the floor area of the dwelling or two hundred fifty (250) square feet, whichever is less.
 - i. The giving of lessons of any type shall be limited to no more than three (3) persons at any one time.
2. Power of Zoning Administrator. The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this article, including, in addition to others herein granted, the power to:
- a. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with the provision of this article.
 - b. Enter upon premises for the purpose of making examinations; provided, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.
 - c. Delegate any of his functions and powers under this article to such officer, agents and employees as the Zoning Administrator may designate.
3. Home Occupations Permitted. Home occupations are primarily of a service nature similar to, but not limited to, the following:
- a. Artists, sculptors, and writers.
 - b. Custom dressmaking, tailoring, sewing of fabrics for custom apparel.
 - c. Giving of lessons of any type, provided that the provisions of item I, subsection 1, above, are complied with.
 - d. Professional office for architects, engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives and contractors, and similar professional offices.
 - e. Fabrication and/or assembly of handicraft or hobby articles.

4. Home Occupations Prohibited. Permitted home occupations shall not in any event include the following:
 - a. Antiques-retail or wholesale.
 - b. Animal care of any type.
 - c. Funeral homes or services.
 - d. Day care centers.
 - e. Retail sale or rental of goods or products.
 - f. Tourist homes or apartment rental.
 - g. Equipment rental.
 - h. Automotive sales, repair, or service of any type.
 1. Appliance repairs.
 - j. Photographic studios.
 - k. Beauty or barber shops.

SECTION 11. ACCESSORY USES. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

1. Definitions. An accessory use is a structure or use which:
 - a. Is subordinate to and serves a principal building and principal use.
 - b. Is subordinate in area, extent or purpose to the principal building or buildings served.
 - c. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 - d. Is located on the same tract as the principal building or principal use served.
2. Permitted Accessory Uses. Any structure or use that complies with the terms of Section 11 .1 of this article may be allowed as an accessory use or structure (accessory structures and uses include, but are not limited to, the following list of examples); provided that in each case such structure must fit the general definition of “accessory use” contained in Section 11.1 of this article.
 - a. Private garages or carports, not to exceed the following capacity:
 - (1) For single-family residence: three (3) cars, not to exceed eight hundred sixty-four (864) square feet in area.
 - (2) For multi-family residence: two (2) cars per dwelling unit.

- b. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed one hundred fifty (150) square feet in gross floor area.
 - c. A child's playhouse.
 - d. A private swimming pool and bathhouse.
 - e. A guest house (without kitchen facilities) or rooms for guests in accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or permanent occupancy as housekeeping units.
 - f. Statuary, arbors, trellises, barbecue stoves, flag poles, fences walls, hedges and radio and television antennas.
 - g. Fallout shelters, provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
 - h. Off-street parking and loading spaces as regulated by Articles XVII and XIX of these regulations.
 - i. Storage of major recreational equipment, such as boats, boat trailers, camping trailers, converted buses or trucks, motor homes, provided no such equipment is occupied for dwelling purposes.
 - j. Restaurants, drug stores, gift shops, club and lounges and newsstands when located in a permitted hotel, motel or office building.
 - k. Employee restaurants and cafeterias when located in a permitted business or manufacturing or industrial building.
 - l. Offices for permitted business and industrial uses when said office is located on the same site as the business or industry to which it is an accessory.
 - m. Retail sales for permitted industrial uses when located on the same site as the industrial use.
 - n. The storage of retail merchandise when located within the same building as the principal retail business.
3. Prohibited Accessory Uses. None of the following shall be permitted as an accessory use:
- a. Outdoor storage or overnight parking in a residential district of trucks or manufactured homes, except pick-up trucks, small vans, and recreational vehicles.
 - b. Outdoor storage, except as specifically permitted in the district regulations.

4. Accessory Uses Permitted by Exception. The following accessory uses shall only be permitted as an exception upon approval of a special use permit in accordance with Article XXI.
 - a. Television tower.
 - b. Amateur radio tower.
 - c. Wind powered generators.

SECTION 12. INOPERABLE MOTOR VEHICLES. Inoperable motor vehicles shall be permitted only in the following locations or under the following conditions:

1. Within a completely enclosed building in a residential district when the vehicle is owned by the resident residing on such premises; except that when the resident is engaged as a hobby in the restoration of not more than one (1) inoperable motor vehicle more than thirty-five (35) years old, the vehicle need not be enclosed in a building.
2. Within a salvage yard.
3. Within a motor vehicle storage yard.
4. At a motor vehicle body shop or repair service in accordance with the restrictions of the district in which said use is located.

SECTION 13. ZERO LOT LINE.

1. Zero lot line concept is where one (1) or two (2) family dwelling has one (1) exterior wall on or within one (1) foot of a side property line and the remaining side yard is double the normal side yard required by district regulations. Zero Lot Line Developments may be built under the following conditions:
 - a. When submitted as part of a new subdivision plat or an amendment to an existing subdivision and each lot to be developed using the zero lot line concept is so designated showing which lot line is the zero lot line.
 - b. On an existing lot in a partially developed subdivision when submitted to and approved by the Hesston Board of Zoning Appeals as a variance under Article XXI of the Zoning Regulations.
2. On any lot approved for the zero lot line concept by platting, re-platting or approval of the Appeals Board, the following stipulations shall apply:
 - a. A maintenance easement of at least four (4) feet in width shall be provided and recorded on the property adjoining the designated zero lot line.
 - b. There shall be no door or window openings on the side of the house which is built on the zero lot line.

- c. No portion of a roof, gutter or other part of the structure shall project past the zero lot line and all roof drainage will be installed so as to keep all run off water off of the adjoining property.
- d. If an owner or builder chose not to build on a designated zero lot line, the double side yard must still be observed.

SECTION 14. ATTACHED SINGLE FAMILY, TOWNHOUSE, AND CONDOMINIUMS. Attached Single Family Dwellings, Townhouses and Condominiums may be built by applying for and building as Planned Unit Development as per Article XIII of the Zoning Regulations or upon existing tracts by meeting the following stipulations:

1. DEFINITIONS:

- a. Attached Single Family Dwellings. A series of no more than four (4) single family dwelling structures which are joined at one (1) or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
- b. Townhouse. A series of three (3) or more single-family residential dwelling structures joined together at one (1) or more side by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
- c. Condominium. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his unit. All owners jointly own all common areas and land.

2. CONDITIONS:

- a. Attached Single Family Dwellings, as defined, may be erected within the R-2, Two Family District (Limit 2 units each structure); R-3 and R-4 Multiple Family Dwelling Districts; subject to district regulations and the following conditions:
 - (1) No individual unit shall have less than twenty-two (22) feet frontage upon a public street.
 - (2) No individual ownership shall contain less than two thousand two hundred (2,200) square feet.
 - (3) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (4) Each unit shall be separated from other units at party walls which are of two (2) hour fire resistive construction.

- (5) Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
 - (6) Parking shall be as required for single family residences in Article XVII.
 - (7) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branch off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear of side yard utilities.
- b. Townhouses, as defined, may be erected within the R-4, Multiple Family Dwelling District and the “PUD”, Planned Unit Development District subject to the District Regulations and the following conditions:
- (1) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (2) Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction.
 - (3) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line then branched off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear or side yard utilities.
 - (4) All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with KSA 58-3101 and following sections.
 - (5) Parking shall be as required for multiple family residences in Article XVII.

- c. Condominiums, as defined, may be erected within the R-4 Multiple Family Dwelling District and the “PUD” Planned Unit Development District subject to the district regulations and the following conditions:
- (1) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (2) Each unit shall be separated from each other as required by the Multiple Family Unit provisions of the Building Code.
 - (3) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each unit. Other utilities serving the structure from the front or Street shall be from a private easement arrangement as required for the rear of side yard utilities.
 - (4) All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with KSA 58-3101 and following sections.
 - (5) Parking shall be as required for multiple family residences in Article XVII

SECTION 15. SITE PLAN REVIEW.

1. Intent. The intent of requiring a site plan review is to be able to consider the impact that a particular use may have on adjacent or surrounding property. Such impact may be caused by type of operation, noise factors, traffic flow, off-street parking, or other impacting features of operation. It is further intended that such site plan review will encourage compatible arrangement of structures, off-street parking, storage areas, traffic patterns, trash facilities, landscaping, buffering, drainage, and other outdoor facilities to promote the preservation of property values.
2. Site Plan Review Committee. A Site Plan Review Committee is hereby created for the purpose of reviewing and recommending to the Governing Body all site plans which are required by this section to obtain site plan approval prior to issuance of a Building Permit. The Site Plan Review Committee shall be City personnel only. A majority of the Committee must be present to constitute an official meeting and to conduct business. The Committee shall elect a chairman and vice-chairman. Any action must be by majority vote of the entire committee.

3. Site Plan Review - When Required. Site Plan Review procedures will be required in the following instances:

- a. All commercial uses and industrial uses when such property is within one hundred (100) feet of a residential zoned area or is adjacent to a more restrictive zoning category.
- b. All uses which have a drive-up, drive-thru, or exterior vehicular service or waiting area.
- c. All uses which employ the outdoor use of the lot for storage of materials or goods.

PROVIDED, however, that no site plan shall be required unless the proposed modification consists of a new use, exterior remodeling in excess of \$20,000 or additions to structures exceeding 500 square feet.

4. Site Plan Review - Procedure. Any proposed use which requires a Site Plan Review shall submit four (4) copies of a site plan to the office of the Zoning Administrator not less than eight (8) days before the next regularly scheduled meeting of the Site Plan Review Committee. The Committee shall review the plan, and recommend to the Planning Commission approval with or without amendments, recommend denial or defer it for further study. After review and decision, the Planning Commission shall submit its recommendation to the Governing Body for final action.

5. Site Plan Contents. The application for a site plan review shall include the following:

- a. Name and mailing address of applicant or owner of record if not the applicant.
- b. Legal description of the property.
- c. Site plan (4 copies) showing:
 - (1) Date, scale, north arrow, title, owners name, name of individual preparing such.
 - (2) Location, dimensions of property lines, easements, structures, parking areas, drives, loading areas, trash receptacles, height of structures, fences, screening, signs, lighting and landscaping, existing or proposed.
 - (3) Use of each proposed structure.
 - (4) Approximate location of structures on adjoining property.

6. Action By Site Plan Review Committee. The Site Plan Review Committee shall review the plan according to the procedures and using criteria established by paragraphs one (1) and two (2) of this section to make a recommendation to the Planning Commission. The Committee shall notify the applicant by mail within five (5) days of action taken by the Committee and such action shall be forwarded to the Planning Commission for its review and subsequent recommendation to the Governing Body for final action at the next regular meeting.

7. Lapse of Approval. Unless a longer time was specifically granted when a site plan was given final approval, a Site Plan Approval shall become null and void one (1) year from the date of approval unless a building permit has been issued and construction commenced and is being diligently pursued toward completion. Any Site Plan which has been voided may only be reinstated by a re-submission of a new Site Plan Application.
8. Occupancy or Use. No occupancy of new construction will be permitted until all conditions of the Site Plan Approval have been complied with, and businesses doing exterior remodeling must comply with all provisions at the time of completion of remodeling. Provided, that consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans, but further provided that such required landscaping must be completed within six (6) months following occupancy under such consideration.
9. Approval To Apply To Use Applied For. A site plan approved pursuant to the provisions of this article shall run with the land and apply to the type of business or activity which was originally applied for. A subsequent change of use to another type of use requiring site plan approval will require approval of a new site plan.

SECTION 16. REQUIRED SCREENING FOR BUSINESS-INDUSTRIAL USE.

1. Commercial or Industrial Use Adjacent to a Residential Zone. Whenever a commercial or industrial zoned tract adjacent to a residential zoning district is used, screening to protect the residential land from the affect of the commercial use shall be required.
2. Type of Screening Required. All required screening shall consist of a wall, fence or evergreen plantings from six (6) to eight (8) feet in height having a visual density of at least ninety (90%) percent. Screens adjacent to the front yard of a residential zone shall not exceed forty-eight (48) inches in height.
3. Location of Screen. All required screening shall be located within three (3) feet of the property line adjacent to the residential zone.
4. Evergreen Hedges or Shrubs. Evergreen plantings shall be planted at a height of at least thirty-six (36) inches and shall reach the required height and effective screening within eighteen (18) months.
5. Maintenance of Screens. All required screens shall be permanently maintained in good and effective condition, and whenever necessary, repaired or replaced.
6. Installation Prior to Occupancy. Whenever screening is required, it shall be installed before occupancy of the commercial or industrial use is allowed. Where plantings are being used to accomplish the required screening and the season is unsuitable for planting, the owner shall submit a written verification, satisfactory to the Zoning Administrator, of when the required screening shall be planted.

SECTION 17. LANDSCAPING REQUIREMENTS. All property within the zoning jurisdiction of the City of Hesston shall hereinafter be subject to the following minimum requirements.

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

SECTION 18. GAS PUMP CANOPIES. Canopies covering gas or other fuel pumps must be located so that no part of the structure is less than ten (10) feet from the front property line. Such structures shall meet all other setback requirements.

SECTION 19. KEEPING OF LIVESTOCK. Limited raising and care of hobby livestock other than normal household pets is permitted in the “R-S” Residential Suburban District subject to the following conditions:

1. When an “R-S” District or a portion thereof is reclassified to another more restrictive residential zone, the keeping of livestock and similar related uses shall be completely discontinued within a period of six (6) months from the date of reclassification.
2. Livestock shall not be kept for commercial purposes.
3. Livestock shall be properly sheltered, and proper sanitation shall be maintained at all times.
4. Livestock cages or pens shall not be closer than one hundred (100) feet from any residence.
5. The numbers of livestock permitted shall not exceed three (3) large animals such as horses or cattle; four (4) medium-sized animals such as sheep, goats or swine; or eight (8) small animals such as rabbits, ducks or geese.

SECTION 20. STORM SHELTERS. In zones R-3, PUD, MP and TT-P each new development of ten (10) or more dwelling units, manufactured housing spaces, or travel trailer spaces shall be provided with properly ventilated and constructed storm shelters located at a central or other convenient location, unless determined otherwise by the Planning Commission and Governing Body. Where storm shelters are required, space shall be provided at the rate of eighteen (18) square feet for each new dwelling unit, manufactured home space, or travel trailer space. Storm shelters shall be built in accordance with the building codes of the City.

SECTION 21. DOMESTIC FOWL. Limited raising and care of domestic fowl is permitted in the “R-1 and R-2” Residential Districts subject to the following conditions:

1. Domestic fowl shall not be kept for commercial purposes.
2. Domestic fowl shall be properly sheltered, and proper sanitation shall be maintained at all times.
3. It shall be unlawful to permit fowl of any kind to run at large within the corporate limits of the City of Hesston.
4. Up to eight domestic fowl may be kept on any lot, with the following exceptions:
 - a. On lots greater than 10,000 square feet, one additional fowl is permitted for every 1,000 square feet of lot area over 10,000 square feet.
 - b. Roosters are not permitted.
 - c. Structures housing domestic fowl must be located at least 10 feet away from any structure that contains a dwelling unit.

ARTICLE XVI NON-CONFORMITIES

SECTION 1. GENERAL. Non-conformities are of three types: non-conforming lots of record, non-conforming structures and non-conforming uses. A definition of each type is as follows:

1. Nonconforming Lots of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the original adoption of zoning regulations and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.
2. Nonconforming Structure: An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.
3. Nonconforming Use: Any existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

SECTION 2. NONCONFORMING LOTS OF RECORD. The Zoning Administrator shall issue a zoning certificate for any non-conforming lot of record, provided that:

1. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
2. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and
3. Said lot can meet all yard regulations for the district in which it is located, and
4. Said lot can meet minimum standards for sewage treatment as required by the County Sanitation Code.

SECTION 3. NONCONFORMING STRUCTURES.

1. Authority to Continue. Any structure that is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable intensity of use regulations and/or the applicable yard and height regulations, may be continued, so long as it remains otherwise lawful.
2. Enlargement, Repair, Alterations. Any non-conforming principal structure may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure.

3. Damage or Destruction: In the event that any non-conforming structure is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its assessed valuation, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located or unless such restoration is authorized as an exception by the Board of Zoning Appeals in conformance with Article XXI. When a structure is damaged to the extent of fifty (50) percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.
4. Moving. No non-conforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same lot or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

SECTION 4. NONCONFORMING USES.

1. Authority to Continue. Any lawfully existing non-conforming use of part or all of a structure or any lawfully existing non-conforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.
2. Ordinary Repair and Maintenance.
 - a. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use.
 - b. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.
3. Extension. A non-conforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
 - a. Extension of such use to any structure or land area other than one (1) occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become non-conforming).
 - b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such non-conforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

4. Enlargement. No structure that is devoted in whole or in part to a non-conforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
5. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a non-conforming use is damaged or destroyed, by any means, to the extent of more than fifty (50) percent of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located or unless such restoration is authorized as an exception by the Board of Zoning Appeals in conformance with Article XXI. When such damage or destruction is fifty (50) percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one (1) year after the date of such partial destruction and is diligently pursued to completion.
6. Moving. No structure that is devoted in whole or in part to a non-conforming use and no non-conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
7. Change in Use. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as an exception, be changed to another non-conforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with Article XXI.
8. Abandonment or Discontinuance. When a non-conforming use is discontinued or abandoned; for a period of twelve (12) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
9. Nonconforming Accessory Uses. No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.
10. Nonconforming Residential Uses. Notwithstanding the provisions of Section 4.3 and 4.4, any structure which is devoted to a residential use and which is located in a business or manufacturing district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

SECTION 5. STATUS OF EXCEPTIONS.

1. Status of Existing Exceptions. Where a use exists at the effective date of these regulations and is permitted by these regulations only as an exception in the zoning district in which it is located, such use shall not be deemed to be a non-conforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. However, such use shall not expand or enlarge until application is made to and approved by the Board of Zoning Appeals as set out in Article XXI.
2. Status of Future Exceptions. Any use for which an exception has been issued, as provided in these regulations, shall not be deemed to be a non-conforming use, but shall, without further action, be deemed a lawful conforming use.

ARTICLE XVII

OFF-STREET PARKING REGULATIONS

SECTION 1. PURPOSE. These regulations require off-street parking proportional to the need created by each use in order to insure functionally adequate, aesthetically pleasing, and secure off-street parking facilities. Regulations and standards are intended to insure usefulness of parking and loading facilities, protect the public safety, and where appropriate, to limit potential adverse impacts on adjacent property.

SECTION 2. GENERAL PROVISIONS

- I. APPLICABILITY. Off-street parking facilities as required in this article, shall be provided for any new building and for any new use established, additions to existing use, or any change in manner of use which results in increased capacity. Provided that additional parking need only be provided for the addition, enlargement, or change and not the entire building or use. EXCEPTION: No off-street parking facilities shall be required in the “C-3”, Central Business District.
2. MAINTENANCE. All existing and required parking facilities shall be maintained and shall not be reduced so long as the use requiring such parking remains.
3. UTILIZATION. Required off-street parking facilities shall be located on the same site as the use for which such facilities are required, except as authorized by Section 6 of this article. Such facilities shall be used exclusively for temporary parking of motor vehicles and shall not be utilized for sale or storage of merchandise. or for storage or repair of vehicles, equipment, or trailers.
4. RESIDENTIAL DISTRICTS. Parking facilities which make provisions for more than two (2) vehicles shall be in other than the required front yard.
5. COMPUTATION. Where the determination of number of off-street parking spaces required results in a fractional part of a space, a fraction of half (1/2) or more shall be counted as a full space and a fraction of less than half (1/2) shall be disregarded. Where requirements are established on the basis of seats or persons capacity, the Uniform Building Code provisions applicable at the time shall be used to define design capacity.
6. COMPACT CARS. In every off-street parking facility of ten (10) or more spaces, a maximum of twenty-five (25) percent of the required number of spaces may be designed for compact cars. For the purpose of this regulation, a compact car is one whose overall length does not exceed fourteen (14) feet.

SECTION 3. LAYOUT AND DESIGN REQUIREMENTS.

1. AREA SIZE. Each required parking space shall consist of a rectangular area of not less than eight (8) feet, six (6) inches in width, by nineteen (19) feet in length. Each space for compact cars when allowed by this article, shall consist of a rectangular area of not less than seven (7) feet, six (6) inches in width, by fifteen (15) feet in length, exclusive of access drives or aisles, ramps and columns. Each space designated for handicapped usage shall consist of a rectangular area of not less than twelve (12) feet in width, by nineteen (19) feet in length. All required spaces shall be clearly marked and defined. Handicapped stalls shall be clearly marked by both painted symbol and signage.
2. ACCESS. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. Streets and alleys shall be used only for access to and from parking facilities and shall not be used for maneuvering of vehicles. Any alley used for access to and from a parking facility shall be paved according to the specifications of the City.
3. DESIGN STANDARDS. Minimum parking facility design standards shall comply with this article.
4. SURFACING. All off-street parking facilities, loading areas and drives and access to and from such areas shall be surfaced and maintained with asphalt, asphaltic concrete, concrete or a dust-free aggregate surface of a type and quality acceptable to the Zoning Administrator to create a permanent all weather dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Site Plan Review Committee.

The Site Plan Review Committee may, upon receiving a specific written request from an owner of a property, authorize temporary occupancy for a time period not to exceed twelve (12) months prior to accomplishing the required paving or a portion thereof. In reviewing a request for temporary occupancy prior to accomplishing required paving, the Site Plan Review Committee shall consider the following criteria:

1. Season of the year.
2. Affect on the adjoining property.
3. Surfacing of the connecting street.
4. Surfacing of existing adjoining parking facilities.

Should the owner receive approval of the Site Plan Review Committee for a delay in paving, the owner shall, prior to occupancy, present written verification to the Zoning Administrator that guarantees all paving shall be complete prior to the deadline given by the Site Plan Review Committee.

5. LIGHTING. Any lighting provided to illuminate any parking facility shall be designed and installed in such a manner as to reflect away from any residential use.
6. DRAINAGE. All parking facilities shall be graded and/or designed with storm drainage facilities so as to channel surface water away from adjoining properties and to an approved storm drainage system capable of handling a ten (10) year design storm.
7. PARKING FACILITIES IN RESIDENTIAL DISTRICTS. Any parking facilities in residential zoning districts with eight (8) or more vehicles, and which are adjacent to a residential or manufactured home zoned district, shall have a screened fence or wall to prevent the passage of vehicular lights and to prevent the blowing of debris. Such fence or wall shall be at least forty-eight (48) inches in height and have a visual density of not less than seventy (70) percent.

SECTION 4. PERMIT REQUIRED. Plans showing the layout, landscaping and design of all off-street parking, loading or other vehicular use areas shall be submitted to, and approved by the Zoning Administrator prior to beginning construction. Unless such use is being constructed as part of a new building for which a permit has been issued, a permit shall be obtained prior to starting work. Fees for new parking lots shall be as required by the schedule of fees established and maintained by the Governing Body.

SECTION 5. REQUIRED SPACES. Off-street parking spaces shall be provided as follows:

A. <u>RESIDENTIAL USES:</u>	<u>MINIMUM OFF-STREET PARKING SPACES</u>
1. Single Family Two Family Multiple Family: Efficiency One Bedroom Two or More Bedroom	1 space 1 space per unit 1 space per unit 1.5 spaces per unit 2 spaces per unit
2. Dormitories, Fraternities, Sororities	1 space per 3 persons based on maximum design capacity
3. Boarding, Lodging Houses, Rental Sleeping Rooms in a dwelling unit	1 space for each 2 lodgers or tenants
4. Housing designed specifically for the elderly	1 space for each 2 dwelling units
5. Nursing Home, Rest Home	1 space for each 3 beds based on maximum design capacity plus 1 space per employee
6. Manufactured Home Park or Subdivision	2 spaces per unit
7. Motels and/or Hotels	1 space per rental unit plus 1 space for each 2 employees per working shift

B. <u>NON-RESIDENTIAL USES:</u>	<u>MINIMUM OFF-STREET PARKING REQUIRED</u>
1. Automobile, Truck, Recreation Vehicle, Manufactured Home Sales and Rental Lots	1 space per 3,000 sq. ft. of display area plus 1 space per employee
2. Automobile Car Wash	3 holding spaces for each stall, plus 1 drying space per stall
3. Banks, Business or Professional Offices	1 space per 200 sq. ft. up to 1,000 sq. plus 1 space for each 400 sq. ft. after
4. Bowling Alleys	5 spaces for each lane or alley
5. Churches	1 space for each 4 seats in the sanctuary
6. College or University or High School	1 space for each 3 employees, plus 1 additional space for each 15 students enrolled
7. Day Care or Nursery Schools	1 space for each 2 employees
8. Elementary, Jr. High Schools, and Equivalent Parochial or Private School	2 spaces per classroom
9. Funeral Homes and Mortuaries	1 space for each four seats based on maximum design capacity plus 1 space per employee
10. Funeral Homes and Mortuaries	1 space for each four seats based on maximum design capacity plus 1 space per employee
11. Furniture and Appliance Stores	1 space for each 400 sq. ft. floor area
12. Hospitals	1 space for each 2 beds, plus 1 space for each employee on a maximum shift
13. Laundromats	1 space for every 2 washing machines
14. Manufacturing, Processing, Assembly Plants	1 space for each 3 workers on a maximum shift
15. Medical and Dental Clinics	5 spaces for each doctor or dentist
16. Motor Vehicle Repair or Body Shops	1 space for each 2 employees, plus 1 space per service bay
17. Personal Service, including Barber, Beauty, Tailor, Dress Making, or similar shops	1 space per 150 sq. ft. of area

B. <u>NON-RESIDENTIAL USES:</u>	<u>MINIMUM OFF-STREET PARKING REQUIRED</u>
18. Restaurants with fixed seating, provided that drive-in restaurants shall provide a minimum of 10 spaces	1 space for each 2.5 seats, based on maximum designed occupancy
19. Retail Stores and Shops	1 space per 175 sq. ft. of retail area
20. Service Station	1 space for each employee, plus 2 spaces per service bay
21. Taverns, Private Clubs	1 space for each 3 persons based on maximum design capacity
22. Theaters, Auditoriums, assembly places with fixed seating	1 space for each 3.5 seats
23. Theaters, Auditoriums, assembly places without fixed seating	1 space for each 4 persons based on maximum design capacity
24. Trade, Commercial Schools	1 space for each 3 students and employees
25. Warehouse, Storage, Wholesale Establishments	1 space for each 2 employees
26. All other uses not specified above	1 space per each 200 sq. ft. of floor area
C. <u>ALL USES.</u> All uses shall provide handicapped parking stalls in accordance with applicable ADA Standards.	

SECTION 6. EXCEPTION BY BOARD OF ZONING APPEALS.

1. DISTRICTS PERMITTED. In order to provide off-street parking areas, the Board of Zoning Appeals may, after public notice and hearing, grant as an exception, the establishment of parking areas in any zoning district under the following provisions:
 - a. Location: Parking provided under this section must be within three hundred (300) feet (along lines of public access) from the boundary of the use for which the parking is provided. Access to such parking facilities from the use must be adequately lighted for protection of the public.
 - b. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
 - c. Improvements: Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board of Zoning Appeals and shall be maintained in good condition and free of all weeds, dust, trash, and other debris.

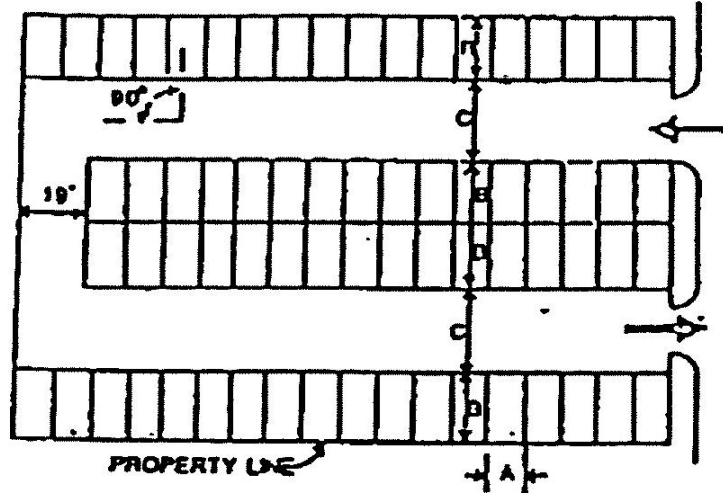
- d. Guards: Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
 - e. Screening. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) six (6) feet high and having a visual density of not less than seventy (70) percent, shall be erected along any property line adjacent to or adjoining any dwelling district to eliminate passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than forty-eight (48) inches and such fence shall be located within one (1) foot of the front yard setback line. Fences along said yards shall not extend nearer to the street than the front yard setback line.
- 2. ALTERNATE SURFACE. The Board of Zoning Appeals after due public notice and hearing, may grant a variance to the surfacing materials required in Section 3, item 4, for surfacing other than required off-street parking, required loading areas, or access thereto.
 - 3. PERMIT REVOCABLE. The Zoning Administrator shall be responsible for the enforcement of the conditions and requirements made by the Board of Zoning Appeals in the approval of any off-street parking exceptions. The Zoning Administrator, upon discovery of any violation of this regulation or the conditions and requirements established by the Board, shall notify the Board through its Secretary, as to such violations. The Board of Zoning Appeals is hereby authorized to revoke the special use permit after public hearing for any of the following reasons:
 - a. Abandonment of the area for parking purposes for six (6) months.
 - b. Failure to comply with the requirements contained in this section or imposed by the Board.

SECTION 7. WAIVERS.

- 1. Off-streets parking requirements in Districts “I-1”, or “I-2” may be waived by the Zoning Administrator when it can be established that off-street parking, to satisfy the above requirement, is provided on adjoining property or within one hundred fifty (150) 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.
- 2. For any of the uses listed in Section 5, there shall be allowed the use of joint parking facilities in connection with any building or use not normally open, used or operated during the principal operating hours of the use, providing a properly drawn legal instrument is executed by the parties concerned for the joint use of such off-street parking facilities, which instrument, duly approved as to form by the City Attorney, shall be filed with the application for an improvement location permit.

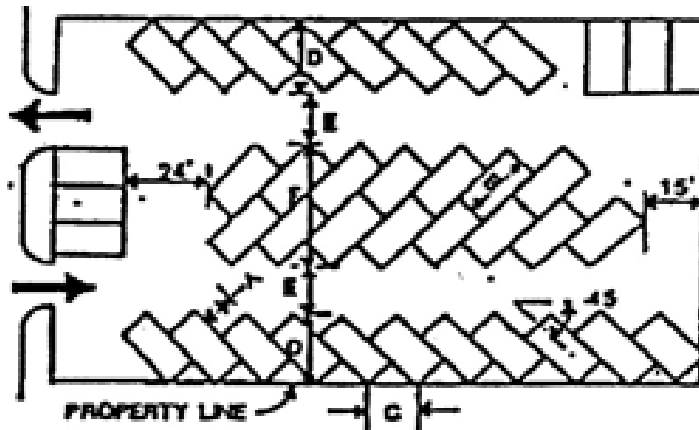
OFF-STREET PARKING STANDARDS *

90° PERIMETER & ISLAND PARKING



90° Perimeter & Island Parking					
Stall Width	A	8.5'	9'	9.5'	10'
Stall Length	B	19'	19'	19'	19'
Drive Width	C	25'	24'	24'	24'

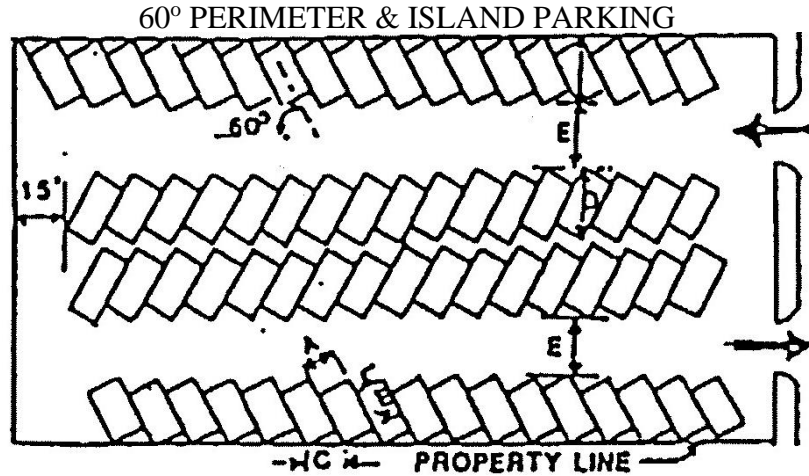
45° PERIMETER & ISLAND PARKING



45° PERIMETER & ISLAND PARKING					
Stall Width	A	8.5'	9'	9.5'	10'
Stall Length	B	19'	19'	19'	19'
Curb Length/Car	C	12'	12.7'	13.5	14'
Stall Depth	D	19.5'	20'	20'	20'
Driveway Width	E	13.5'	13'	13'	13'
Island Width	F	33'	33'	33'	34

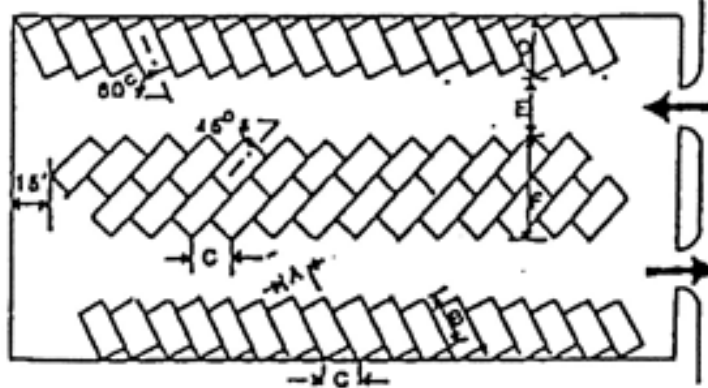
* Handicapped stalls shall have nominal dimensions of 12' x 19'

OFF-STREET PARKING STANDARDS *



60° Perimeter & Island Parking					
Stall Width	A	8.5'	9'	9.5'	10'
Stall Length	B	19'	19'	19'	19'
Curb Length/Car	C	9.8'	10.5'	11'	11.5'
Stall Depth	D	21'	21'	21'	21.5'
Driveway Width	E	18.5'	18'	18'	18'

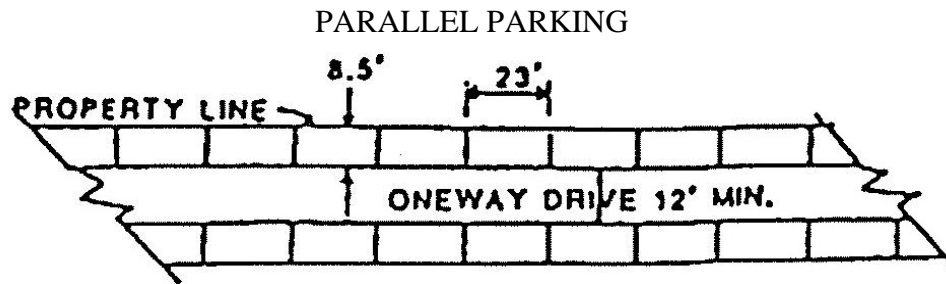
45° & 60° HERRINGBONE PATTERN PARKING



45° & 60° Herringbone Pattern Parking					
Stall Width	A	8.5'	9'	9.5'	10'
Stall Length	B	19'	19'	19'	19'
Curb Length Per Car	C/45	12'	12.7'	13.5'	14'
	C/60	9.8'	10.5'	11'	11.5'
Stall Depth	D	21'	21'	21'	21.5'
Driveway Width	E/60	18.5'	18'	18'	18'
Island Width	F	33'	33'	33'	34'

* Handicapped stalls shall have nominal dimensions of 12' x 19'

OFF-STREET PARKING STANDARDS *



* Handicapped stalls shall have nominal dimensions of 12' x 19'

ARTICLE XVIII SIGN REGULATIONS

SECTION 1. GENERAL REQUIREMENTS.

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

SECTION 2. SPECIFIC REQUIREMENTS.

Requirements for signs erected in the Hesston Zoning Jurisdiction are as follows:

1. Advertising signs, other than billboards, which call attention to an activity or product located on a different tract from the sign, are permitted in the A-L, C-S, C-2, C-3, I-I, and 1-2. districts only.

In the “A-L” and “C-S” Districts, an advertising sign shall be allowed by special use permit only when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:

- a. The advertising sign shall not exceed fifty (50) square feet in area for a single-or double-faced sign; the bottom edge of the sign shall be at least three (3) feet above the average ground level; and the top edge not higher than ten (10) feet above the average ground level.
- b. The advertising sign shall not be located closer than 500 feet from two or more intersecting roads. Not more than one (I) such sign shall be permitted on one road side within any one mile.

- c. An applicant for a special use permit to erect an advertising sign shall submit to the Board a plot plan showing the location, size, and construction details of the proposed sign installation; a letter from the property owner indicating intent to lease said property together with a copy of terms of said lease. Such permit shall be issued for a period of five (5) years, and its renewal shall be subject to a review of the site and changed conditions within the surrounding area.
2. Business signs which call attention to an activity or product located on the tract upon which the sign is located are permitted in the "A-L", "C-S", "C-1", "C-2", "C-3", "I-1", and "I-2" Districts only, except as may be expressly permitted below.

Business sign height shall conform to zoning district regulation of building or structure height except that in "C-S" district, business sign height shall be limited to sixty-five (65) feet.

3. The gross surface area on one side of an advertising or business sign shall not exceed the following limitations:

District	Formula (square feet)	Maximum Area
<u>Possible</u>		
"A-L", "C-S", "C-1" "C-2" "C-3"	No greater than three (3) times the lineal feet of frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet of the separate footage.	300 square ft.

District	Formula (square feet)	Maximum Area
<u>Possible</u>		
"I- 1", "I- 2"	(same as above)	Not Applicable
Commercial and Industrial PUD	Not Applicable	200 square feet plus twenty (20) square feet for each additional business conducted on the site.

In all districts, individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

4. Ground signs shall have a maximum height of eight (8) feet in the commercial and industrial PUD Districts.

5. Building signs are permitted in the A-L, C-S, C-1, C-2, C-3, I-1, and I-2 Districts only, subject to the following:
 - a. The building sign shall be affixed flat against the face of the building as opposed to perpendicular and/or double faced.
 - b. Building signs painted on the building surface are not allowed in the commercial and industrial PUD Districts.
6. Marquee and canopy signs are permitted in the “C-2” and “C-3” District only. The sign must be mounted either on the front edge of the marquee or canopy, or suspended beneath (see “10” below). Signs suspended beneath a marquee or canopy shall not exceed eight (8) square feet in surface area and shall contain an announcement of the business name only. The lowest elevation shall always be no less than eight (8) feet above the sidewalk surface. The canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.
7. A maximum of two (2) business signs [only one (1) on a facade] shall be allowed for a business or profession conducted on the premises in the “I-1”, “I-2” or PUD Districts. In the “C-S”, “C-2” and “C-3” Districts, a maximum of four (4) business signs shall be allowed, except that an additional number of signs may be allowed in the “C-3” District by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose.
8. All signs in the “C-S”, “I-1”, and “I-2” Districts shall be affixed to or be a part of the building if within fifty (50) feet of a residential district.
9. Except as provided in “6” above, no sign shall be permitted to overhang a road, street, or alley right-of-way, and no sign shall be located in a manner as to constitute a traffic hazard.
10. Any sign, other than one affixed flat against the face of a building, which is located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of the centerlines of two (2) or more streets, measured along the adjacent curb lines, shall have its lowest elevation at least ten (10) feet above curb level to avoid creation of line-of-sight or other traffic-related obstructions.
11. All lighted signs in direct vision of a traffic signal shall not be in red, green, or amber illumination.
12. Non-flashing, illuminated signs shall be permitted providing said sign shall not beam upon any street or any residential district, except as provided in “20” and “21” below. Clocks and/or thermometers installed for public convenience and information are exempt from this requirement.
13. Where a sign is illuminated by light directed upon it, the direct ray of light shall not beam upon any existing residential district, except as provided in “20” and “21” below, or into any street.

14. Flashing, moving, or animated signs are not permitted in the commercial and industrial PUD Districts. In the “C-S” District, they are not permitted within five hundred (500) feet of a residential district or where the rays of light from the sign beam upon any part of any residential district. In the “C- 5” District, no high intensity strobe or flashing lights shall be permitted to be used with any sign or separately.
15. In the “C-S”, “C-2”, “C-3”, “I-I”, and “I-2” Districts, flashing, moving, or animated signs shall be permitted only upon approval of the City Building Inspector providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that direct rays of the sign will not be directed into any residential district.
16. Sandwich board signs are permitted in the “C-S”, “C-2”, “C-3”, “I-1 “, and “I-2” Districts only, providing said sign is permanently affixed to the surface on which it rests.
17. Non-illuminated nameplates in the “A-L”, “R-S”, “R-1”, “R-3 and “R-4” Districts shall conform to the following restrictions:
 - a. The nameplate shall not exceed three (3) square feet in area.
 - b. The nameplate shall show only the name and/or address of the occupant.
18. Non-illuminated single- or double-faced “For Sale” and “For Rent” signs in the “R- S”, “R-1”, “R-2”, “R-3”, and “R-4” districts are subject to the following regulations (except as provided in “20” and “21” below):
 - a. Only one (1) sign shall be permitted per lot.
 - b. No sign shall exceed four (4) square feet in area.
 - c. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
 - d. When said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
 - e. Ground signs shall not project higher than four (4) feet above ground grade.
19. In the “A-L” District, only one (1) non-illuminated “For Sale”, “For Rent”, or single-or double-faced business sign shall be permitted per residential building lot. Accessory business signs shall not exceed fifty (50) square feet.

20. Bulletin boards and signs for churches and other public institutions in the “A-L”, “R-S”, “R-1”, “R-2”, “R-3”, “R-4”, and residential PUD Districts are subject to the following regulations:
- a. One (1) sign or bulletin board shall be permitted on each Street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - d. No sign shall be located closer than eight (8) feet from any side or rear property line.
 - e. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard.
 - f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
 - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
 - h. Buildings constructed on the property line prior to the adoption of this Ordinance shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
21. Signage for manufactured home parks and multi-family developments must meet the following requirements:
- a. Only one (1) business sign per street frontage shall be permitted.
 - b. No business sign shall exceed forty (40) square feet in area for each face
 - c. Any number of informational and directional signs shall be permitted and shall contain no advertising or solicitation.
 - d. All signs may be illuminated, either directly, indirectly, or internally, providing direct beams of light do not shine off the site or into any building on the site.
 - e. Ground signs shall not exceed ten (10) feet in height.

22. Temporary signs, whether illuminated or non-illuminated, are permitted in the “A-L”, “C-S”, “C-1”, “C-2”, “C-3”, “I-1”, and “1-2” Districts only (except as provided in “18” above).
- a. Only one (1) such sign shall be permitted per location.
 - b. Temporary signs shall not exceed forty-five (45) square feet of surface area.
 - c. No temporary sign, except on approval by the Governing Body, shall extend over or into any street, alley, sidewalk, or other public thoroughfare. It shall not obstruct any wall opening.
 - d. Every temporary sign shall be secured to prevent movement or overturning, in a manner approved by the building official.
 - e. All electrical cords to such signs shall be located so as not to expose them to physical damage. No such electrical cord shall be laid upon any sidewalk, driveway, or parking lot. All such wiring shall be subject to the electrical code of the City.
 - f. Temporary signs shall not exceed six (6) feet in height and shall be so located so as to avoid creation of line-of-sight or other traffic-related obstructions.
23. Private informational and directional signs shall contain no advertising or solicitation and are subject to the following provisions (except as provided in “21” above).
- a. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any residential district or into any street.
 - b. Lighted signs in direct vision of traffic shall not be in red, green, or amber illumination.
 - c. Flashing signs shall not be allowed.
 - d. Only one sign shall be permitted per location.
 - e. Signs shall not exceed thirty-two (32) square feet of surface area for each face.
 - f. No private informational or directional sign, except on approval by the Governing Body, shall extend over or into any street, alley, or sidewalk or other public thoroughfare. It shall not obstruct any wall opening.
 - g. Any sign, other than one affixed flat against the face of the building and located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets, measured along the adjacent curb line, shall have the lowest elevation at least ten (10) feet above the curb level to avoid line-of-sight or other traffic-related obstructions.

SECTION 3. PERMITS AND FEES REQUIRED.

1. A permit shall be required for the erection, construction, or alteration of any sign other than “For Sale”, “For Rent”, and political advertisements in the Hesston Zoning Jurisdiction.
2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided, and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. A charge in accordance with a schedule of fees adopted and maintained by the Governing Body shall be made for each permit granted.
4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.
5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over eight (8) square feet in area.
6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of Kansas.
7. Permits, except for permits for temporary signs, are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.
8. Permits for temporary signs shall be issued annually.

SECTION 4. NONCONFORMING SIGNS.

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

SECTION 5. REMOVAL OF SIGNS FROM VACANT BUILDINGS.

Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.

ARTICLE XIX
LOADING AND UNLOADING REGULATIONS

SECTION 1. SPACE REQUIREMENTS. On premise loading and unloading spaces shall be provided off-street and in the side or rear 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 minimum of twelve (12) feet by twenty-five (25) feet 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>Gross Floor Area in Square Feet</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 (1) additional space shall be provided for each 50,000 square feet above 150,000 square feet.

SECTION 2. ZONES REQUIRING SPACE. Loading and unloading spaces shall be provided in the following district zones:

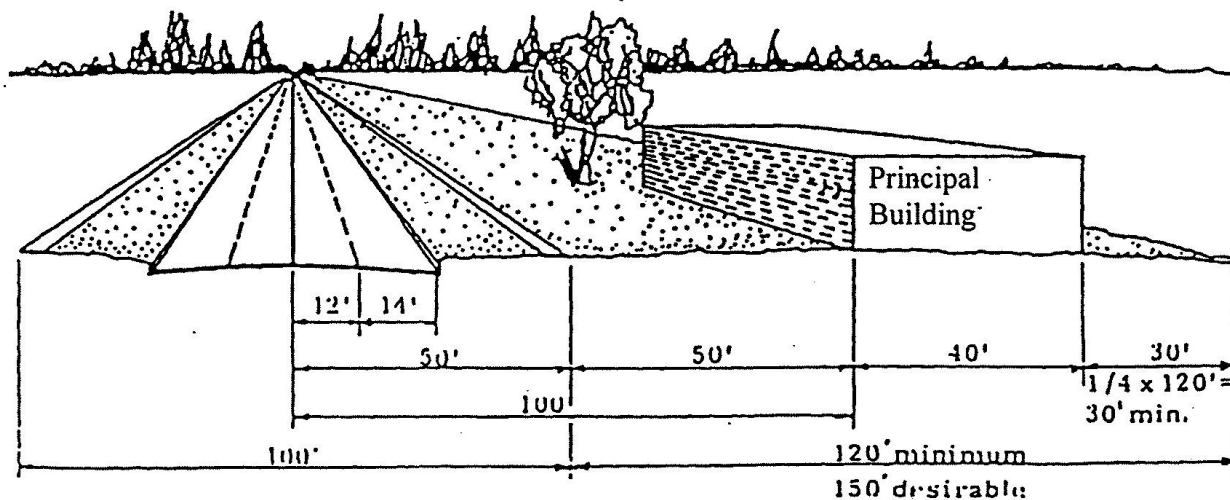
1. "C-S" Highway Service District.
2. "C-1" Neighborhood Shopping District.
3. "C-2" General Commercial District.
4. "C-3" Central Business District.
5. "I-1" Light Industrial District.
6. "I-2" Heavy Industrial District.

ARTICLE XX
BUILDING SETBACKS ON ARTERIAL AND COLLECTOR STREETS

SECTION 1. PURPOSE. Building setback lines are hereby established for all arterial and collector streets in the planning area as shown on the major street map of the Comprehensive Plan. The setback lines as established in this section shall be held to be the minimum for the purpose of promoting the public health, safety, order, convenience, and economy in the process of development and shall conform with the following requirements.

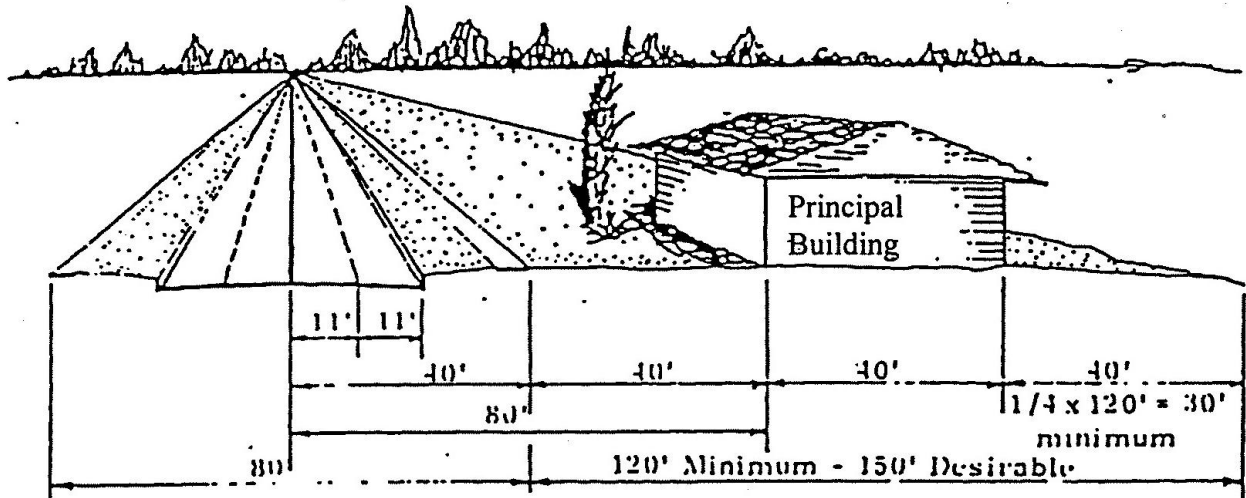
SECTION 2. ARTERIAL STREETS. No lot which is adjacent to an arterial street having a right-of-way width of one hundred (100) feet or less shall have any building or structure altered, constructed, enlarged or erected closer than one hundred (100) feet from the center line of the arterial street right-of-way (see Figure 1 below). Where the right-of-way width is greater than one hundred (100) feet the building or structure shall setback fifty (50) feet from the adjoining street right-of-way line.

FIGURE 1



SECTION 3. COLLECTOR STREETS. No lot which is adjacent to a collector street shall have a building or structure altered, constructed, enlarged or erected closer than eighty (80) feet from the centerline of the collector street right-of-way. (See Figure 2 below).

FIGURE 2



ARTICLE XXI

BOARD OF ZONING APPEALS

SECTION 1. CREATION. A Hesston Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, at least three (3) of whom shall be residents of the City of Hesston. All members shall be appointed for three (3) year terms. It is specifically provided that on the effective date of this ordinance, the existing Board of Zoning Appeals as was legally in existence shall be constituted as the Board of Appeals hereby created. One (1) member of the Board shall be a member of the Planning Commission.

SECTION 2. GENERAL. The word “Board” when used in this article shall mean Board of Zoning Appeals. The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, regulations or resolutions. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its decisions and other official actions, all of which shall be filed in the office of the Board immediately and shall be public record.

SECTION 3. SECRETARY. The Secretary of the Planning Commission shall serve as the Secretary of the Board of Appeals.

SECTION 4. MEETINGS. The members of the Board of Zoning Appeals shall meet at least once each quarter at such time and place as they may fix by resolution. They shall elect one (1) of their members as chairman, one (1) as vice-chairman, and shall appoint a secretary who may be an official or employee of the City. Special meetings may be called at any time by the Chairman or in his absence, by the vice-chairman. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall cause a proper record to be kept of its proceedings.

SECTION 5. POWERS AND JURISDICTION. The Board shall have the following powers and jurisdiction:

1. Appeals. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.
 - a. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or Bureau of the government affected by any decision of the Zoning Administrator. Such appeals shall be filed with the Zoning Administrator within sixty (60) days after a ruling has been made by the Zoning Administrator. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken.

- b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning 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 Zoning Administrator on good cause shown.
 - c. An appeal shall be sustained only if the Board finds that the administrative official's action was based on an erroneous finding of a material fact, or that he acted in an arbitrary or capricious manner or manifestly abused his discretion.
2. Variances. To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.
- a. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of his property in the manner similar to that of other property in the zoning district where it is located.
 - b. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - (1) The variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - (2) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - (3) The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - (4) The variance desired will not adversely affect the public health, safety, morals, order, convenience, property, or general welfare.
 - (5) The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

- c. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
3. Exceptions. To grant as an exception to the provisions of these zoning regulations, the establishment of special use permits that are expressly authorized to be permitted in a particular zoning district or districts. In no event shall exceptions to the provisions of the zoning regulations be granted where the exception contemplated is not specifically listed in the zoning regulations. Further, under no conditions shall the Board have the power to grant an exception when the conditions of this exception, as established by these regulations, are not found to be present.
- a. The Board shall not grant an exception unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
 - (1) The proposed exception complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
 - (2) The proposed exception at the specified location will contribute to and promote the welfare or convenience of the public.
 - (3) The proposed exception will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 - (4) The location and size of the exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the exception will so dominate the immediate neighborhood, consideration shall be given to:
 - (a) The location, nature and height of buildings, structures, walls, and fences on the site, and
 - (b) The nature and extent of landscaping and screening on the site.
 - (5) Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
 - (6) Adequate utility, drainage, and other such necessary facilities have been or will be provided.

- (7) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 - b. In granting an exception, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the exception as may be necessary to reduce or minimize any potentially injurious effect of such exception upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
4. Conditions of Determination. In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify' any order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a zoning certificate.

A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under these Regulations, or to affect any variation in such Regulation.

SECTION 6. APPLICATIONS.

1. The procedure for requesting a hearing before the Board shall be as follows:
- a. All applications to the Board shall be in writing on forms provided by the Zoning Administrator. Said application shall be completed in its entirety and filed in the office of the Zoning Administrator with all supporting data.
 - b. All applications shall be accompanied by an ownership list, certified by a registered abstractor, listing the legal description and the name and address of the owners of all property located within two hundred (200) feet of the boundaries of the property included in the application, for property inside the City, and one thousand (1,000) feet of the boundaries for property outside the City limits.
 - c. The Board shall fix a reasonable time for the hearing of an application and notice of the time, place and subject of each hearing shall be published in the official newspaper (designated by the governing body) at least twenty (20) days prior to the date fixed for the public hearing. A copy of the notice of public hearing shall be sent to each party of interest, and each person on the ownership list fifteen (15) days prior to the hearing.
 - d. An application shall be accompanied by a filing fee in accordance with a schedule of fees adopted and maintained by the Governing Body. A separate filing fee shall be required for each request.

2. In addition to the above requirements, certain applications require additional information as follows:

a. Appeals:

- (1) An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the Zoning Administrator.
- (2) A copy of the order, requirement, decision or determination of the Zoning Administrator which the applicant believes to be in error shall be submitted.
- (3) A clear and accurate, written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position shall be submitted with the application.
- (4) Where necessary, a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

b. Variances:

- (1) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five (5) conditions set out in Section 5.2.b of this Article.
- (2) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots existing in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the applications should be included.

c. Exceptions:

- (1) The applicant shall submit a statement in writing justifying the exception applied for, and indicating under which Article and Section of the Zoning Regulations the Board of Zoning Appeals is believed to have jurisdiction.
- (2) The applicant shall prepare and submit in duplicate at the time of filing the application, a detailed plot plan drawn to scale, showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways, and any other information which would be helpful to the Board in consideration of the application.

SECTION 7. PERFORMANCE. In making any decision varying or modifying any provisions of the zoning regulations or in granting an exception to the district regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, screening and other appropriate safeguards as needed to protect adjoining property.

The Board may require a performance bond to guarantee the installation of 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 and determined by the Board, and shall be enforceable by or payable to the City of Hesston in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirements, the Board may specify a time limit for the completion of such required improvements and in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

SECTION 8. WHO MAY APPEAL FROM THE BOARD DECISION. Any person, persons, department or departments of the government, jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within thirty (30) days after the date of the decision of the Board.

SECTION 9. RECORDING. Whenever the Board of Zoning Appeals grants a variance or special use permit which affects real property, the results of such action will be recorded with the Register of Deeds of Harvey County by the Secretary, after the passage of the thirty (30) day appeal period.

ARTICLE XXII AMENDMENTS

SECTION 1. GENERAL PROVISIONS.

1. Authority. The Hesston City Council may by ordinance amend these regulations and the district boundaries. No such amendment shall be adopted by the governing body until the Planning Commission has held a public hearing and submitted its recommendation.
2. Proposal of Amendments. Amendments may be initiated by the governing body, the Planning Commission or upon application by the owners of the property affected or their agent.
3. Applications. When the owner of the property affected or his agent initiates an amendment to the regulations or the district boundaries, an application for such amendment shall be obtained from the Zoning Administrator. Said application shall be completed in its entirety and filed with the Zoning Administrator so that a public hearing date can be established.
4. Certified Ownership List. The application for an amendment shall be accompanied by an ownership list certified by a registered abstractor listing the legal description and name and address of the owners of all property located within two hundred (200) feet of the boundaries of the property for which the zoning change is requested for City applications and within one thousand (1,000) feet of said boundaries for County applications.
5. Fees. For the purpose of wholly or partially defraying the cost of the amendment procedure, an application fee shall be paid upon the filing of an application for a change in district zoning or text change. Fees shall be in accordance with a schedule of fees adopted and maintained by the Governing Body.
6. Disposition of Amendment Proposals. Upon receipt of a proposed amendment from the Governing Body or an application for an amendment from the owner of the property affected, or an application for a text change, the Planning Commission shall hold a public hearing on the proposed amendment, and forward to the Governing Body its findings and recommendations with respect to the proposed amendment.

SECTION 2. HEARINGS.

Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within sixty (60) days from the date on which the proposed amendment is referred to, filed with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.

2. Notice of Hearing. Public notice of a hearing on a proposed amendment shall be published once in the official City or County newspaper depending upon the location of the application area and at least twenty (20) days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classifications.

When a proposed amendment will affect the zoning classification of specific property, the secretary of the Planning Commission shall mail a written notice of the public hearing thereon, containing the same information as the published notice thereof, to the owner or owners of the property affected and to the owners of all property listed on the certified ownership list at least fifteen (15) days prior to the date of such hearing. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

3. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the offices of the Zoning Administrator at least three (3) days before the date set for the public hearing.

SECTION 3. ACTION BY THE PLANNING COMMISSION.

1. Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendation shall be included.

2. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:
 - a. Whether such change is consistent with the intent and purpose of these regulations.
 - b. The areas which are most likely to be directly affected by such change and in what way they will be affected.
 - c. Whether the proposed amendment is made necessary because of changed or changing conditions in the area and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.

SECTION 4. ACTION BY THE GOVERNING BODY.

1. Adoption of Amendments. The Governing Body shall not consider the request until their next regular meeting after the lapse of the fourteen (14) day protest period. Upon the receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the Governing Body shall consider the application and may approve the recommendations of the Planning Commission without change or refer it back to the Planning Commission for further consideration. When a recommendation is returned to the Planning Commission for further consideration, the Governing Body shall give reasons for returning the application. Upon return of a recommendation from the Planning Commission, the Governing Body may take whatever action it deems necessary.

If a proposed amendment is not acted upon finally by the Governing Body within one hundred twenty (120) days after the recommendation of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the Governing Body or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided in this Article.

2. Protest. If written protest against a proposed amendment shall be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the hearing on a proposed amendment, which protest is duly signed and acknowledged by the owners of twenty (20) percent or more of the property proposed to be rezoned, or area, excepting public streets and ways, which is located within two hundred (200) feet or one thousand (1,000) feet for property outside the City boundary then such proposed amendment shall not be passed except by a three fourths (3/4) vote of the City Governing Body.

3. Publication. If the Governing Body approves an application, it shall adopt an ordinance to that effect, but said action shall not become effective until its publication in the official newspaper.

If the official zoning map has been adopted by reference, the amending ordinance or resolution shall define the change or boundary as amended, shall order the official zoning map to be changed to reflect such amendment and shall amend the section of the regulations incorporating the same and shall reincorporate such map as amended.

SECTION 5. LIMITATIONS ON SUCCESSIVE APPLICATIONS. Provisions for a limitation on successive applications to the Planning Commission shall be as follows:

1. No application for an amendment to these regulations including the zoning map shall be accepted by the Planning Commission if an application for the same amendment has been denied by the Planning Commission within the preceding twelve (12) months. The withdrawal of an application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing had been held and concluded.
2. Irrespective of the preceding subsection, an application for a rehearing may be accepted by the Planning Commission if in the judgment of the Planning Commission substantial justification is given. All such applications for a rehearing must be submitted to the Secretary at least fifteen (15) days in advance of the next regularly scheduled meeting of the Planning Commission, and shall be included on the agenda as a non-public hearing item. If the Planning Commission determines that there has been substantial change or justification for a rehearing, the item will be advertised, and a Public Hearing held at the next regular scheduled meeting of the Planning Commission.

ARTICLE XXIII

ENFORCEMENT, VIOLATION AND PENALTY

SECTION 1. ENFORCEMENT. It shall be the duty of the Zoning Administrator to enforce these regulations. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals as provided in Article XXI.

SECTION 2. PLATS. Each application for a building permit shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A record of applications and plans shall be kept in the office of the Zoning Administrator.

SECTION 3. PENALTY. The owner or agent of a building or premises in or upon which a violation of any provision of these regulations 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 punished by a fine not to exceed five hundred (\$500.00) dollars. Each and every day that such violation continues shall constitute a separate offense.

SECTION 4. VIOLATIONS. In case any building, or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of these regulations, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

ARTICLE XXIV
CERTIFICATE OF APPROVAL

SECTION 1. Zoning Ordinance No. 130-1985-58 and all amendments thereto are hereby repealed.

SECTION 2. It is hereby certified that this Zoning Ordinance and the Zoning District Map referred to in this Zoning Ordinance were duly approved by the Planning Commission on the 1st day of April, 1997.



Fred Carpenter, Secretary

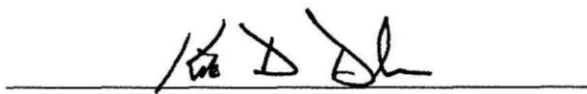


Ron Peters, Chairman

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

PASSED this 14th day of July, 1997

ATTEST:



Kirk D. Decker, City Clerk



John D. Waltner, Mayor

