

**YEAR 2000
DODGE CITY ZONING
ORDINANCE**

**Amendments adopted thru Jan
2011**

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Table of Contents

ARTICLE I	GENERAL REGULATIONS.....	1-1
I.1	Title and Purpose	
I.2	Short Title	
I.3	Statutory Ruling	
I.4	Relationship to Other Laws	
I.5	Administrative Standards	
I.6	Application of this Ordinance	
I.7	Establishment of Zoning Districts	
I.8	Establishment of Districts in Annexed Areas	
I.9	Zoning District Boundaries	
I.10	Interpretation of District Boundaries	
I.11	Amendment of District Boundaries	
I.12	Transition from Former Zoning Districts	
I.13	Suspension of Regulations	
ARTICLE II	SUPPLEMENTARY REGULATIONS.....	2-1
II.1	General Yard Setback Regulations	
II.2	Front Yard Setback Regulations	
II.3	Side Yard Setback Regulations	
II.4	Intersection Visibility	
II.5	Accessory Structures and Uses (Residential)	
II.6	Accessory Structures and Uses (Non-Residential)	
II.7	Keeping of Animals, Agricultural Uses	
II.8	Manufactured Units	
II.9	Townhouse Dwelling Units	
II.10	Zero Lot Line and Two-Family Structures	
II.11	Height Regulation	
II.12	Outdoor Storage	
II.13	Outdoor Illumination of Uses	
II.14	Flood Plain Development	
II.15	Right-of-Way Development	
II.16	Mixed Use Development	
II.17	Home Occupations	
II.18	Seasonal Uses	
II.19	Fences	
II.20	Non-residential Access	
II.21	Trash Receptacles	
ARTICLE III	NONCONFORMING SITUATION.....	3-1
III.1	Purpose and Intent	
III.2	Nonconforming Lots of Record	
III.3	Extension or Enlargement of Nonconforming Situations	
III.4	Destruction of Nonconforming Structures	

III.5	Abandonment and Discontinuance of Nonconforming Situations
III.6	Change in Kind of Nonconforming Use
III.7	Completion of Nonconforming Project, Vesting of Rights
III.8	Nonconforming Signs
III.9	Nonconformity Permit
III.10	Special Exceptions

ARTICLE IV LANDSCAPING AND BUFFER REQUIREMENTS.....4-1

IV.1	Purpose
IV.2	General Requirements
IV.3	Screening and Buffer Requirements
IV.4	Landscaping Requirements: Vehicular Use Areas
IV.5	Plan Review and Approval
IV.6	Sight Distance Requirements
IV.7	Installation and Maintenance

ARTICLE V OFF-STREET PARKING AND LOADING REQUIREMENTS.....5-1

V.1	Purpose
V.2	General Requirements
V.3	Location of Off-Street Parking and Loading
V.4	Interpretation and Modification
V.5	Parking Design Standards
V.6	Loading Design Standards
V.7	Schedule of Off-Street Parking Requirements
V.8	Handicapped Accessible Parking

ARTICLE VI SIGN REGULATIONS.....6-1

VI.1	Purpose
VI.2	General Requirements
VI.3	Special Sign Regulations
VI.4	Permitted Signs
VI.5	Illumination
VI.6	Prohibited Signs
VI.7	Nonconforming Signs
VI.8	Portable Signs, Mobile Signs, Temporary Banners
VI.9	Murals, Wall Paintings
VI.10	Sign Maintenance

ARTICLE VII SOIL EROSION AND SEDIMENT CONTROL.....7-1

VII.1	Purpose and Findings
VII.2	Applicability
VII.3	Requirements

ARTICLE VIII SITE DEVELOPMENT PLAN REGULATIONS.....8-1

VIII.1	Purpose
VIII.2	Applicability

- VIII.3 Requirements
- VIII.4 Scope of Review
- VIII.5 Action by Zoning Administrator

ARTICLE IX ADMINISTRATION AND ENFORCEMENT.....9-1

- IX.1 Zoning Administration
- IX.2 Right of Entry
- IX.3 Zoning Permit
- IX.4 Relation to Other Permits, Certificates and Licenses
- IX.5 Enforcement
- IX.6 Administrative Declaratory Ruling

ARTICLE X BOARD OF ZONING APPEALS.....10-1

- X.1 Establishment
- X.2 Powers, Duties and Rules of the Board
- X.3 Members Liability
- X.4 Appeals
- X.5 Special Exceptions and Conditional Use Permits
- X.6 Nonconformity Special Exception Permits
- X.7 Landscaping, Parking, Loading Special Permits
- X.8 Personal Animal Use Special Exceptions
- X.9 Variances
- X.10 Minor Variances
- X.11 Appeals from the Board of Zoning Appeals

ARTICLE XI AMENDMENT PROCEDURES.....11-1

- XI.1 Changes and Amendments
- XI.2 Action by Applicant
- XI.3 Action by the Zoning Board
- XI.4 Action by the the City Commission
- XI.5 Reason for Amendment
- XI.6 Protest Petition
- XI.7 More Restrictive Map Amendment
- XI.8 Amendment for Lesser Charge
- XI.9 Reconsideration of Petition
- XI.10 Effect and Amendment Petition on Building

ARTICLE XII SPECIAL EXCEPTION CONDITIONAL USES.....12-1

- XII.1 Objective and Purpose
- XII.2 Procedure for Approval of Conditional Use Permits
- XII.3 Regulations for Conditional Use Permits
 - A. Adult Uses
 - B. Adult Residential, Nursing Care Homes
 - C. Animal/Pets Kennel (Commercial)
 - D. Animal/Pets Kennel (Residential)

- E. Airport, Landing Field
 - F. Art Gallery, Museum
 - G. Bed and Breakfast
 - H. Cemetery
 - I. Community Center
 - J. Correctional Center, Juvenile Detention, Secure Care Center
 - K. Day Care, Group Foster Care
 - L. Dwelling, Two Family
 - M. Dwelling, Townhouse and Multi-Family
 - N. Emergency Services
 - O. Flammable or Hazardous Materials: Bulk Storage Above Ground
 - P. Flammable or Hazardous Materials: Bulk Storage Below Ground
 - Q. Financial Institution (with drive through service)
 - R. Industrial Operations (Not Specifically Listed)
 - S. Manufactured Housing Parks
 - T. Manufactured Housing Subdivision
 - U. Natural Resources Extraction
 - V. Planned Unit Development, Residential
 - W. Planned Unit Development, Non-Residential
 - X. Recreational Facilities
 - Y. Sewage Treatment Facility
 - Z. Temporary Uses (Not Otherwise Addressed by Other Provisions)
 - AA. Tattoo, Body Piercing, Massage Parlor
 - BB. Transmission Tower and Antenna, Commercial
 - CC. Utility Station/Substations/Exchange(No Outdoor Storage)
 - DD. Utility Service Shop/Storage Yard, Governmental Shop/Yard
 - EE. Veterinary Clinic, Outdoor Use
 - FF. Mini Storage Warehouse
 - GG. Automobile Salvage Yard
- XII.4 Special Use Permit for Lottery Gaming Facility

ARTICLE XIII DISTRICT REGULATIONS.....13-1

- XIII.1 AG Agricultural
- XIII.2 R-S Residential Suburban
- XIII.3 R-1 Residential Low Density
- XIII.4 R-2 Medium Density
- XIII.5 R-3 Residential Higher Density
- XIII.6 C-O Commercial Office
- XIII.7 C-1 Commercial Downtown
- XIII.8 C-2 Commercial Highway
- XIII.9 I-1 Light Industrial
- XIII.10 I-2 Heavy Industrial
- XIII.11 Table of Permitted and Conditional Uses
- XIII.12 Table of Dimensional Requirements

ARTICLE XIV	DEFINITIONS	14-1
XIV.1	Ordinance Construction	
XIV.2	Words and Phrases	

ARTICLE I GENERAL REGULATIONS

I.1 Title and Purpose

An Ordinance to establish zoning districts and regulations governing the development and use of land within the City of Dodge City, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Kansas Statutes, Annotated and the Comprehensive Plan for the City of Dodge City.

I.2 Short Title

This ordinance may be commonly known as and referred to as the Year 2000 Dodge City Zoning Ordinance.

I.3 Statutory Authority

This Ordinance is established under authority granted by Kansas Statutes, Annotated, Chapter 12 and the Home Rule authority of the City as granted by the Kansas Constitution. Any subsequent amendments to this state authority or decisions from courts of competent jurisdiction shall take precedence over the provisions of this Ordinance.

I.4 Relationship to Other Laws

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, adjudication, rule, or regulation, those rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Cross-references to other codes and ordinances are for the convenience of the reader; lack of a cross-reference should not be construed to indicate that other codes and ordinances do not apply.

I.5 Administrative Standards

In the administration of this Ordinance, when it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made in harmony with the spirit and purpose of this Ordinance, and not injurious to the surrounding neighborhood or the City as a whole.

I.6 Application of this Ordinance

The regulations and standards set by this Ordinance within each district shall be held to be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly the following:

- A. No building, structure, or land shall be used or occupied; and no building or structure or part thereof shall hereafter be erected, altered, or moved; and no land shall be developed or improved; and no land shall have a change in use except in conformity with applicable regulations herein specified for the district in which they are located.
- B. Off-street parking or loading spaces required in connection with any structure and/or use for the purpose of complying with this Ordinance shall not be part of off-street parking or loading space similarly required for any other building/use unless specifically permitted by Article V.

- C. No required setback or zoning lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein, unless such yard or zoning lot is reduced by governmental acquisition for a public purpose. Setbacks or zoning lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Every principal single family residential building hereafter erected, altered, or moved shall have provided and continuously maintained for it a zoning lot as herein defined. In no case shall there be more than one single family building and its permissible accessory structures on a single zoning lot, except as specifically authorized by other provisions of this Ordinance.
- E. No principal building, structure, or land use may occupy a zoning lot unless the zoning lot fronts on an improved and accepted public street, except as specifically authorized by other provisions of this Ordinance under Special Exception Conditional Use provisions of Article XII.
- F. No accessory structure or use may be constructed or occupied before construction or occupancy of a principal structure or use on the same zoning lot.
- G. Public utility and transportation systems for transmission of services are exempt from lot and dimensional requirements of this Ordinance.

I.7 Establishment of Zoning Districts

The City of Dodge City is hereby divided into the following zoning districts with the designations and purposes listed below.

The districts included in this Ordinance are adopted for the promotion and protection of the public health, safety, morals, order, convenience, prosperity and general welfare. The purpose of each district is to provide specific regulations for use of land and control of other land development features such as lot size, lot width and yards, maximum lot coverage, and height of structures. The purposes of each district are further defined as follows.

- A. **AG Agricultural**
These districts are composed primarily of areas at the edges of the developed urban area occupied by or suitable for agriculture and land uses commonly associated with agriculture. They are designed to protect agriculture from premature or disorderly intrusion by more urban land uses, and as a holding zone for properties where more intense urban development is not yet feasible. The district regulations are designed to conserve our area agriculture, and to protect agricultural areas from untimely and incompatible land use encroachment. Regulations controlling lot sizes and other dimensional standards are designed to provide for economically productive agriculture. Residential development on very large lots is permissible with the acknowledgement that urban services such as water and sewerage may not be available in the foreseeable future. The AG district allows as special exceptions certain uses which with proper safeguards will not interfere with the primarily agricultural uses.
- B. **R-S Residential**
These districts are composed primarily of areas occupied by or suitable for single family dwellings on quite large lots, resulting in very low density residential neighborhoods. The district regulations are designed to protect the very low density residential character by prohibiting higher density residential and commercial activities, and to encourage a suitable environment for household life. Acknowledging the semi-rural character, limited non-commercial animal husbandry and associated agricultural accessory structures may be permitted.

R-S areas are not likely to receive sanitary sewers and other urban services at the time of development. Non-residential uses allowed as of right or as special exceptions are limited to public and semi-public uses which support large lot single family neighborhoods, and only when proper safeguards are in place to assure compatibility with general intent of the district.

C. R-1 Residential Low Density

These districts are composed primarily of areas occupied by or suitable for one-family dwellings at a low density. The district regulations are designed to protect the residential character of the districts by limiting higher density residential and commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. Non-residential uses allowed as of right or as a special exception are limited to public and semi-public uses which support primarily single family neighborhoods, and only when proper safeguards are in place to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure neighborhood compatibility.

D. R-2 Residential Medium Density

These districts are composed primarily of areas occupied by or suitable for single family dwellings at a slightly higher density than the R-1 districts. While new development may take advantage of the R-2 standards, the provisions are principally designed to protect and preserve existing medium density, primarily single family, neighborhoods by limiting higher density residential and commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. New development is encouraged to replace older housing stock and on vacant tracts within existing neighborhoods. Non-residential uses may be permitted which support the primarily single family neighborhood with proper safeguards to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure compatibility.

E. R-3 Residential Higher Density

These districts are composed primarily of areas occupied by or suitable for a mixture of single family, two-family and multi-family dwellings in a higher density range. These districts may also contain public and semi-public uses to support higher density residential development. The district regulations are designed to encourage the construction of higher density multi-family units, to protect the residential character of the areas by limiting commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces for all buildings, and to avoid excessive population density by requiring certain minimum building site area for each dwelling unit. Two-family, townhouse, and small scale multi-family developments are encouraged.

F. C-O Commercial Office

These districts are composed of land and structures occupied by or suitable for services of an administrative, personal, professional, and governmental nature. Occupancy of such areas generally follows an 8:00-5:00 business day, five days a week. These lands are usually found on arterial and collector streets, adjacent to the downtown area, and as a transition between residential neighborhoods and more intense uses. Outdoor storage is not compatible with this district, and high quality site design is expected to assure compatibility with adjacent residential neighborhoods.

High density and institutional housing may be permitted as with proper safeguards to assure compatibility with the low density residential and non-residential surrounding areas.

G. C-1 Commercial Downtown

These districts are composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services required by residents of the regional trade area. Located at the convergence of principal arterial streets, the downtown is the focus of commerce, professional service and administrative business of the trade area. The downtown is pedestrian oriented, facilities for automobile convenience and uses generating direct vehicular traffic are discouraged. Residential development is encouraged at a high density to stimulate downtown activity. Outdoor storage of items is not compatible with the downtown district, except for occasional events such as organized sidewalk sales. The district regulations are designed to permit further development of the district for its purpose in a compact and convenient arrangement of uses and structures that are urban in character.

H. C-2 Commercial Highway

These districts are composed of land and structures occupied by or suitable for uses supplying a wide range of retail goods and services. Located on an arterial street or near the intersection of arterial streets, these districts are relatively large and within convenient distance of the area they serve for several neighborhoods and/or the traveling public and with convenient vehicular access. The district regulations are designed to allow commercial development while protecting the abutting and surrounding residential areas. Development within the C-2 district should be highway and vehicular oriented, and at a scale that serves the market area. Outdoor storage that is compatible with this district is permitted. Some processing of materials may be permitted when the environmental effect is minimal.

I. I-1 Light Industrial

These districts are composed of land and structures occupied by or suitable for light manufacturing, wholesaling, warehousing, and similar uses. Uses located in these districts should have little negative environmental impact (including, but not limited to noise, glare, and vibration) on adjoining properties. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or by natural barriers; if they are adjacent to residential areas, an artificial or natural separation is required. The district regulations are designed to allow a range of light industrial activities subject to limitations designed to protect nearby residential and business districts. Commercial and service activities that benefit the primary light industrial uses may be allowed.

J. I-2 Heavy Industrial

These districts are composed of land and structures occupied by or suitable for heavy manufacturing and related activities. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or natural barriers; if they are adjacent to residential areas, an artificial or natural separation is required. The district regulations are designed to promote the development of heavy industrial uses subject to conditions necessary for the mutual benefit of the uses and the city. Heavy industrial land uses may have moderate to high environmental impact or nearby properties. Commercial and service activities that benefit the primary heavy industrial uses may be allowed.

I.8 Establishment of Districts in Annexed Areas

A. When property is annexed into the City of Dodge City, that new part of the City shall be classified as R-S Residential Suburban on the effective date of the annexation. From the effective date of such annexation, the Zoning Board shall have 45 days to conduct a zoning study of such area and recommend a zoning map amendment to the City Commission.

After the City Commission has acted upon such recommendation, or absent a Zoning Board recommendation within said 45 day period, any property owner may request a zoning map amendment in an annexed area. No other zoning map amendment requests shall be processed during this 45-day period in an annexed area.

- B. The Zoning Board may make studies and conduct public hearings on proposed zoning of potential annexation areas prior to official annexation action by the City Commission. After such studies and duly conducted public hearing, the Zoning Board may forward to the City Commission a recommendation for proposed zoning of such potential annexation area. The City Commission may then consider such proposed zoning concurrent with the annexation.

I.9 Zoning District Boundaries

- A. The locations and boundaries of the zoning districts shall be as shown on the map accompanying this Ordinance and made a part hereof, entitled "Zoning Map of the City of Dodge City." The Zoning Map and the authorized notations, references, and amendments thereto, and other information shown thereon, are hereby made a part of this Ordinance. The Official Zoning Map, entitled "*official copy of zoning district map incorporated into zoning regulations by adoption of an ordinance by the governing body of the city on the ____ day of _____, _____*," properly attested by the signatures of the Mayor and City Clerk with the seal of the municipality affixed, shall be kept on file in the office of the City Clerk and Zoning Administrator and shall be available for inspection by the public.
- B. The provisions of this Ordinance governing within each type of district the use of land and buildings, dimensional requirements, and other matters as are hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district as shown upon said map, including water areas, easements, and rights-of-ways.
- C. In the creation of the respective districts, consideration was given to the existing character of each district and its peculiar suitability for particular future uses, and with a view to enhance the value of property interests and encouraging the most appropriate and beneficial use of land throughout the City.

I.10 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following lot lines shall be construed to be such lot lines.
- B. Boundaries indicated as approximately following streets, alleys, or other transportation rights-of-way shall be construed to be midway between the rights-of-way lines.
- C. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad right-of-way.
- E. Boundaries indicated as following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

- F Boundaries indicated as parallel to or extensions of features indicated in Subsections 1.9 (A-E) above, shall be so construed.
- G. On unplatted property or where a district boundary divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.
- H. Where any street, road, alley, or easement is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the portion of such street, road, alley, or easement added to the property by virtue of such vacation or abandonment.
- I. If an area is not shown on the Official Zoning Map as being included in any district, and cannot be otherwise verified, it shall be deemed to be in the R-S Residential Suburban.
- J. In case any further uncertainty exists, the Board of Zoning Appeals shall interpret the intent of the map as to location of district boundaries, as an appeal to the terms of the above provisions.

I.11 Amendment of District Boundaries

When changes are made in district boundaries or other matters portrayed on the Zoning Map, the following rules shall apply:

- A. Such changes shall be entered on the Official Zoning Map promptly after the City Commission has approved the amendment, with a reference to a more complete descriptive permanent record in the Office of the City Clerk.
- B. Entries on the Zoning Map shall be noted by index number. The number shall appear again on the map in a space provided, that correctly specifies the zoning case number and the date the change was approved.
- C. No changes of any nature shall be made on the Official Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.
- D. Zoning Map amendments shall comply with the provisions of AMENDMENT PROCEDURES (Article XI) of this Ordinance.

I.12 Transition from Former Zoning Districts

The former zoning ordinance for the Dodge City jurisdiction had more zoning district classifications than this Ordinance, and some classifications have title changes. This Ordinance does not by its initial adoption change zoning district boundaries. There may be subsequent zoning boundary changes through the amendment process. This initial adoption does change some classifications as noted below. Properties will be subject to the standards for the new classifications.

<u>Former Classification</u>	<u>New Classification</u>
AG Agricultural	No Change
R-S Residential Suburban	No Change
R Single Family Residential	Merged with R-1
R-1 Single Family Residential	R-1 Residential Low Density

R-2 Two Family Residential	Merged with R-1 (North of Comanche Ave.)
	R-2 Residential Medium Density (South of Comanche Ave.)
R-3 Multiple Family Residential	R-3 Residential Higher Density
R-M Medium to High Density Res.	Merged with R-3
R-4 General Residential	Merged with R-2
R-5 Mobile Home Park	Reverts to prior designation

<u>Former Classification</u>	<u>New Classification</u>
C-O Commercial-Institutional	C-O Commercial Office
C-1 Central Business	C-1 Commercial Downtown
C-2 Service Business	C-2 Commercial Highway
C-3 Community Business	Merged with C-2
C-4 Neighborhood Business	Merged with abutting district
C-5 General Business	Merged with C-2
I-1 Light Industrial	No Change
I-2 Heavy Industrial	No Change
PDD Planned Development	Reverts to prior designation

The R-5 Mobile Home Park and PDD Planned Development Districts are considered Special Exception Conditional Uses under this zoning ordinance. Any conditions and standards placed on prior R-5 and PDD developments remain in effect unless modified through the Special Exception provisions of this ordinance or subsequent zoning map amendment.

I.13 Suspension of Regulations

The City Administration shall have authority to suspend certain provisions of this Ordinance during a disaster emergency declared by federal, state, or local officials. Such suspension shall be the minimum necessary to accommodate the emergency situation.

I.14 Severability

Each Article, Section, Sub-section, and provision of this Ordinance are independent of every other Article, Section, Sub-section, and provision so far as inducement for the passage of this Ordinance is concerned. If any Article, Section, Sub-section, or provision of this Ordinance were ruled invalid or unconstitutional, such ruling shall not effect the validity of this Ordinance as a whole or any other part or provision thereof.

I.15 Repeal

This Ordinance repeals the previously existing zoning regulations for the City of Dodge City, Kansas, in their entirety. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

I.16 Accrued Rights and Liabilities Saved

The repeal of previously existing ordinances and provisions of ordinances provided by Section I.15 shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances repealed are hereby continued in force and effect, for the purpose of such rights, fines, penalties, forfeitures, liabilities, or actions thereof.

ARTICLE II SUPPLEMENTARY REGULATIONS

II.1 General Yard Setback Regulations

Every part of a required yard setback shall remain open, with the following exceptions:

- A. Chimneys, ornamental features, eaves, and gutters but not porches, may project into a required front or side yard not more than thirty inches, and into a required rear yard not more than four feet. A 3.5 foot side yard shall be maintained beyond the projection.
- B. Open or enclosed fire escapes, fireproof outside stairways, rear yard open decks, handicapped ramps, entry steps, basement egress facilities, and balconies may project into a required yard not more than four feet. A 3.5 foot side yard shall be maintained beyond the projection.
- C. Unenclosed carports attached to a dwelling may extend up to 3.5 feet of any side property line (not a corner lot line). This distance shall be measured from the furthest projection of the carport to the lot line.
- D. Accessory structures and uses may in certain instances be located in required yards. See Sections II.5 and II.6, below.

II.2 Front Yard Setback Regulations

The following required front yard setback regulations shall apply in all districts:

- A. Where lots comprising forty percent or more of the frontage in any block face are already developed as legal nonconforming situations with buildings whose front yards are less than the minimum required front setback as specified in this Ordinance, the required setback may be reduced so that a structure may be erected, reconstructed, altered, or moved so as to project to the average front building line established by adjacent existing buildings. This provision likewise applies to side yards on corner lots, except that the intersection visibility requirements of Section II.4 shall be met.
- B. The front yard requirements as specified in the Table of Dimensional Requirements (Section XIII.12) shall apply to each street frontage of a through lot, and each shall be considered a front yard. Exception: When a residential development is designed so that no residence faces the rear frontage within a block face with no curb cut access to the rear street, such area may be considered a residential rear yard.
- C. The front yard requirements as specified in the Table of Dimensional Requirements (Section XIII.12) shall apply to each street frontage of a corner lot, and each shall be considered a front yard. Exception: When a residential development is designed so that no residence faces a side street within a block face with no curb cut access to the side street, the side street setback may be considered a side yard, and shall be one-half of the otherwise required front yard setback. (Fences in such areas are regulated under Section II.19.)

II.3 Side Yard Setback Regulations

If a structure is not required to provide a side yard setback by this Ordinance, but is not placed on the side lot line, then the side yard provided shall not be less than 3.5 feet.

II.4 Intersection Visibility

To ensure that structures, signs, and landscaping do not constitute a driving and pedestrian hazard, a "sight triangle" shall be observed at all street intersections, at intersections of streets with railroad tracks, and driveways. Within the sight triangle, no vision obstruction of any kind shall be permitted between a height of two and one-half feet and eight feet above the mean elevation of the street. The C-1 Commercial Downtown district shall be exempt from these requirements because of large-scale development, low traffic speeds, and adequate traffic controls.

The sight triangle shall consist of the following, or other dimensions having a similar effect when intersections are not ninety degrees. The sight triangle includes its adjacent right-of-way.

- A. Intersecting streets shall have site triangles as follows, measured along the street centerlines:
 - 1. Local streets intersecting, with no stop signs/signals: from the intersecting centerlines, 90 feet in both directions, the third side connecting the ends of the other two.
 - 2. Local streets intersecting, with stop signs/signals: from the intersecting centerlines, 75 feet back along the stop street and 90 feet along a non-stop street, the third side connecting the ends of the other two.
 - 3. Local streets intersecting arterial or collector streets: from the intersecting centerlines, 90 feet back along the local street and 120 feet back along the arterial collector street, the third side connecting the ends of the other two.
 - 4. Arterial and/or collector streets intersecting: from the street intersecting centerlines, 120 feet back along the streets, the third side connecting the ends of the other two.
- B. A street intersecting a railroad track shall have a sight triangle with two sides being twenty-five feet along the abutting rights-of-way lines, from their point of intersection, and the third side being a line connecting the other two lines.
- C. A street intersecting a driveway shall have a sight triangle with one side being fifteen feet along the right-of-way edge, one side being ten feet along the abutting driveway pavement, and the third side being a line connecting the other two lines. Driveways to single and two-family homes are exempt from this provision.

II.5 Accessory Structures and Uses (Residential)

- A. Accessory structures and uses are permitted on private property in any residential district in connection with any permitted use. Accessory structures and uses, as defined in Article XV of this Ordinance, shall include, but not necessarily be limited to, the following:
 - 1. A private garage or carport when not attached to the principal structure.
 - 2. A structure for enclosed storage incidental to a permitted use.
 - 3. Satellite antenna and alternate energy devices.
 - 4. A private swimming pool and/or bath house.
 - 5. Basement egress window wells, statuary, arbors, trellises, awnings, canopies, barbecue equipment, gazebos, flag poles, laundry lines, terraces, recreational equipment, fences, walls and hedges.

6. Storm shelters.
 7. Outdoor parking of trailers, recreational vehicles, busses, boats, and campers.
 8. Operable and not abandoned personal passenger vehicles and their storage are exempt from residential accessory use regulations.
- B. In all residential districts, detached accessory structures and uses are prohibited in rights-of-way and required front yard setbacks, but may be located in a required rear and side yard subject to the following provisions:
1. No accessory structure or use shall be located closer than ten feet to any principal building, except II.5.A.5, .6, and .7, above.
 2. Storage structures with 150 square feet or less and not constructed on a permanent foundation are not regulated in rear setback areas.
 3. On through and corner lots, no accessory building or use shall extend beyond the front yard setback required on the street frontage to the rear/side of the principal structure, except II.5.A.5 above. Exception: When a residential development is designed so that no residence faces the rear frontage within a block with no curb cut access to the rear street, such area may be considered a rear yard.
 4. No part of an accessory structure or use shall extend to within 3.5 feet of any side or rear property line, except II.5.A.5, .6, and .7, above.
 5. Fences and walls shall comply with Section II.19.
- C. Outdoor storage of interior household furnishings, appliances, and/or non-household items is not allowed in residential areas unless specifically permitted by the Table of Permitted Land Uses or by the Board of Zoning Appeals.
- D. Signs, a special type of accessory use, shall be permitted as specified in Article VI.
- E. Overnight parking of trucks and/or trailers larger than one ton capacity is prohibited in residential zoning districts.
- F. Outdoor storage of trailers, recreational vehicles, busses, boats, and campers may be parked and stored within the required residential front setback, but not within or over-hanging the public right-of-way.
- G. Residential accessory structures shall not be larger (square feet) nor higher than the principal residence in all residential zoning districts except the R-S Residential Suburban district.
- H. Automobile, vehicle, and/or machinery repair is limited to one dwelling unit occupant occasionally working on one personally owned vehicle, outside an enclosed structure, without causing neighborhood disruption. Minor repair work within enclosed structures is not regulated, provided that major body work and painting are prohibited in residential areas.
- I. The letting of space for up to two boarders, provided an additional dwelling unit is not created, is a permitted residential accessory use.

II.6 Accessory Structures and Uses (Non-Residential)

- A. Accessory structures and uses are permitted for any non-residential permitted principal use (as of right or special exception). Accessory structures and uses, as defined in Article XIV of this Ordinance, shall include, but not necessarily be limited to, the following, unless specifically prohibited in the Schedule of District Regulations or the Board of Zoning Appeals in the case of Special Exceptions:
 - 1. Outdoor storage, when specifically permitted as a right or as a special exception. (See Section II.12 below)
 - 2. Canopies free standing or attached, for weather protection.
 - 3. Service station islands.
 - 4. Outdoor parking of trucks, buses, and other large vehicles.
 - 5. One dwelling unit for each non-residential zoning lot, constructed as an integral part of the principal non-residential structure, for proprietor or employee occupancy.
 - 6. Land uses which under other circumstances may be considered principal uses, but are considered accessory uses because for all practical purposes they are designed and operated to not stand on their own. (i.e., a cafeteria for an office building is not a restaurant)
- B. For all non-residential uses, accessory structures and uses shall be prohibited in rights-of-way and required front yard setbacks, but may be located in the required rear or side yard, provided the landscaping and buffer provisions of Article IV are met.
- C. Off-street parking and paved service areas may be located in any required setback of a non-residential district lot, provided that the landscaping and buffer requirements of Article IV are met.
- D. Manufactured housing units, mobile homes, trailers removed from tractor-trailer trucks, any structure that is or has been a wheeled vehicle or a portion thereof, and similar structures shall not be used for accessory structures. EXCEPTION: Temporary construction site office/storage, placement on industrial zoned property when screened from the viewing public.
- E. Signs, a special type of accessory use, shall be permitted as specified in Article VI.

II.7 Keeping of Animals, Agricultural Uses

- A. No animals other than household pets shall be permitted in any non-agricultural zoning district. Limited non-commercial animal husbandry may be allowed in the R-S Residential Suburban district. Two horses per fenced acre are permitted as-of-right, and other animals may be permitted as a special exception in the R-S district (see Section X.8). A personal or commercial kennel (the keeping of more than four dogs) is an agricultural land use as a special exception (see Subsections XII.3.B & C). Nothing in this Zoning Ordinance shall contradict provisions of the Dodge City Animal Control Ordinance.
- B. Where agricultural uses and structures are permitted by this Ordinance, such activity is exempt from building permits or certificates of occupancy, and dimensional requirements, in accordance with KSA 12-758(b). Street setback lines and flood plain regulations shall be observed. See DEFINITIONS (Article XIV) for the definition of “Agricultural Use”.
- C. All lands used for agricultural purposes as defined within these Regulations are located within areas where land is used for commercial agricultural production. Owners, residents, and other users of this

property or neighboring properties may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants, and users of the property and neighboring properties should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that K.S.A. 2-3201 et seq., the “right-to-farm law”, may bar them from obtaining a legal judgment against such normal agricultural operations.

- D. No provision of this Ordinance regulates non-commercial gardening on private property.

II.8 Manufactured Units

- A. Residential Design Manufactured Housing. A manufactured housing unit with running gear, tongue, axles, and wheels removed, at least 22 feet wide installed on a permanent foundation or permanent curtain wall, with pitched roof and siding and roof materials customarily found on site-built housing, shall be considered a single family dwelling for all zoning purposes. Residential design manufactured housing units shall comply with and shall bear a label of compliance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
- B. Modular Housing. A modular housing unit is prefabricated and hauled to a site in one or more modules which is not designed to be transported on its own chassis. When installed on a site with a permanent foundation, with a pitched roof and siding and roof materials customarily found on site-built housing, a modular housing unit shall be considered a single family dwelling for all zoning purposes.
- C. Manufactured Housing. A housing unit prefabricated and constructed to be transported on its own chassis and designed without a permanent foundation, or two such units subsequently connected, is permitted in Dodge City as a dwelling unit when installed in a manufactured housing park or manufactured housing subdivision (both of which require a Special Exception Permit from the Board of Zoning Appeals—see Article XII.3.S&T). Manufactured housing units may replace other such units and nonconforming mobile homes as permitted under Article III, Nonconforming Situations. Manufactured housing units shall comply with and shall bear a label of compliance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
- D. Mobile Homes. A mobile home is a transportable factory-built structure designed to be used as a permanent residential dwelling, constructed prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. Mobile homes are allowed in Dodge City only as nonconforming uses—see Article III, Nonconforming Situations.
- E. Manufactured Housing Units as Temporary Construction Offices. Manufactured housing units may be used as temporary construction offices or storage when located on the same property as the construction project. Such offices shall as closely as possible comply with the yard requirements of the zoning district in which they are located. The unit shall be removed immediately after completion of the construction.
- F. Manufactured Housing Unit as Sales Office/Model. Manufactured housing units may be used as sales offices and models for sale when located in a zoning district permitting such sales and where such sales are conducted.
- G. Manufactured Housing Units as Storage Structures. No manufactured housing unit or mobile home shall be used as a storage structure in any zoning district except the I-1 and I-2 Industrial Zones, and then only when screened from public view.
- H. Joining Manufactured Units. Manufactured housing units and mobile homes shall not be joined or combined with other units unless they are specifically designed and constructed to be joined.

II.9 Townhouse Dwelling Units

- A. Front setback, rear setback, and lot dimensions shall comply with Section XIII.12, Table of Dimensional Requirements.
- B. Minimum side setbacks shall be fifteen feet for townhouse end units, with zero feet for interior units.
- C. Townhouse rows developed as a complex shall be separated by at least twenty feet.
- D. Maximum lot coverage for a townhouse unit shall be fifty percent.
- E. No less than four, nor more than eight units shall be allowed in each townhouse row.
- F. Townhouses shall be constructed without interior side yards; and no windows, doors, or other openings shall face the sides except at end units.
- G. Manufactured housing, other than Residential Designed, shall not be considered townhouses in any manner whatsoever.
- H. An owners' association or restrictive covenants are required to detail operation of common areas, insurance needs, and exterior appearance controls.

II.10 Zero Lot Line and Two-Family Structures

Where zero lot line and two-family attached dwelling structures are permitted as of right or by special exception under this Ordinance (See Section XIII.11, Table of Permitted Uses), the following provisions shall apply:

- A. Front setback, rear setback, and lot dimensions shall comply with Section XIII.12, Table of Dimensional Requirements.
- B. Zero lot line and two-family units shall have no minimum yard requirements on one side, with ten feet on the opposite side. If a yard is provided where none is required, such yard shall be at least 3.5 feet wide. At least fifteen feet shall separate a zero lot line development side from adjacent property or street lines.
- C. Maximum lot coverage for a zero lot line or two-family unit shall be fifty percent.
- D. No less than four nor more than eight units (2 – 4 two family structures) shall be allowed in a zero lot line development.
- E. Zero lot line residences shall be constructed against the lot line on one side of the lot; and no windows, doors, or other openings shall face this side. Where adjacent zero lot line units are not constructed against a common lot line, the developer shall provide a perpetual wall maintenance easement of four feet in width along the adjacent lot and parallel with such wall.
- F. Manufactured housing, other than Residential Designed, shall not be considered zero lot line units in any manner whatsoever.
- G. An owners' association or restrictive covenants are required to detail operation of common areas, insurance needs, and exterior appearance controls.

II.11 Height Regulations

The following regulations shall apply in all zoning districts, unless stated otherwise in this Ordinance:

- A. Chimneys, water tanks, penthouses, towers, scenery lofts, elevator shafts, smokestacks, ornamental spires, communications towers, cupolas, domes, similar structures, and necessary structural mechanical appurtenances may be erected to a height fifteen feet above the maximum building height indicated by the Table of Dimensional Requirements (Section XIV.13). Grain elevators are exempt from height regulations except when within Airport Hazard Areas.
- B. In locations where adopted Airport Hazard Zoning regulations are applicable, the height of structures shall in addition comply with those requirements. The Airport Hazard height regulations in the Dodge City Municipal Airport Master Plan are hereby incorporated into this Zoning Ordinance by reference.
- C. No other building or structure or appurtenance shall exceed the height limits as set forth in Section XIII.12, Table of Dimensional Requirements, unless the required depth/width of the setbacks in all directions shall be increased one foot for each one foot of height in excess of the maximum permitted. The Dodge City Fire Department shall approve such maximum height extensions where such would involve routine human occupancy or use.

II.12 Outdoor Storage

Where outdoor storage is permitted as a principal or accessory use, the following provisions shall apply.

- A. Storage of vehicles and household items in residential districts shall comply with Accessory Structures and Uses (Residential), Section II.5, above.
- B. Storage of items in non-residential districts (and for allowed non-residential uses in residential districts) shall be completely enclosed by a security fence at least six feet in height. Where such storage area abuts or is within one hundred feet of a residential district, it shall be screened from view on residential property.
- C. Manufactured housing units, mobile homes, trailers removed from tractor-trailer trucks, and similar structures that are or have been a wheeled vehicle or a portion thereof, may not be used for outdoor storage structures. EXCEPTION: Temporary construction site office/storage, storage on industrial zoned property when screened from the viewing public.

II.13 Outdoor Illumination of Uses

Outdoor lighting facilities and fixtures used to illuminate signs, the exterior of structures, parking areas, or for other purposes shall be so arranged that the source of light does not shine or glare directly into adjacent residential properties to constitute a nuisance, and does not interfere with traffic.

II.14 Flood Plain Development

Any construction and or land disturbing activity proposed to take place in a designated Flood Hazard Area requires a separate development permit, and is controlled by the Dodge City Flood Plain Management Ordinance. This Flood Plain Management Ordinance is incorporated by reference into this Zoning Ordinance.

II.15 Rights-of-Way Development

Any construction or other development or private land usage (other than approved approaches and sidewalks) within the public rights-of-way is prohibited unless specifically allowed by other provisions of this Zoning Ordinance.

II.16 Mixed Use Development

In C-1 Commercial Downtown and C-O Commercial Office Zoning Districts, residential dwelling units developed above or below the ground floor of commercial uses are permitted, and are exempt from the dimensional requirements of this Ordinance. Such dwelling units shall comply with all other applicable housing and development codes, except that off street parking standards are waived in the C-1 district.

II.17 Home Occupations

Home occupations as defined by Article XIV are permitted in all zoning districts, subject to the following conditions.

- A. The occupation or profession shall be conducted entirely within the principal residential structure.
- B. No more than one person outside the resident family shall be employed in the home occupation.
- C. There shall be no outside or accessory building storage; nor any exterior display or other indication of the home occupation, except a four square foot unlighted flat mounted wall sign as permitted by Article VI.
- D. No more than twenty-five percent of the area of one floor of the principal residence shall be devoted to the home occupation.
- E. The sale of products directly from the premises shall be limited to those manufactured on the premises.
- F. The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises.
- G. The home occupation shall be designed and operated so that customers (if any) shall be limited to one at a time on the premises.

II.18 Seasonal and Temporary Uses

Seasonal and temporary uses are permitted as detailed and regulated below.

- A. Christmas tree sales and storage may be conducted on open land in any non-residential zoning district. The time period shall not exceed sixty days. All business shall be conducted on private property, and vision sight triangles shall be maintained.
- B. Seasonal greenhouse and horticultural supplies may be sold and displayed outside of enclosed buildings in districts permitting such sales for a period of no longer than four months each year. All business shall be conducted on private property, required parking shall be maintained, and vision sight triangles shall be observed. Storage of loose material such as mulch, topsoil, sand, etc. is prohibited under this provision.
- C. Promotional activities of retail merchants outside of enclosed buildings may be conducted up to five times a year and for a total of no more than sixty days in any twelve month period. Such activity shall not encroach upon required off street parking spaces. The City Commission may grant use of public rights-of-way for such activities with events sponsored by business associations or the City. Such activities shall be restricted to commercial and industrial properties.
- D. Seasonal sales of farm produce grown on-premises in agricultural zoning districts may be conducted for not longer than four months per year. The conduct of all business shall be on private property. Any structure or sign utilized with this activity shall be removed from any required front yard area when the sales season ends. One thirty-six square foot unlighted sign may advertise such sale.

- E. Non-profit fund raising and other activities related to the principal use may be conducted upon the non-profit property as an accessory use. Parking areas for the principal use shall not be compromised.
- F. The City Commission may grant use of public lands and rights-of-way for temporary uses sponsored by neighborhood associations and non-profit organizations.

II.19 Fences

Fences or walls, where provided or required, shall meet the following provisions.

- A. A zoning permit is required prior to the installation of fences or walls. The Zoning Board shall approve forms and procedures, and the City Commission shall establish fees.
- B. In residential zoning districts, fences and walls shall be a maximum height of four feet in required front yard setbacks, and six feet in other required yard setbacks. Fences and walls may be constructed on a base up to six inches above grade.
- C. When a residential development is designed so that no residence has curb cuts nor faces the rear frontage on through lots, nor the side frontage on corner lots, then fences and walls at such areas may be six feet high.
- D. In non-residential districts, fences and walls shall be a maximum height of eight feet (unless screening requirements dictate otherwise).
- E. Fences and walls shall be constructed of durable exterior materials. They shall be maintained in good repair to prevent property and neighborhood character deterioration.
- F. Electric and razor wire fencing is prohibited from all zoning districts. Barbed wire fencing may be used in the Agricultural zoning district when not adjacent to residential uses. Other barbed wire fencing shall not be permitted below a height of six feet above grade.
- G. Fences and walls shall not obstruct the intersection visibility site triangle (Section II.4).

II.20 Non-residential Access

No land situated in a residence district and no residential street shall be used as access for non-residential land uses.

II.21 Trash Receptacles

Where trash receptacles are provided other than individual cans or carts, and in locations other than alleys, they shall be effectively screened from public view.

ARTICLE III NONCONFORMING SITUATIONS

III.1 Purpose and Intent

Within the districts established by this Ordinance and amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to necessarily encourage their survival. The City of Dodge City, however, desires that nonconforming situations be maintained in standard condition until such time that they can become conforming with this Ordinance. It is further the intent of this Article that such situations shall not be made nonconforming to a greater extent than exists at the time this Ordinance is adopted. To these ends, the regulations of this Article encourage nonconforming situations to be well maintained and to become more, rather than less, conforming over time.

III.2 Nonconforming Lots of Record

Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable conformance to the required open space, yard and other requirements herein prescribed, such lot of record may still be used by said owner as a building site; provided that the required open space and other provisions conform as closely as possible to the requirements of the Zoning District in which it is located. Parking and loading, landscaping, buffer and front yard requirements shall be met in those instances of new development, redevelopment, or expansion of existing development; and 3.5 foot side yards shall be maintained where side yards are required.

Expansion or development of manufactured housing subdivisions as a Special Exception on nonconforming lots of record is regulated by Section III.10 and Subsection XII.3.S.

III.3 Extension or Enlargement of Nonconforming Situations

Except as specifically provided below, it shall be unlawful for any person to engage in any activity that causes an increase in the nonconformity.

- A. A nonconforming use may be extended throughout any portion of a complete building. However, a nonconforming use may not be extended to additional buildings or to land outside the original building except in accordance with Section III.6 (Completion of Nonconforming Projects) of this Ordinance.
- B. Subject to Section III.6 (Completion of Nonconforming Projects) of this Ordinance, a nonconforming use of open land may not be extended to cover more area than was occupied by that use when it became nonconforming.
- C. Physical alteration of structures or the placement on open land of new structures or the expansion of a use on land is unlawful if they result in:
 - 1. An increase in the total amount of space devoted to a nonconforming use; and/or
 - 2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, parking or density requirements; and/or
 - 3. Greater nonconformity with respect to design and other development provisions of this Ordinance such as landscaping, buffers, and paving.
- D. A nonconforming single family or two family housing unit and associated accessory uses/structures may be extended, enlarged, or replaced in any zoning district, provided required dimensional

requirements are not made nonconforming to a greater extent. (For examples: a non-conforming housing unit can be replaced on its original foundation; an addition less than 25 percent of the existing structural square footage can maintain the existing yard dimension.)

III.4 Destruction of Nonconforming Structures

- A. A structure that is nonconforming in any respect, or a structure that is used in a nonconforming manner, may be reconstructed if partially destroyed where the structure is destroyed by less than fifty percent of its value prior to such destruction. If the destruction is more than fifty percent of the pre-destruction value, such nonconforming structure must be either removed or the entire nonconforming situation must be made to conform with these Zoning Ordinance provisions.
- B. For purposes of this Article only, an existing single family dwelling unit or two family structure (and their otherwise permitted accessory uses) that is not abandoned (see III.5) shall not be considered a nonconforming *use* in any zoning district. An existing single family dwelling or two family structure may however, be a nonconforming *structure* with regards to the Flood Hazard Management and other Zoning Ordinance provisions. (Example: A single family dwelling may be reconstructed or replaced if partially or totally destroyed—except that a single family dwelling situated in a flood hazard area shall meet the requirements of the Flood Hazard Management provisions prior to reconstruction or replacement.)
- C. For purposes of this Article only:
 - 1. *Pre-Destruction Value* shall mean either the assessed valuation of the structure for tax purposes, or the valuation as determined by a certified property appraiser.
 - 2. *Percent of Destruction* shall mean the fair market value of the materials and services necessary to renovate, repair, or replace a structure compared to the pre-destruction value of the structure.

III.5 Abandonment and Discontinuance of Nonconforming Situations

- A. Nonconforming Use. When a nonconforming use is discontinued for a consecutive period of twelve months, the property involved may thereafter be used only for conforming purposes, unless the Board of Zoning Appeals issues a *Nonconformity Permit* to allow the same or another nonconforming use upon finding all of the below:
 - 1. The nonconforming use has been discontinued for less than three years; and
 - 2. The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming situation; and
 - 3. The proposed use is not more nonconforming than the previous nonconformity.
- B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to the provisions of this Section, all of the building, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) multi-family unit shall not result in a loss of the right to rent that unit thereafter so long as the multi-family building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the above stated time period shall terminate the right to maintain it thereafter.
- C. Nonconforming Structure. A structure on private property other than a sign structure that does not conform with the dimensional provisions of this Ordinance may be re-occupied and re-used for a conforming land use.

III.6 Change in Kind of Nonconforming Use

- A. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1. A nonconforming use may be changed to a conforming use. Thereafter the property may not revert to a nonconforming use.
 - 2. A nonconforming use may be changed to another nonconforming use only in accordance with a *Nonconformity Permit* issued by the Board of Zoning Appeals. The Board shall issue such permit if it finds that the proposed use will be a similar or less intense use in terms of required parking, density of development, bulk/lot coverage, and neighborhood disruption; and that the proposed use is in keeping with the intent of this Article.
- B. If a nonconforming use and conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use) only in accordance with a *Nonconformity Permit* issued by the Board of Zoning Appeals. The Board may issue such a permit if it finds that the proposed use will be similar or less intense in terms of required parking, density of development, bulk/lot coverage, and neighborhood disruption; and that the proposal is in keeping with the intent of this Article.

III.7 Completion of Nonconforming Project, Vesting of Rights

- A. Projects made nonconforming by provisions of this Ordinance or amendments thereto may be completed if substantial expenditures or substantial binding financial obligations were made in good faith towards construction of such projects in reliance on the then current regulations. Substantial expenditure or obligation does not mean the mere purchase of real or personal property. Proof of good faith substantial expenditure or obligation may be:
 - 1. Without question, a validly issued and unrevoked building, zoning, or special exception permit, or developer's agreement issued prior to the effective date of this Ordinance or subsequent amendments thereto (all of which are valid for a one-year period, with a possible one year extension); or a combination of the following.
 - 2. Shown with regard to the dollar amount and in terms of the total cost of the project; and
 - 3. Shown with a timely progress towards development of the project; and
 - 4. Shown with documented discussions and preliminary approvals with city staff concerning the project.
- B. Building and other development permits may not be issued while a zoning ordinance amendment petition is under consideration. See Section XI.10.
- C. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases or other discrete units, the developer shall be allowed to complete only those phases or discrete units which can be vested through provisions III.7.A above.
- D. The rights of properties platted or subdivided for single family residential uses shall be protected for that use for a period of five years from January 1, 1992 or the time such plat or subdivision was recorded. (Whichever is later: 1/1/92 being the date similar language was made effective per state statute at KSA 12-764.) After that, vested development rights to such plats or contiguous portions of plats shall expire. The zoning board may recommend and the city commission may approve voiding such plats or portions of plats if they do not conform with the zoning or City subdivision regulations after such five year period and if no construction has commenced.

III.8 Nonconforming Signs

All nonconforming signs in all zoning districts shall comply with SIGN REGULATIONS, ARTICLE VI, Section 7.

III.9 Nonconformity Permit

- A. The Board of Zoning Appeals is authorized to issue *Nonconformity Permits* under certain provisions of this Article as a special exception to this zoning ordinance. No building or other development permit or certificate of occupancy may be issued in such instances without a *Nonconformity Permit*.
- B. The Board shall determine whether the proposed changes comply with the standards set forth in this Article, and may attach conditions with the issuance of a Nonconformity Permit, to further the intent of this Article and this Ordinance.
- C. All Nonconformity Permits are valid for a one year period, with a possible one year extension granted by the Board of Zoning Appeals. If the activity has not commenced within this time, the permit shall be void.

III.10 Special Exceptions

Where a land use exists at the effective date of this ordinance or any amendment thereto, and is permitted only as a Special Exception by this ordinance or amendment, such use shall be deemed a lawful non-conforming use for purposes of this Article. Any expansion, enlargement, or replacement of that use is not permitted except through the Special Exception standards and processes of this ordinance or amendment thereto.

Article IV
LANDSCAPING AND BUFFERING REQUIREMENTS

Amended By Ordinance 3508

02/27/2010

IV.1 PURPOSE

Landscaping and buffer requirements are established to improve the appearance of vehicular use areas and property abutting public rights of way; to require buffering between incompatible land uses; to protect, preserve, and promote the visual appeal, character, and value of surrounding neighborhoods; to promote public health and safety through the reduction of pollution; preserve and protect existing trees; and to reduce water use in landscapes through the use of native and suitable plant material for this region.

IV.2 GENERAL REQUIREMENTS

- A. No new site development, building, structure, or vehicular use area shall hereafter be erected, constructed, or used unless landscaping is provided as required by the provisions of this Article. Any change in zoning, substantial redevelopment, and/or additions to existing development shall require the landscape to meet the requirements of this article.
- B. No building or other development permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by the zoning administrator, unless a performance bond or other acceptable guarantee of improvements has been posted.
- C. Where site approval by the zoning administrator or Board of Zoning Appeals is required, no building permit or certificate of occupancy shall be issued until such approval has been granted. In the event that the requirements of this Article conflict with those of other provisions of this Ordinance, the more restrictive shall apply.
- D. City Administration may vary specific planting standards of this Article when it is determined that the purpose statement and other provisions have been otherwise exceeded. In such instances, advice of the Dodge City Shade Tree Commission can be obtained.
- E. The Board of Zoning Appeals may, through the Special Exception procedure outlined in Section X.7 of this Ordinance, reduce certain standards of this Article; however, the Board shall not have the power to waive any specific provision. The Dodge City Shade Tree Commission shall review such a variance petition prior to a public hearing.
- F. The Dodge City Shade Tree Commission from time to time shall adopt a list of approved plant material which shall be maintained in the office of the Director of Parks and Recreation.

IV.3 STREET TREES

Street trees shall be provided at a rate of at least one tree per 40 feet of public or private street frontage, or portion thereof. Street trees may be clustered when circumstances prevent 40-foot

spacing, such as corner lots where trees would conflict with the sight triangles, utility easements, overhead utility lines, existing trees, or topographic features. Street trees may also be clustered in groups of three, five, or seven where such clustering is combined with berming, trees, and shrubs in a planned manner. If possible, it is encouraged that street trees be planted between the back of curb and the sidewalk. In cases where street trees may be planted between the back of curb and sidewalk, the planting strip shall be a minimum of 6 feet in width. Street trees shall be selected from the Approved Plant List.

A. Residential:

1. Street trees shall be located a maximum of 25 feet from the back of curb. Street trees are encouraged to be located within the right of way.

B. Non-Residential

1. Street trees shall be located a maximum of 30 feet from the back of curb.

C. Setbacks

1. The distance trees may be planted from curbs and curblines and sidewalks will be in accordance with the Approved Plant List size classes and no trees may be planted closer than four feet to any curb or sidewalk. Exceptions can be granted by the zoning administrator after a review and recommendation by the Shade Tree Commission.
2. No street trees other than those species listed as small trees in the Approved Plant List may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
3. No street trees shall be planted within the sight triangle of an intersection as defined in this article.

IV.4 INTERIOR PARKING LOT LANDSCAPING

The parking lot landscaping standards of this section require interior landscaping within parking lots to break up large expanses of pavement; to provide relief from the heat island effect associated with paved areas; and to safely direct traffic flows within the lot.

The interior parking lot landscaping standards of this section apply to all off-street parking lots containing 11 or more off-street parking spaces.

A. Landscape Area

1. Parking lots shall contain at least 40 square feet of landscaping area per parking space.
2. Required minimum parking lot perimeter landscaping and required bufferyards may not be used to satisfy minimum interior parking lot landscaping requirements.
3. Landscape areas within the parking area shall be constructed with concrete curbing to minimize damage to plant material, except that concrete curbing may be reduced or eliminated to account for landscape areas that are used as bio-swailes or other alternative systems of storm water management where curbing would impede the flow of water.
4. Landscape areas to be credited toward meeting these standards shall have minimum dimensions of 8.5 feet in all directions and the landscape areas shall be contained within

the parking lot. The parking lot shall be established by the perimeter parking lot curb, excluding landscape area peninsulas that meet the minimum dimensions.

5. Landscape medians in parking lots shall be planted with a mixture of two or more plant materials: ground cover, trees, or shrubs. The landscape median may contain a pedestrian walk that separates the total area into planting strips of three or more feet on either side of the walk.
6. Interior rows of parking spaces located in the parking area shall terminate with landscape areas.

B. Trees and Shrubs

At least one shade tree and three shrubs shall be provided per ten parking spaces within off-street parking areas. One shade tree or ornamental tree may be substituted for three shrubs, but shrubs may not be substituted for shade trees.

C. Other Landscaping

In addition to required shade trees and shrubs, landscape areas within the interior of off-street parking areas shall be planted with turf, ground cover, ornamental trees, or shrubs.

D. Location and Arrangement of Landscaping

Landscaping and planting areas shall be reasonably dispersed throughout parking lots to break up long rows of parking spaces. Landscape area and plantings shall be located and arranged to provide shade to parked vehicles, to safely direct traffic flows within the lot, to allow the principal building to be seen from the street and for the street to be seen from the principal building, and to provide landscaping and shade along protected pedestrian walkways within the interior of the parking lots. Landscaping location and arrangement of plant materials shall be designed with consideration given to the adjacent zonings, plantings, and land uses.

IV.5 PARKING LOT PERIMETER LANDSCAPING

The parking lot perimeter landscaping standards of this section are intended to screen views of parking lots from streets and roads.

The parking lot perimeter landscaping standards of this section applies to all off-street parking lots. The parking lot perimeter landscaping standards of this section shall apply to all new development and to redevelopment.

A. Landscape/Screening Material

Parking lots shall be landscaped and screened from view of street rights-of-way with a minimum of one tree and 3 shrubs per 25 linear feet of parking lot frontage (required street trees may be counted toward satisfying this requirement).

B. Landscape Area/Parking Lot Setback

Required landscape/screening material shall be located between the street right-of-way and the parking lot. This landscape area/parking lot setback shall have a minimum width of 20 feet.

IV.6 BUFFERYARDS

These standards of this section are intended to mitigate the impacts associated with incompatible land uses on adjacent properties. The standards require landscape bufferyards between such uses to minimize the harmful impacts of noise, dust/debris, glare, and other objectionable activities.

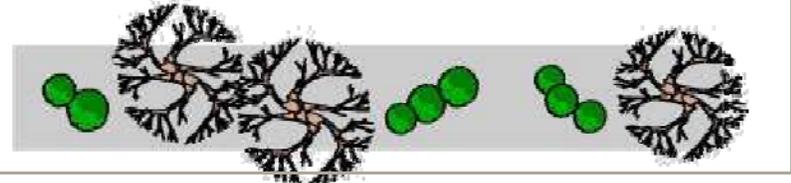
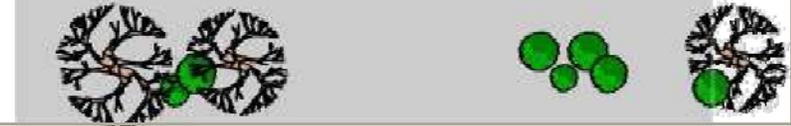
The bufferyard standards of this section apply to all development or redevelopment requiring site plan review.

Bufferyards are required in accordance with the following table. To determine the type of bufferyard required, first identify the zoning of the site that is being developed (the first column of the table) and each adjacent site (along the top of the table). Find where the zoning of the developing site and each adjacent site intersect on the table. If a bufferyard is required, a numeral at the intersection will indicate the type of bufferyard required. Width and landscape planting options for bufferyards are explained in sections A through C. Where the required bufferyard is wider than the side setback required at that location, the side setback shall be expanded to accommodate the bufferyard.

Development Site's Zoning	Adjacent Site's Zoning					
	R-S, R-1, R-2	R-3	C-O	C-1	C-2	I-1, I-2
R-S, R-1, R-2	-	1	1	2	2	3
R-3	1	-	1	-	2	3
C-O	1	1	-	-	1	2
C-1	2	-	-	-	-	-
C-2	2	2	1	-	-	1
I-1, I-2	3	3	2	-	1	-

A. Type 1 Bufferyards

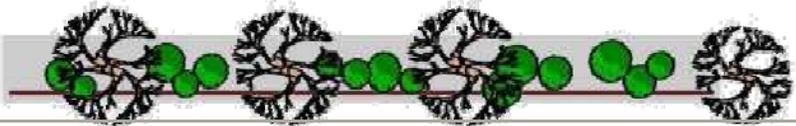
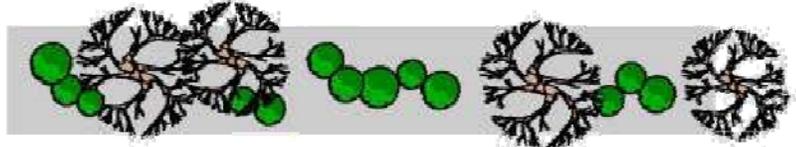
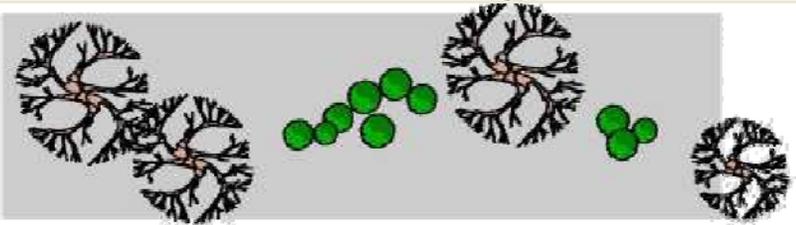
- Options - The amount of plant material required within bufferyards is dependent on the width of the buffer yard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 1 buffer yard requirements.

Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
10 feet		4	10
15 feet		3	8
20 feet		3	7
25 feet		2	5

- Trees and Shrubs - At least 30% of required trees and shrubs shall be evergreen.
- Fences, Walls, and Berms - A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.
- Optional Xeriscape Plant Material - If xeriscape plant material is used to meet the buffer yard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

B. Type 2 Bufferyards

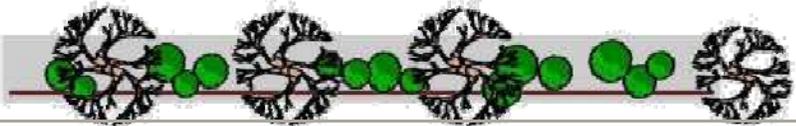
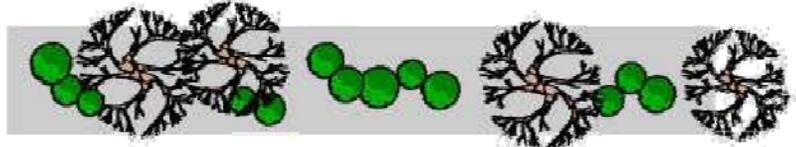
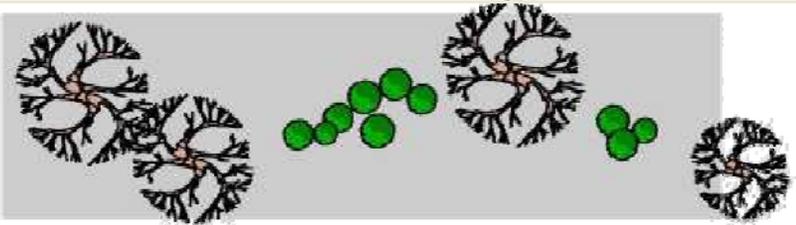
- Options - The amount of plant material required within bufferyards is dependent on the width of the buffer yard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 2 buffer yard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	13
25 feet		4	10

- Trees and Shrubs - At least 30% of required trees and shrubs shall be evergreen.
- Fences, Walls, and Berms - If the proposed buffer yard is less than 20 feet in width, it shall include a wall at least 3 feet in height. A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.
- Optional Xeriscape Plant Material - If xeriscape plant material is used to meet the buffer yard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

C. Type 3 Bufferyards

- Options - The amount of plant material required within bufferyards is dependent on the width of the buffer yard that is provided. The applicant will have the option of providing any of the following bufferyards to meet the Type 3 buffer yard requirements.

Minimum Buffer Width	100 Linear Feet	Landscape Material Requirements	
		Trees	Shrubs
15 feet	Fence, wall or Berm required 	4	15
20 feet		4	30
25 feet		4	20

- Trees and Shrubs - At least 30% of required trees and shrubs shall be evergreen.
- Fences, Walls, and Berms - If the proposed buffer yard is less than 20 feet in width, it shall include a wall at least 3 feet in height. A fence, wall, or berm 3 feet to 6 feet in height may be substituted for shrub plantings. Walls or fences shall be set back the width of the proposed buffer from the shared lot line. Required trees and plant material shall be installed on the side of the wall, fence, or berm contiguous with the adjacent property or street right-of-way.
- Optional Xeriscape Plant Material - If xeriscape plant material is used to meet the buffer yard requirements, the buffer width may be reduced by 5 feet. See Approved Plant List for xeriscape plant material.

D. Responsibility for Buffer yard Installation

The developing property is responsible for providing required bufferyards.

- Location - The buffer yard, including any required berm, shall be located entirely on the property on which the development which requires the buffer yard is occurring.

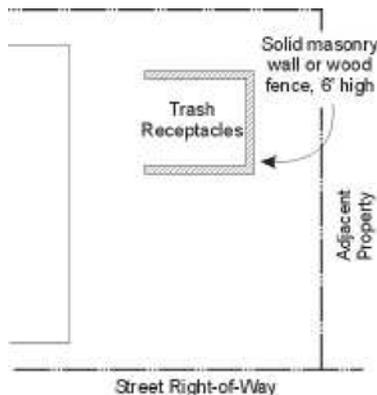
2. Existing Bufferyards - In those cases where a buffer yard that complies with the standards of this section is already in place on the site of the developing property, the developer is not required to install another buffer yard. The developer is only responsible for ensuring that the existing buffer complies with the standards of this section.
3. Residential Bufferyards - Bufferyards required for residential subdivisions shall be placed in landscape easements.

IV.7 ADDITIONAL SCREENING REQUIREMENTS

All multi-dwelling residential and non-residential developments shall provide additional screening as follows:

A. Dumpsters and Trash Receptacles

Dumpsters and trash receptacles shall be screened from view of adjacent properties and street right-of-ways on at least 3 sides with a 6 foot solid fence constructed of cedar, redwood, masonry, or other compatible building materials.



B. Mechanical Equipment

Exterior ground mounted or building mounted equipment including, but not limited to, mechanical equipment, utility boxes, and meters shall be fully screened from view of adjacent properties and from street right-of-ways (as measured 6 feet above ground level). Screening shall be in the form of landscape plantings or an architectural treatment compatible with the architecture of the principal building.

IV.8 EXISTING TREES AND VEGETATION

All existing healthy trees of desirable species 4 inch caliper or more must be shown on the landscape plan and must be preserved or transplanted on the site unless otherwise approved by the City. Grading shall not be permitted within the drip line of trees to be preserved or until after relocation is complete. Tree wells or retaining walls may be used beyond the limits of the drip line of the trees in order to protect the trees if grading does not otherwise accommodate preserving the existing grade. The number of trees to be preserved can be credited toward the total number of trees required for the development. The size of trees that are preserved cannot be applied toward additional required landscaping. Any replacement trees are required to be in excess of the otherwise minimum total number of trees.

Any tree removed shall be replaced on a 2:1 caliper inch ratio. For example, five 2 ½ inch caliper trees and one 3 ½ inch caliper tree (16 caliper inches in total) would replace one 8 inch caliper tree (8 caliper inches). Special circumstances may be considered in the total number of trees required for replacement, and off-site planting may be considered in some instances.

If trees identified for preservation and credit are destroyed or damaged, they shall be replaced by other trees on a 2:1 basis. Replacement trees shall be a minimum of 4 inch caliper deciduous trees, 3 inch caliper ornamental trees, or 8 feet in height for evergreen trees.

IV.9 LANDSCAPE MATERIAL STANDARDS

The following standards are the minimum required planting standards for all trees and landscape material.

A. Plant Quality

Plants installed to satisfy the requirements of this Article shall meet or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery-grown and adapted to the local area.

B. Artificial Plants

No artificial plants and vegetation may be used to meet any standards of this section.

C. Trees

1. Species Selection

Where required or permitted, all trees shall be selected from the City of Dodge City Approved Plant List.

2. Species Mix

When more than ten (10) trees are required to be planted to meet the standards of this Article, a mix of species shall be provided. In order to promote diversity in the urban forest, the number of species to be planted varies according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	6

D. Basic Minimum Plant Sizes

Plant material shall be installed in the following minimum sizes:

1. Shade Trees – 2 inch caliper
2. Ornamental Trees – 1 ½ inch for single stem or 6 feet in height for multi-stem/clump
3. Evergreen Trees – 4 to 6 feet in height

4. All Shrubs – 18 to 24 inch height or 18 to 24 inch spread (for spreading varieties)
5. Ornamental Grasses, and Perennials – 1 gallon container
6. Groundcover and annuals – as approved
7. Tree caliper shall be measured six inches above ground level

E. Ground Treatment

The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards apply to the design of ground treatment:

1. Groundcover

Groundcover appropriate for the area may be planted in lieu of turf grass. Groundcover shall be of a size and spacing to provide a minimum of 50% coverage after the first full growing season and 75% coverage after 3 growing seasons.

2. Mulch

Mulch shall be installed and maintained at a minimum of 3 inches in all areas not planted with turf grass. Mulch may be used as a permanent ground treatment in areas where groundcover or turf grass is inappropriate, not exceeding 25% of the site's total landscape area provided.

3. Grass Seed and Sod

Turf areas shall be planted with species suitable as permanent lawns in Dodge City. Turf areas may be sodded or seeded. Low water usage turf grass is encouraged in all areas that do not receive regular pedestrian or canine foot traffic (i.e., buffalo grass, fescue, and etc.).

All native seed areas shall be established at a minimum of 4 to 5 plants per square foot and maintained at this level, or shall be re-seeded until established at that rate.

All installations, other than sod, will require an additional warranty period of no less than 2 years.

Erosion control methods shall be installed in drainage swales and areas with a gradient of 5% or greater. The method of erosion control shall be approved by the City Engineer prior to obtaining a Building Permit.

F. Fences and Walls

Fences and walls used to meet the standards of this Article shall be of uniform appearance and design throughout the subject development.

IV. 10 INSTALLATION, MAINTENANCE, AND REPLACEMENT

A. Installation

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth.

1. At a minimum all trees shall have root balls sized to meet American Association of Nurserymen's guidelines. All trees shall be mulched and staked.

2. Landscape plant material suitable for planting shall be balled and burlapped or container grown. In both cases, a planting area that is at least twice the diameter of the root system or the container shall be prepared.
3. All required landscape materials shall be installed using planting soil of a type appropriate to the individual plant material and the soil conditions in which the planting is occurring.
4. A minimum of 3 inches of organic mulch shall be placed over all newly installed tree and shrub planting areas.
5. All landscape installations require a one year warranty.

All landscape material, including trees, plant material and structural elements, shall be in place and healthy prior to issuance of a final certificate of occupancy. The zoning administrator may authorize issuance of a temporary certificate of occupancy prior to installation of required landscaping, when seasonal conditions render installation impractical based on the following criteria:

1. To be eligible for a temporary Certificate of Occupancy the applicant shall provide the planning director with a bona fide executed contract with a landscape contractor or nursery.
2. Funds to cover the cost of the contract shall be placed in escrow or provided as a letter of credit that runs to the City.

B. Maintenance

The owner or tenant who assumes responsibility for the property shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All landscaped areas shall be provided with a readily available water supply. All unhealthy or dead plant material shall be replaced within one year, or by the next planting season, whichever comes first. All replacement plants shall conform to the city's current landscaping standards.

Property owner is required to maintain the landscape per the approved landscape plans for the life of the project.

IV. 11 SIGHT DISTANCE REQUIREMENTS – DRIVEWAYS & STREET INTERSECTIONS

To ensure that landscape materials do not constitute a driving and pedestrian hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. Within the sight triangle, no landscape material, wall, or other obstruction shall be permitted between the height of 2½ feet and 8 feet above the street or driveway elevation. The sight triangle shall consist of the following or other dimensions having a similar effect when intersections are not 90 degrees. The site triangle shall be deemed to include its adjacent right-of-way by extension.

- A. Intersecting streets shall have site triangles as follows, measured along the street centerlines:
 1. Local streets intersecting, with no stop signs/signals: from the intersecting centerlines, 90 feet in both directions, the third side connecting the ends of the other two.

2. Local streets intersecting, with stop signs/signals: from the intersecting centerlines, 75 feet back along the stop street and 90 feet along a non-stop street, the third side connecting the ends of the other two.
 3. Local streets intersecting arterial or collector streets: from the intersecting centerlines, 90 feet back along the local street and 120 feet back along the arterial collector street, the third side connecting the ends of the other two.
 4. Arterial and/or collector streets intersecting: from the street intersecting centerlines, 120 feet back along the streets, the third side connecting the ends of the other two.
- B. A street intersecting a railroad track shall have a sight triangle with two sides being 25 feet along the abutting rights-of-way lines, from their point of intersection, and the third side being a line connecting the other two lines.
- C. A street intersecting a driveway shall have a sight triangle with one side being 15 feet along the right-of-way edge, one side being 10 feet along the abutting driveway pavement, and the third side being a line connecting the other two lines. Driveways to single and two-family homes are exempt from this provision.
- D. The C-1 Commercial Downtown district shall be exempt from these site distance requirements because of the large scale dense development, low traffic speeds, and adequate traffic controls.

IV. 12 PLAN REVIEW & APPROVAL

Whenever any property is affected by these Landscaping and Buffering Requirements, the property owner or developer shall prepare a plan for submittal to and approval by the zoning administrator. The zoning administrator shall follow the requirements of this Article in approving any plan required herein.

The contents of the plan shall include the following:

1. The dimensions and acreage of the lot or plot or portion thereof to be built upon or otherwise used.
2. The layout of the entire project, including the proposed uses of all structures, and its relation to adjoining properties.
3. The layout of all off-street parking and loading areas, including the location of entry and exit points, the internal vehicular circulation pattern, and the location and dimensions of required parking and loading spaces.
4. The location and dimensions of present and proposed streets and highways (and private drives as applicable).
5. The location of all existing and proposed plantings and screenings, including name, installation size, and quantities.
6. The location of walls, berms, fences, and railings, and an indication of their height and construction materials.
7. All landscape plans shall be submitted at 10 scale, 20 scale, 30 scale, or 40 scale.
8. Title, north arrow, scale, name of owner / developer, person responsible for the plan preparation, and the date of plan preparation.

IV. 13 XERISCAPE DESIGN

Projects that incorporate approved xeriscaping techniques may deduct one additional foot from the width of those landscaped buffers otherwise required. To qualify for buffer reductions, the landscape designs shall comply with the following criteria:

A. Seven Principles

Xeriscape landscapes shall comply with the following seven principles of xeriscape design:

1. Planning and design
2. Turf alternatives
3. Mulches
4. Zoning of plants
5. Soil improvements
6. Efficient irrigation
7. Appropriate maintenance

B. Low Water Turf Varieties

Large areas approved for turf shall require the use of low water-using turf varieties. Seeding and reseeding shall comply with requirements found in this Article.

C. Mulches

All plant beds, raised planters, and plant containers shall be mulched with wood or rock mulches at a minimum depth of three inches for shrubs and two inches for annuals and perennials. All deciduous and evergreen trees or large shrub species not located in a plant bed shall be mulched. The mulch shall be applied to a circular area equal to the diameter of the excavated tree pit with the trunk of the tree as the center of the circle. The depth of the mulch within the circle shall be three inches minimum.

D. Maintenance

All xeriscape landscaping shall be maintained as stated in this Article.

E. Plan Notes

A note or notes shall be added to the landscape plan describing the type of irrigation for each area.

ARTICLE V OFF-STREET PARKING AND LOADING REQUIREMENTS

V.1 Purpose

Off-street parking requirements are established in order to assure the proper and uniform development of parking areas throughout the City of Dodge City, to relieve traffic congestion in the streets, and to minimize detrimental effects of off-street parking areas on adjacent properties and public rights-of-way.

V.2 General Requirements

- A. The requirements of this Article shall apply to all off-street parking lots and loading areas.
- B. No change requiring additional parking and/or loading areas shall be permitted until and unless they are provided according to the provisions of this Article to the extent of such expansion or change, but not necessarily for the entire property.
- C. Off-street parking lots and loading areas provided in the C-1 Commercial Downtown and other lots provided elsewhere, though not required by Section V.7, shall conform with the General Requirements and Design Standards (Sections V.2, V.5 & V.6) of this Article.
- D. Each application for a building permit, development permit, or certificate of occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Parking plans shall include information as to (not required for off-street lots provided for four or fewer vehicles):
 - 1. The location and dimensions of driveway entrances, access aisles, and parking spaces.
 - 2. The provisions of vehicular and pedestrian circulation.
 - 3. The location of sidewalks and curbs.
 - 4. The location of signs.
 - 5. Typical cross-section of pavement.
 - 6. Storm drainage facilities, utilities and such other information or plans as circumstances may warrant.
 - 7. Landscaping plans showing compliance with Article IV.
- E. The building permit, development permit, or certificate of occupancy for the construction, alteration, moving, or use of any building, structure, or land where off-street parking space is required shall be withheld by the Zoning Administrator until the provisions of this Article have been met. If at any time such compliance ceases, any certificate of occupancy issued for the use of property shall become void.

V.3 Location of Off-Street Parking and Loading Spaces

The off-street parking space required by this Article shall be located on the same lot with the uses served. Where off-street parking required in the connection with a use cannot be located on the lot with the use, such parking may be provided off the lot, subject to the following standards:

- A. The off-street spaces shall be within 600 feet of the main entrance of the use for which the parking is required. The distance shall be measured along routes generally available to the pedestrians.
- B. Off-lot spaces shall be located only in those zoning districts in which similar off-street parking is permitted.

- C. The off-lot parking area shall be held in fee simple by the same owner as the use requiring the off-street parking spaces; or under lease, rental, or other form of agreement satisfactory to the city administration assuring the continuing availability of required off-street parking for the use.
- D. In the event that the lease or agreement expires, or that the off-lot area is used for other than parking space for the use for which it is required, the use and/or structure shall not be continued or occupied until the requirements of this Section have been met.

V.4 Interpretation and Modification

Where uncertainty exists as to the application of the requirements of this Article, or where the applicant for a permit for a building, alteration, or use finds that the required off-street parking or loading is in excess of the needs of the use or building proposed, the following rules shall apply:

- A. Where other Sections of this Ordinance impose additional or greater requirements than those set forth in Sections V.6 and V.7, Loading Standards and Schedule of Off-Street Parking Requirements, the more restrictive shall apply.
- B. Parking requirements for a use not listed in Section V.7 shall be the same as for a listed use of the same general characteristics of traffic generation.
- C. When more than one principal use occupies a building or premises, the parking requirements shall be equal to the sum of the requirements of each use.
- D. If a person finds that the off-street parking or loading requirements are in excess of the need, the Board of Zoning Appeals may reduce the number of spaces required and the extent of parking area to be improved. The Board shall find that any proposed modification shall be sufficient to serve the traffic generated, and that no hazard or traffic congestion shall result. This reduction may be done as a special exception to this zoning ordinance (see Section X.7). If the building or premises for which the modification is requested is thereafter occupied by a use which requires a greater number of off-street parking spaces, the use and/or building shall not be continued or occupied until the requirements of this Article have been met.
- E. Required parking spaces may be shared among land uses which are not normally operated during the same hours. Up to fifty percent of the required parking for a theater, auditorium, lounge, or similar uses; and up to not normally open during regular business hours, and up to one hundred percent of the required space for a place of worship, may be provided and used jointly by banks, offices, and similar uses not normally open or operated during the same hours. An agreement between the parties concerned, properly executed to the satisfaction of the city administration, shall be filed with the Zoning Administrator. The provisions of Section V.3 (Location of Parking Space) shall also be met.

V.5 Parking Design Standards

All regulated off-street parking areas shall conform with the following design standards:

- A. All parking spaces shall have minimum dimensions of nine feet in width and eighteen feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet

Parallel 12 feet

- B. Where off-street parking is provided for ten or more vehicles, thirty percent of the stalls may be designated for compact cars. The dimensions for compact car stalls shall be at least eight feet in width and sixteen feet in length. A majority of such compact car stalls shall be located closer to the main entrance of the use for which the parking is provided than the majority of other parking stalls. Such compact car stalls shall be readily identified as such.
- C. The use of streets, sidewalks, or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle. Where the total of all spaces (existing and proposed) are for four or fewer vehicles, they are exempt from this provision. Access from improved alleys is likewise exempt from this provision.
- D. Parking structures on more than one level shall be designed in accordance with the standards set forth herein for structures within the zoning district in which it is situated.
- E. Parking areas, including all drives and access ways, shall be paved with an all-weather hard surface material. Company owned/inventoried earth moving equipment and farm implements may be displayed on unpaved areas that are well maintained, dust and erosion free.
- F. Parking area edges shall be protected to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
- G. Driveway approaches and curb cuts shall be designed and constructed in conformance with local design standards.
- H. Businesses integrated into a unified shopping center or cluster of commercial facilities shall use common access with other business establishments in that center.
- I. No driveway shall be located closer than twenty-five feet to any street intersection.
- J. Non-residential facilities for ten or more spaces shall be lighted, and any lighting of parking areas shall be shielded so as to cast no glare upon adjacent residential properties and streets.
- K. Landscaping shall comply with Article IV of this Ordinance.

V.6 Loading Design Standards

All off-street loading areas required by this Article shall conform with the following design standards:

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of thirteen feet in width and forty-five feet in length.
- B. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen feet in width and fifty-five feet in length as a minimum.
- C. All off-street loading spaces shall have a minimum vertical clearance of fifteen feet.
- D. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- E. Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material. Work/storage areas for industrial and heavy commercial uses in industrial

- zoning districts are exempt from this provision, provided such areas are well-maintained, dust and erosion free.
- F. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such area shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle, or pedestrian area used for general circulation.
 - G. Loading area edges shall be protected to prevent vehicular encroachment on a public rights-of-way or on adjacent property, and to protect the public rights-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
 - H. Driveways shall be provided as required in Subsections V.5.G, H, and I.
 - I. Any lighting of loading areas shall be shielded so as to cast no glare upon adjacent residential properties and streets.

V.7 Schedule of Off-Street Parking Requirements

Off-street parking shall be provided and maintained as specified in the following schedule. These requirements shall apply to all new buildings and uses and to expansion of existing buildings and uses (where such are expanded by 20% or greater, and to the extent of such expansion), in all districts except the C-1 Commercial/Downtown district.

USE	PARKING REQUIREMENTS
Residential	
One, two, & multi-family dwellings	2 spaces per unit.
Multi-family designed for elderly	1 space per 2 units.
Institutional (nursing home, group home) orphanage,	3 spaces per 5 beds
All non-residential	1 space per company owned, used inventoried, vehicle, in addition to below requirements.
Automobile Service Station, Repairs	3 spaces per bay.
Bowling Alley	6 spaces per lane.
Child Care Center	2 spaces per 6 licensed or capacity children (the greater of)
Drive In/Up Facility (bank, dry cleaning, car wash, restaurant etc.)	5 stacking spaces per window/bay. (In addition to other standards)
Flea, Open Air Market	3 spaces per booth.
Hospital	1 space per bed
Industrial Manufacturing, and Warehousing	7 per 10 employees
USE	PARKING REQUIREMENTS

Medical, Dental, & Veterinary Care	2.5 spaces per examination room
Motel, Boarding House	6 spaces per five rooms.
Offices	1 space per 200 square feet of gross floor area.
Open Air Uses (building materials; salvage yards; car, trailer and boat lots with less than 2000 square feet of enclosed display and sales area; markets)	1 space per 1,500 square feet of gross lot area.
Public/Private Assembly (Auditorium, theater, club, church, museum, indoor recreation, funeral home, etc.)	1 space per 4 persons at maximum capacity.
Restaurant, Lounge	1 space per 3 persons at maximum capacity
Retailing and Personal Service	1 space per 250 square feet gross floor area.
Retailing of Bulk Items (vehicles furniture, etc.),	1 space per 500 square feet gross floor area.
Schools, All	1 space per classroom, plus 1 space per 10 seats in gym or auditorium (largest one)
Senior High, College	Additionally, 10 spaces per classroom.
Business, Trade, Vocational School	1 space per 250 square feet gross floor area.
Self Service Laundry	1 space per 2 washing machines.

V.8 Handicapped Accessible Parking

The Federal *Americans with Disabilities Act* and this Ordinance require handicapped accessible parking. Specific standards were published in the Federal Register, Volume 56, Number 144. Excerpts from these are listed below, with some modification for Dodge City. More complete information is available from the City of Dodge City.

A. Schedule of Required Total Accessible Parking:

Total Off-Street Parking Spaces	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
77 to 100	4
101 to 150	5

- B. Schedule of Van Accessible Parking. One van accessible space shall be provided for each 8 total accessible parking spaces, or fraction thereof, with a minimum of one.
- C. Design Standards.
 - 1. Handicapped accessible parking spaces shall be 9 feet wide and 18 feet long.
 - 2. Aisles shall be part of an accessible route to the main entrance, and shall be 5 feet wide. Two handicapped spaces may share one aisle.
 - 3. Accessible van spaces shall have an 8 foot aisle.
 - 4. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible entrance, and no more than 200 feet.
 - 5. Accessible parking spaces shall be located to avoid a handicapped individual crossing behind other parked cars.
 - 6. Wherever possible, accessible parking spaces shall be located to avoid a handicapped individual crossing lanes of traffic.
 - 7. Accessible parking spaces and adjacent aisles shall have a slope no greater than 2 percent.

ARTICLE VI SIGN REGULATIONS

VI.1 Purpose

The purpose of this Article is to permit such signs that will not, by their reason of size, location, construction, or manner of display endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land use objectives as set forth in this Zoning Ordinance; to engender a harmonious and aesthetically pleasing environment; and that is fair to the business community.

VI.2 General Requirements

- A. No sign of any type or any part thereof shall be erected, painted, posted, placed, replaced or hung in any zoning district except in compliance with these regulations. A sign permit is required unless expressly covered by Section VI.3 of this Article.
- B. Each application for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator and shall contain or has attached the following information:
 - 1. A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination, and showing the relationship to any building or structure or ground to which it is or is proposed to be installed or affixed.
 - 2. A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, structures, utilities and other signs.
- C. Sign plans shall be submitted to and approved by the Zoning Administrator prior to a permit being issued. A record of such applications, plans and the action taken thereon shall be kept in the office of the Zoning Administrator.
- D. Each applicant before being granted a sign permit shall pay to the City of Dodge City a fee for each sign permit. The fee shall be set by the City Commission.
- E. All signs hereafter erected, altered, relocated or installed shall comply with all applicable provisions of the City of Dodge City Building and Electrical Codes. A separate building and/or electrical permit may be required.
- F. In addition to the detailed regulations set forth in other provisions of this Article, all signs displayed within the jurisdiction of this Ordinance (including those listed in Section VI.3) shall comply with the following standards:
 - 1. Obstruction to Exits. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
 - 2. Obstruction to Ventilation or Light. No sign shall be erected which interferes with any opening required for ventilation and/or light to a structure.
 - 3. Clearance from Surface and Underground Utilities. Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground utilities. Furthermore, sign placement shall not interfere with natural or improved drainage, or surface or underground water.

4. Obstruction to corner visibility. No sign or sign structure shall impair the visibility of intersecting streets and drives as defined by Section II.4 (Intersection Visibility) of this Ordinance.
5. Setbacks. Unless otherwise specifically regulated herein, signs may be permitted in required yards, but not on or over the public rights-of-way. Awnings, canopies and marquees where permitted, may be constructed over sidewalks to within two feet of the curb line. When over a public right-of-way, such applicant shall hold the City of Dodge City harmless from liability in case of an accident with such overhang, and the City may require the posting of surety for financial liability.

VI.3. Special Sign Regulations

The following types of signs are regulated as per the provisions of this Section VI.3. In addition to the requirements of these provisions, such signs shall also comply with all other applicable provisions of this Article. Because these signs may be permitted in several or all of the City zoning districts, because they are temporary in nature, and/or because they provide public service information, these signs need not comply with Section VI.4.

- A. Property identification. Two square feet maximum per occupant, up to eight square feet maximum per zoning lot, unlighted, displaying only the name/address of the occupant. (Permit not required)
- B. Flags and governmental insignia. Except in connection with commercial promotions. (Permit not required)
- C. Legal notices, informational, and directional signs erected by a public agency. (Permit not required)
- D. Integral structural features. When cut or set into the building surface, the name, date of erection, and/or address of a structure. (Permit not required)
- E. Private traffic signs. Directing traffic/parking on private property, limited to three signs no larger than four square feet each in area per zoning lot. (Permit required)
- F. Sign repair and maintenance. For conforming signs, includes the replacement of copy. (Permit not required)
- G. Auto service stations. Up to six square feet of signage per service/pump island indicating services offered, and other relevant information. (Permit not required)
- H. Drive-up, drive-thru services. Menu boards, price lists, and other displayed information not visible/readable from a public street are not regulated as signs. (Permit not required)
- I. Real estate, construction, political campaign signs. One sign per street frontage, unlighted. No larger than eight square feet in agricultural and residential zones (5 feet high), and two square feet per each five linear front feet with a maximum of sixty-four square feet in non-residence zones (15 feet high). Such signs shall be removed within one week following the property closing/construction completion/election. (Permit not required) Real estate and construction signs may use the non-residential standards in agricultural and residence zones where there is at least 300 feet in street frontage. (Permit not required) (Amended by Ordinance No. 3384 on November 15, 2001)
- J. Public, civic, religious. One on-premises sign per street frontage for public, civic, or religious institutions or events, not to exceed thirty-two square feet in area; up to three off premises directional signs, unlighted, per institution or event, with a maximum sign area of six square feet. (Permit required)
- K. Historical plaques. When erected by recognized historical agencies. (Permit not required)

- L. Temporary interior signs. Signs painted or displayed on interior windows and interior spaces. (Permit not required)
- M. Open House Signs. Up to three unlighted directional signs may be displayed off premises on the days of any advertised open house for sale, each sign shall not exceed four square feet in area. (Permit not required)
- N. First Amendment Signs. One sign per zoning lot may be permitted which gives a non-commercial opinion of the property owner or occupant. Such sign shall not be larger than twenty square feet, no more than six feet high, be unlighted in residential zoning districts, and be placed parallel to the lot frontage. (Permit required – no fee)
- O. Holiday Decorations. In season, not advertising commercial activity. (Permit not required).

VI.4 Permitted Signs

Only signs as described herein and as may be permitted otherwise in this Article will be allowed. No sign described by this Section shall be erected unless the Zoning Administrator has issued a permit for the same.

A. Agricultural and Residential Districts

- 1. Permanent identification signs for subdivisions, mobile home parks, and travel trailer campgrounds not exceeding thirty-two square feet in area are permitted. One sign may be erected at each major entrance to the subdivision, mobile home park or travel camp ground; and shall be no closer than ten feet to any property line. No sign shall exceed six feet in height above ground level, and shall be parallel to the street frontage.
- 2. One permanent identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed thirty-two square feet in area and may be flat-mounted against the wall of an apartment building or may be freestanding. If freestanding, such signs shall be set back a minimum of ten feet from the property line and shall not exceed six feet in height above ground level, and be parallel to the street frontage.
- 3. Signs for home occupations shall be limited to one sign not exceeding four square feet in area. Such signs shall be unlighted and mounted flat against the wall of the principal building.
- 4. One permanent, freestanding sign for non-residential uses permitted as a matter of right, conditionally, or as non-conformities (other than home occupations) may be erected on the premises, provided such signs do not exceed thirty-two square feet in area. No freestanding sign shall be located closer than ten feet to any property line nor exceed six feet in height above ground level. Such signs shall be parallel to the street frontage.
- 5. Non-residential uses permitted as-of-right, conditionally, or as non-conformities (other than home occupations) may have a flat-mounted wall sign. No single sign shall exceed thirty-two square feet in area.

B. Commercial: Downtown and Commercial Office

With the C-1 Commercial Downtown and the C-O Commercial Office Districts as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One permanent, freestanding on-premises sign is permitted for each zoning lot. The area of the sign shall not exceed one square foot for each one foot of lot width, provided no such sign shall exceed one hundred square feet. Any such sign shall not exceed thirty-five feet in height.
2. Flat-mounted wall on-premises signs are permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed the larger of 32 square feet or one and one-half square feet for each linear foot of building wall facing a non-residential public street or common drive (such as in a unified office center).
3. Awnings or canopies with fabric material covering may be installed over the public rights-of-way within two feet of the curb line. The structure shall maintain eight-foot vertical clearance from the sidewalk. Unlighted signage no greater than one-half square foot per lineal foot of awning area may be permitted, identifying the name/logo of the business only.
4. Theater marquees, canopies integral with historic structures, and awnings/canopies erected under governmental authority may be within the public rights-of-way. See VI.2.F.5 above.
5. One identification sign per business may be suspended from or attached to the underside of a canopy or marquee provided such sign does not exceed six square feet in area, and shall maintain a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

C. **Commercial/Highway**

Within the C-2 Commercial/Highway districts as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One permanent, freestanding on-premises sign is permitted for each zoning lot. The area of the sign shall not exceed two square feet for each one linear foot of street frontage, or a total of two hundred square feet in area, whichever is less. Any such freestanding sign shall not exceed thirty-five feet in height.
2. Unified shopping centers and other zoning lots with more than two hundred feet of street frontage may have one additional on-premises freestanding sign for each additional two hundred feet of street frontage or portion thereof. The ratio stated in VI.4.C.1 shall apply to such additional signage, as if the additional frontage was a separate lot.
3. Permanent flat-mounted on-premises wall signs are permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed the larger of 48 square feet or three square feet for each linear foot of building wall facing a non-residential public street or common drive (such as a unified shopping center).
4. One on-premises sign projecting from a building facade per street frontage is permitted for each business establishment in the absence of permanent flat-mounted wall signs. Such sign shall not project more than ten feet from the building facade, and shall not exceed thirty-two square feet in area. Projecting signs shall not extend above the top of the building facade; shall maintain a clear distance of at least ten feet above the sidewalk; and shall be totally on/over private property.
6. One identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee (not over a public right-of-way), provided such sign does not exceed six square feet in area and maintains a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

D. **Industrial Districts**

Within the I-1 and I-2 Industrial districts as shown on the Zoning Map, only the following types of signs shall be permitted.

1. One permanent, freestanding on premises sign is permitted for each zoning lot. The area of the sign shall not exceed two square feet for each linear foot of lot width, or a total of two hundred square feet whichever is less. Any such freestanding sign shall not exceed thirty-five feet in height.
2. Unified industrial parks and other zoning lots with more than two hundred feet of street frontage may have one additional on-premises freestanding sign for each additional two hundred feet of street frontage or portion thereof. The ratio stated in VI.4.D.1 shall apply to such additional signage, as if the additional frontage was a separate lot.
3. One industrial park identification sign is permitted on each park frontage, not to exceed two hundred square feet in area or thirty-five feet in height.
4. Permanent flat-mounted on-premises wall signs are permitted for each separate business, provided the total allowable sign area for all such signs shall not exceed the larger of 48 square feet or three square feet for each linear foot of building wall facing a non-residential public street or common drive (such as in a unified industrial park).
5. One on-premises sign projecting from a building facade per street frontage is permitted for each business establishment—in the absence of permanent flat-mounted wall signs. Such sign shall not project more than ten feet from the building, and shall not exceed thirty-two square feet in area. Projecting signs shall not extend above the top of the building facade; shall maintain a clear distance of at least ten feet above the sidewalk; and shall be totally on/over private property.
6. One identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee (not over public right-of-way), provided such sign does not exceed six square a feet in area and maintains a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

E. Outdoor Advertising

Within the I-2 Heavy Industrial Districts as shown on the zoning map, one outdoor advertising sign structure is permitted on each zoning lot. Such structure shall meet all building setback and yard requirements of the zoning district, or at least ten feet back from all property lines (whichever is greater). In addition, such signage shall be no closer than seventy-five feet to a residential zone. Three hundred feet shall separate one structure from another (on the same side of a street or around a corner). On a zoning lot with more than three hundred feet of street frontage, one outdoor advertising structure is permitted for each additional three hundred feet of street frontage (or portion thereof). Outdoor advertising signs shall not exceed three hundred square feet in area per facing, with no more than one facing per side, and no more than thirty-five feet in height.

VI.5 Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this section shall be constructed/installed to meet the requirements of the National, State, and local Electrical Codes.
- B. Signs that contain, include or are lighted by any flashing, intermittent or moving lights are prohibited. Theater marquees and electronic changeable copy message boards are permitted.
- C. Self-illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not creating glare distracting to motorists or nearby residential areas shall be permitted.

- D. Flood and display lighting shall also be shielded so as to prevent direct view of the light source to a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

VI.6 Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- A. Signs advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located.
- B. Signs which, because of their location, nature, color, shape, or message would tend to be confused with, or obstruct the view of, traffic and emergency signals or signs.
- C. Signs which display copy of an immoral or indecent nature. The Board of Zoning Appeals shall resolve any questions pertaining to this provision, applying local community standards.
- D. Roof signs, projecting above a roof or parapet.
- E. Signs attached to trees, utility poles, fences, and/or traffic signals.
- F. Signs installed within a public right-of-way.

VI.7 Nonconforming Signs

All nonconforming signs in all zoning districts shall comply with the following:

- A. No nonconforming sign shall have any changes made in the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- B. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated, unless such move shall create a conforming situation.
- C. No nonconforming sign or sign structure shall be allowed to remain after the activity, business, or use to which it relates has been discontinued.
- D. If a nonconforming freestanding sign is prohibited under the provisions of Section VI.6F only by virtue of its preexisting location within a public right-of-way, the provisions of A and B above may be waived as a special exception if the Board of Zoning Appeals specifically finds the size, shape, and type and design of the modified sign will not unreasonably interfere with or obstruct the use of the public right-a-way. The owner of such sign shall agree in writing that in the event a relocation or removal of the sign is required as the result of the need for access to or relocation or removal of utilities or other properties or equipment located within the right-of-way, the sign shall be removed and relocated at the sole cost and expense of the owner thereof. (Amended by Ordinance No. 3409 on October 3, 2005)

VI.8 Portable Signs, Mobile Signs, Temporary Banners

Portable signs, mobile signs, temporary signs, and banners are all regulated under this section. For convenience they are all described herein as *portable* signage. Portable signage may be permitted for short periods of time in order to advertise special events. Such portable signage shall comply with the following:

- A. Portable signage shall be limited to one sign, thirty-six square feet in area, per zoning lot. Lot widths greater than one hundred feet may have additional signage as if each one hundred foot increment (or portion thereof) were a separate zoning lot.

- B. Portable signage may be displayed on a non-residential zoning lot (or residential zoning lot with legitimate non-residential special exception or nonconforming use) for no longer than sixty days, and for no more than twelve occasions within any twelve month period (or any combination of signs or dates, the total time frame shall not exceed sixty days and twelve occasions within any twelve month period).
- C. Cube shaped portable signage (limited to 40" w x 40" d x 54" h and two per zoning lot) may be displayed on commercial/industrial zoned property in addition to any other permitted signage. They shall be installed off city rights-of-way, easements, vehicular parking and maneuvering areas, and not within sight vision triangles.
- D. Signage with fabric, plastic, or similar semi-durable materials (not paper or cardboard) installed within permanent *framed areas* on exterior building walls shall be considered wall signage and not portable signage.
- E. Portable signage, unlighted, may be permitted on a residential zoning lot for a non-commercial message for no longer than seventy-two hours within any twelve month period.
- F. Portable signage shall comply with all other applicable provisions of this Article.
- G. With City Commission approval, recognized events such as festivals sponsored by business associations or the City may place portable signage in or above the public rights-of-way.
- H. Portable signage shall have no vested nonconforming rights.

VI.9 Murals, Wall Paintings

Murals or wall paintings may be permitted in addition to regulated signs. They must be artistic in nature and not display any commercial message. To be permitted they must be approved by an appropriate neighborhood, business or historical organization, or the planning commission if no other such organization has jurisdiction.

VI.10 Sign Maintenance.

All signage within the City of Dodge City (including permitted and non-conforming signs) shall be maintained in good repair. Failure to adequately maintain signs shall be a violation of this Ordinance. In addition to other remedies available, the city shall have the right to repair or remove violating signs and sign structures.

ARTICLE VII SOIL EROSION AND SEDIMENT CONTROL

VII.1 Purpose and Findings

Erosion and resultant sedimentation problems are caused from wind, rainfall, and runoff over unprotected soil. Intense rainfalls, long slopes, steep slopes, and lack of adequate vegetative cover increase erosion. These conditions are in part caused by or aggravated by improper construction, grading, or excavation which results in removal of natural ground cover without taking appropriate steps to control erosion and sedimentation problems.

It is hereby determined that unnecessary soil erosion and sedimentation necessitates costly repairs and maintenance of storm sewers, gutters, and other public works, increases the risks of flooding, reduces the clarity of public water, increases the costs of property maintenance for neighboring properties, and reduces the attractiveness and safety of water-oriented recreation facilities. The public health, safety, and welfare require regulation of land development and construction activities to avoid unnecessary soil erosion and sedimentation. The regulations contained in this Article are the minimum standards which will help avoid the consequences herein set forth and protect the public health, safety and welfare.

VII.2 Applicability

The provisions of this Article apply to every property in the City of Dodge City *except* where the following occur:

A. **Except** excavation below finished grade:

1. For basements and footings of a one-family or two-family residential structure,
2. For retaining walls,
3. For swimming pools,
4. For human or animal burial cemeteries, or
5. For accessory structures related to one-family or two-family structures authorized by this Ordinance.

B. **Except** excavation or fill provided it:

1. Is less than four feet in vertical depth/height at its deepest /highest point as measured from the natural ground; and
2. Does not result in a total quantity of more than 1,000 cubic yards of materials being removed from, deposited on, or disturbed on any lot, parcel or subdivision thereof; and
3. Does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any nearby land or water course; and
4. Has no final slopes steeper than one foot vertical for ten feet horizontal; and
5. Has proper vegetative cover reestablished as soon as possible on all disturbed areas; and

6. Has no fill placed on a surface having a slope steeper than one foot vertical to ten feet horizontal.
- C. **Except** accepted agricultural land management practices such as plowing, cultivation, construction of agricultural structures; nursery operations such as the removal and/or transplanting of cultivated sod, shrubs, trees and stumps.
- D. **Except** grading, provided:
1. The aggregate areas(s) affected, or stripped at any one time does not exceed 20,000 square feet; and
 2. The grade change does not exceed 24 inches at any point and does not alter the drainage pattern; and
 3. Proper vegetative cover is re-established as soon as possible on all disturbed areas; and
 4. The grading does not involve a quantity of material in excess of 1,000 cubic yards.
- E. Except installation of lateral sewer lines, telephone lines, electricity lines, gas lines or other public service facilities.

VII.3 Requirements

For uses and activities covered under this subsection, no grading, excavation or filling shall occur and a building permit, development permit, or certificate of occupancy shall not be issued until the Zoning Administrator has approved an erosion control plan. To receive approval, the owner/developer must submit an erosion control plan that applies accepted soil erosion and sediment control procedures to the lot's unique physical conditions and the type of proposed construction or soil-disturbance activity. In reviewing the plan, the Zoning Administrator may seek comments of the County Extension Agent, Natural Resources Conservation Service, or any city department or government agency. The objectives of the review will be to determine whether the plan will adequately reduce soil erosion and result in stable soil conditions at the conclusion of the construction or soil-disturbance activity. If the applicant is required to submit a site development plan under provisions of Article VIII, SITE PLAN REGULATIONS, hereof, the soil erosion plan shall be an integral part of the site development plan.

ARTICLE VIII SITE DEVELOPMENT PLAN REGULATIONS

VIII.1 Purpose

Under the provisions of this Ordinance, the use of land and various other characteristics of property development are controlled. The purpose of this Article is to provide a means for the City to review and approve a site development plan that demonstrates how the regulations will be complied with for the subject lot(s) and how optional or discretionary choices are coordinated with requirements of this Ordinance.

VIII.2 Applicability

The provisions of this Article shall be met prior to issuance of a building, zoning, or other development permit, or Certificate of Occupancy (change in occupancy or use/new construction/addition) on every lot in the City.

VIII.3 Requirements

An applicant seeking a permit for construction activities covered by this Article shall submit two copies (one copy for 1, 2, and 3-family residential activity) of a site development plan to the Zoning Administrator. The development plan shall show the following information. The Zoning Administrator may waive certain information requirements from the following list that are not necessary to determine compliance with this Ordinance.

- A. The boundary lines of the area included in the site plan, including angles, lot dimensions, and references to an existing street intersection, north arrow, and the area of the land included in the site plan. Adjacent properties and their uses shall be identified.
- B. Existing and proposed grades, drainage systems and structures; when erosion control or drainage plans are required, “before and after” topographic contours at two foot intervals, unless topography dictates greater detail.
- C. The shape, size, location, height, and floor area of all existing and proposed structures and use areas. Required setback lines shall be shown.
- D. Natural features such as large trees (over 10 feet high), streams, lakes or ponds, drainage ways, the identified Flood Hazard Area; and man-made features such as existing retaining walls, roads, and structures; with indication as to which are to be retained and which removed or altered.
- E. Proposed streets, curb cuts, driveways, parking spaces, curb ramps, and sidewalks, with indication of direction of travel for one-way streets and drives. The width of streets, driveways, and sidewalks and the total number of off-street parking spaces shall be shown.
- F. The size and location of all existing and proposed public and private utilities, and their easements. Location of individual service lines shall be shown.
- G. The location and type of landscaping treatment to be installed.
- H. The location and type of proposed fences, walls, and signage if known.
- I. A vicinity sketch showing the location of the site in relation to the surrounding street system.
- J. A legal description of the lot; the name, address and telephone number of the owner, developer, and designer.

- K. Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacities.

VIII.4 Scope of Review

The Zoning Administrator shall review the site development plan to determine that it contains all of the required information. The plan review shall determine:

- A. Compliance with the rules and regulations contained in this Ordinance; and
- B. The location and character of certain items that could effect the health, safety and welfare of the community such as entrance drives, parking lots, on-site and off-site provisions for storm water drainage, landscaped areas, pedestrian walkways, availability of utilities, and provisions to mitigate adverse impacts on adjacent development.
- C. Other city departments or governmental agencies may be called upon for review and advice.
- D. This Article does not repeal or otherwise supersede any other development review ordinances in effect for the City of Dodge City.

VIII.5 Action by Zoning Administrator

Upon completing the review, the Zoning Administrator shall select the most appropriate course of action from the following list. The actions and reasons for the actions shall be in writing. The Zoning Administrator shall act within twenty working days after receipt of a properly prepared and submitted plan.

- A. Determine the site development plan complies with all of the applicable provisions of this Ordinance and other applicable development codes, and approve the plan in writing; or
- B. Determine that certain changes in the development plan must be made to comply with this Ordinance and other development codes, or should be made to alleviate potential safety problems or adverse impacts on adjoining property that could result from optional decisions made during preparation of the development plan. After presenting the proposed changes to the applicant, and after the applicant has resubmitted the plan either altered or unaltered, the Zoning Administrator shall take final action and approve or deny the plan within ten working days of the plan re-submittal; or
- C. Deny approval of the development plan in writing, setting forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance or other applicable development codes, or the inadequacy of any utility, with any changes which would make the plan acceptable.

**ARTICLE IX
ADMINISTRATION AND ENFORCEMENT**

IX.1 Zoning Administration

The City Zoning Administrator or authorized agent is hereby authorized to enforce the provisions of this Ordinance. Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals. In administering the provisions of this Ordinance, the Zoning Administrator shall:

- A. Make and maintain records of all applications for permits and requests listed herein, and all records of all permits issued or denied, with notations of all special conditions or modifications involved.
- B. File and safely keep copies of all plans submitted; and the same shall form a part of the records of the office and shall be available for inspection at reasonable times by any interested person, in conformance with open records laws.
- C. Transmit to the appropriate Board or Commission all applications and plans for which their review and approval is required.
- D. Conduct inspections of premises and, upon finding that any of the provisions of the Ordinance are being violated, notify in writing the person responsible for such violations in accordance with Section IX.4 below.
- E. Forms and Procedures.
The Planning Commission, Zoning Board, Board of Zoning Appeals, and other agencies having jurisdiction over various provisions of this Ordinance shall prepare or have prepared forms and procedures as necessary for the expeditious administration of this Ordinance.

IX.2 Right of Entry

When it is necessary to make an inspection to enforce provisions of this Ordinance, or when the Zoning Administrator or his/her designee has reasonable cause to believe that there exists in a building or upon a premises a possible violation of this Ordinance, the Zoning Administrator or designee may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If such building or premises is occupied, the Zoning Administrator/designee shall present proper credentials and request entry. If unoccupied, the Zoning Administrator/designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Zoning Administrator/designee shall have recourse to the remedies provided by law to secure entry.

IX.3 Zoning Permit

A zoning permit process is hereby created as a procedure to ascertain compliance with various provisions of this Ordinance. A zoning permit is part of the building permit process where applicable, and a separate certificate in those instances where no building permit is required for proposed development activity.

IX.4 Relation to Other Permits, Certificates and Licenses

Compliance with the provisions of this Zoning Ordinance shall be necessary prior to or for continuation of activity under the following City permits, licenses, and/or permissions.

- A. Building Permit.
No building or other construction permit shall be issued for any action unless in conformity with this Ordinance.
- B. Certificate of Occupancy.
No Certificate of Occupancy required by the Dodge City Building Code or this Ordinance shall be issued for any action not in conformity with this Ordinance.
- C. Zoning Permit.
No zoning permit shall be issued for any regulated activity unless in conformity with this Ordinance.
- D. Business License.
No applicable City business license shall be issued for any activity not in conformance with this Ordinance.
- E. Other.
No other construction/development permit or approval required by other codes shall be issued until such time as the site development plan required by this Ordinance has been reviewed and approved by the Zoning Administrator.

IX.5 Enforcement

Enforcement of the provisions of this Ordinance by the Zoning Administrator and prosecution of violations shall be as detailed below.

- A. Violations.
If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he (she) shall notify in writing the person(s) responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He (she) shall order the discontinuance of illegal uses of land, buildings, or structures; the removal of illegal buildings or structures; the removal of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions. *Persons responsible* for violations include all who facilitate or help facilitate the action, including but not limited to: property owners,

renters, guests, business employees, corporations, and individual members of corporations.

B. Penalties.

Any violation of the provisions of this Ordinance shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars or by imprisonment for not more than six months. Each day of violation after notification shall constitute a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Schedule of Fees, Charges and Expenses.

The City Commission shall establish a schedule of fees, charges, and expenses and a collection procedure for permits, certificates, appeals, applications for amendment, approval of site development plans, special exceptions, variances, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Office of Zoning Administrator.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

IX.6 Administrative Declaratory Rulings

From time to time the implementation of this Zoning Ordinance will require administrative interpretations. Administrative Declaratory Rulings shall follow the below guidelines, which are not exclusive.

- A. They shall be kept to minimum, as they have the force of law but are not published nor codified for the public.
- B. They shall not contradict the purpose and intent of this Ordinance.
- C. They shall not permit a land use in a district where it is prohibited, but may refine the list of permitted uses by identifying “similar or like” uses.
- D. They shall not vary established dimensional requirements.
- E. They shall allow for consistent and efficient administration of the Ordinance.
- F. They shall further refine the Ordinance language by expanding upon the definitions of terms.
- G. They shall accommodate particular situations not anticipated when the Ordinance was adopted.

- H. They shall be put in writing, with copies to the Zoning Board, Board of Zoning Appeals, and City Administration.
- I. The Board of Appeals may modify administrative declaratory rulings at any scheduled meeting on their own initiative.
- J. “Violations” of declaratory rulings shall not be prosecuted unless and until the ruling is made an official interpretation by the Board of Zoning Appeals.

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2000-01**

FLAG POLES IN RESIDENTIAL FRONT YARDS

Flag poles may be installed in front yard setbacks of residential zoning districts. They shall not be higher than the maximum height permitted in the applicable district, and shall be located entirely on private property.

This ruling modifies Provision II.5.A.5 of the adopted Year 2000 Dodge City Zoning Ordinance.

J. Michael Gurnee
Development Services Director
May 1, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2000-02**

WHEN FENCE PERMIT REQUIRED

Provision II.19.A states that a zoning permit is required for the installation of fences for the installation of fences or walls.

For existing situations, this shall apply when a fence or wall is replaced by more than 50% of its original length.

J. Michael Gurnee
Development Services Director
May 1, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2000-03**

NON-PROFIT DEFINITION FOR SIGN FEES

City Resolution 2000-11 establishes fees for sign permits. For portable Commercial and Residential signs, it is \$5.00. For portable Non-Profit signs, there is no charge.

A residential portable sign would most commonly announce a graduation, birthday, or similar event for the household. While it is not necessarily a profit making activity, it is a residential and should be charged the \$5.00 fee.

The term Non-Profit refers to land occupied by a not for profit organization, or an event by a not for profit organization

J. Michael Gurnee
Development Services Director
May 19, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2000-04**

Title: Portable Signage Enforcement – Dodge City Days

Description:

Dodge City Days is a city-wide event with an increasing national reputation. The current zoning standards for portable signage were designed with this event in mind. However, there are some types of advertising and some signage issues associated with Dodge City Days that were not well articulated in the zoning code.

Outdoor Advertising. Outdoor advertising, also known as off-premises advertising, advertises a commodity, service, announcement, and/or event that is not located on the same property as the sign. The zoning code limits outdoor advertising to the I-2 industrial districts.

During Dodge City Days and the time leading up to the event, portable signage may include such off premises or outdoor advertising wherever portable signage is otherwise allowed.

Sign Size. A portable sign is limited to no larger than 36 square feet in area. Specialty signs are often used to promote community-wide events. Specialty signs may include (but not necessarily limited to) inflatable balloons, covered wagons, statue models of steers, and the like.

During Dodge City Days and the time leading up to the event, Portable signage may include specialty signs that can be Larger than 36 square feet.

Permits. Portable signage requires a permit with a \$5.00 fee. This requirement will stay in effect during Dodge City Days. As a special consideration to event promoter and sponsors:

During Dodge City Days and the time leading up to the event, Portable signage will require permits as usual. An event promoter or sponsor may pay a single fee of \$20.00 for any number of portable signs when four or more requests are submitted at the same time.

Other Regulations in Effect and Enforced. Other than the above, the provisions of the Dodge City Sign Regulations (Article VI of the Zoning Ordinance) will be enforced.

J. Michael Gurnee
Development Services Director
July 7, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2000-05**

TITLE: BUTCHERING ACTIVITY PERMITTED IN I-1 DISTRICT

Description:

A Proposed operation to take packaged beef, cut into personal sized lots, re-package for shipping to ultimate consumers, with perhaps some limited over the counter direct sales. There would be no slaughtering nor rendering, and little waste other than trimming. Located in the I-1 Light Industrial zoning district, the site was last an ice house. This activity is not listed in the table of Permitted and Conditional Uses of the Zoning Ordinance.

The intent statement for the I-1 district begins:

These districts are composed of the land and structures occupied by or suitable for light manufacturing, wholesaling, warehousing, and similar uses. Uses located in these should have little negative environmental impact (including, but not limited to noise, glare, and vibration) on adjoining properties. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or by natural barriers...

Similar activities listed in the Table of Permitted and Conditional Uses finds:

- Food processing is permitted only in I-2 Heavy Industrial district.
- Production/Wholesale Sales: Baking, Confections, Printing, Publishing, Musical Instruments, Toys, Sports Goods is permitted in the I-1 and I-2 districts.
- Retail Sales of On-Premises Production: Baking, Confections, Printing, Publishing, Musical Instruments, Toys, Sports Goods is permitted in the C-1, C-2, and I-1 districts.
- Wholesales Sales is permitted in the C-2, I-1 and I-2 districts.
- Warehousing and Distribution is permitted in the I-1 and I-2 districts.
- Butchering activity for retailing to the ultimate consumer as accessory to a supermarket is permitted in the C-1, C-2, and I-1 districts-General Retail Sales and Service.

The zoning code tries to deal with the intensity, scale, and environmental impacts of manufacturing uses. Food processing is not defined, but is limited to the I-2 districts. Being undefined, we treat the term with a customary dictionary definition: which runs the entire gamut of processing foodstuffs. This includes slaughtering and rendering of animals. Slaughter and rendering operations should be limited to heavy Industrial areas.

However, the on premises production of baked goods and confections for retail sales is permitted in the highway and downtown commercial districts as well as the I-1 light

industrial. Wholesaling of baked goods and confections is permitted in the I-1 and I-2 districts. This refines in part what is and is not permitted regarding food processing.

The proposed activity appears to be a final step in the meat production business. It is not wholesaling, as the finished product is delivered to the ultimate consumer. It is a distribution activity, as the product will primarily be shipped to the consumer rather than over the counter sales.

This activity is a butcher shop with distribution to the consumer. Butchering as described above for the ultimate consumer could be permitted in the commercial districts as retail sales and service. The distribution component, however, is a light industrial activity.

This proposed land use belongs in the I-1 Light Industrial zoning district as a permitted use.

J. Michael Gurnee
Development Services Director
September 6, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2001-01**

TITLE: LARGE LOT FREESTANDING ON-PREMISES SIGNS, AREA

Description:

A business concern in the C-2 Commercial-Highway district has over 900 feet of street frontage. The business desires one freestanding structure with 290 square feet of sign area.

The sign regulations for C-2 and Industrial districts stipulate that one freestanding on-premises sign is permitted, with a maximum area of 200 square feet. Zoning lots with more than 200 feet of street frontage may have one additional on-premises sign for each additional 200 feet of street frontage or portion thereof. (Provisions VI.4.C.1&2)

The sign regulations purpose statement reads:

The purpose of this article is to permit such signs that will not, by their reason size, location, construction, or manner of display endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public welfare; and to permit and regulate signs in such a manner as to support and complement land use objectives as set forth in this Zoning Ordinance; to endanger a harmonious and aesthetically pleasing environment; and that is fair to the business community.

This specific business could have up to five 200 square foot freestanding signs on this zoning lot. The request asks approximately 50% greater sign area, but all on one sign is perhaps a better design alternative. The code intent appears to be that larger lots are allowed additional signage, but are limited to an additional number of signs. For greater visibility with less clutter, a business may prefer less number of signs with a greater sign area.

The largest possible sign are anywhere in the city is an outdoor advertising billboard, at 300 square feet.

THEREFORE, A Highway Commercial or Industrial zoning lot with more than 500 front feet may have one freestanding on-premises sign up to 300 square feet in area, provided that two otherwise allowed freestanding signs are not installed.

J Michael Gurnee
Development Services Director
January 26, 2001

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2001-02**

TITLE: RESIDENTIAL CARPORTS-SIDE/REAR YARD CLARIFICATION

Description

The Zoning Ordinance in section 2.5 permits carports as accessory structures to residential uses in side or rear yards. A detached carport can have a 3.5 foot side yard. If attached to the dwelling, the carport must maintain the side yard for the dwelling (6 feet for most single family dwellings). The code further requires that as an accessory structure, a detached carport should be 10 feet from the dwelling.

The reason for these provisions is attached carports over time often become enclosed and made part of the principle dwelling as an enclosed garage or living area. This adds to the bulk of the house on the lot. Also, such separation is required for safety from fire hazards.

A carport made of metal or other non-combustible material cannot be readily enclosed as part of a dwelling unit. Also, it is not such a fire hazard.

Determination

A carport constructed of non-combustible materials and not structurally attached to a principle dwelling may be installed without regard to the 10 foot separation requirement for other accessory residential structures in section 2.5 of the Zoning Ordinance. They shall not be placed in any required front yard, and a 3.5 foot yard from the carport to the side and/or rear property lines shall be maintained.

J. Michael Gurnee
Development Services Director
July 31, 2001

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2002-01**

TITLE: PAVING RESIDENTIAL DRIVEWAYS

Description

Residences are required to have two off-street parking spaces for each unit (Zoning code 5.7). Parking areas, including all drives and access ways, shall be paved with an all-weather hard surface material (zoning Code 5.5.E).

A driveway that is not paved is allowed to remain as a non-conforming situation (Zoning Code 3.1). New structures and land uses are not permitted if they would result in greater nonconformity of parking requirements (Zoning Code 3.3.C).

Application of the above means that if there were an expansion of an unpaved commercial site where the parking requirements or the business are increased, that could not be done without paving a drive to the newly required parking area.

From time to time there are residential lots without paved driveways. For a single family residential situation, slightly different interpretations are in order.

Therefore, placing a garage or carport at the end of an unpaved single family driveway does not increase the nonconformity: the parking area remains the same. The parking area remains the same. The driveway would not have to be paved. But if there is no driveway at all (evidenced, for instance, by the lack of a curb cut), and a garage or carport is requested, then it is considered an expansion of the provided off street parking-and thus the approach and drive would have to be paved.

J. Michael Gurnee
Development Services Director
January 17, 2002

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2002-02**

TITLE: PARKING REQUIREMENTS FOR VEHICLE STORAGE

Description:

The zoning code requires off street parking space for each company owned, used, inventoried vehicle (Zoning Code 5.7). All parking areas including all drives and access ways shall be paved with an all-weather hard surface material (Zoning Code 5.5.E). Regulated off street parking spaces shall be paved with an all-weather hard surface material (Zoning Code 5.5.E). Regulated off street parking spaces shall be a minimum of nine feet in width and eighteen feet in length, with dimensional requirements for aisles to the spaces (Zoning Code 5.5.A).

The above are generic standards for the typical parking area in Dodge City. There are some specific instances where these can be excessive. The dimensions are formulated for the typical instance of vehicles frequently moving in and out of the space, as a customer, visitor, or employee parking.

A new or used vehicle sales lot, for example, will not have that frequency of movement for inventoried vehicles. The above dimensional requirements are intended for more safe maneuvering of the general public, in a vehicle sales lot the inventoried vehicles are more the concern of the operator than the general public.

Therefore:

All space and dimensional requirements for customer, visitor, and employee parking will be determined as specified in the code. Company owned used, and/or inventoried vehicles need to be on all weather hard surface material, including drives and access ways to the area. But the dimensional requirements for company owned, used and/or inventoried vehicles may be waived when the function is more of the vehicle storage.

J. Michael Gurnee
Development Services Director
May 19, 2000

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2002-03**

TITLE: ACCESSORY STRUCTURES AND ADDITIONS IN MANUFACTURED HOUSING PARKS

Description:

Occupants of existing manufactured housing parks commonly desire to improve their individual spaces with carports, porches, fences, storage unit, additions, and other improvements in order to create more of a single family residential atmosphere. This is a unique situation, because the person who owns the home is not the land owner, and our codes place responsibility for development permits on property owners. Various city codes come into play with these issues. The following determination is an effort to specify how individual manufactured housing spaces can be improved.

Determination:

In addition to other provisions of the Dodge City building and development codes, the following regulate placement of accessory structure and additions within manufacturing housing parking spaces.

1. Storage structures within 150 square feet or less and not constructed on a permanent foundation may be placed within individual manufactured housing park spaces with permission of the park owner. (Reference : Zoning Code, Provision 2.B.2, provision 12.3.S.9.d)
2. Open decks less than four feet high may be installed on manufactured housing spaces. They shall be self supporting and not attached to the housing unit.. They shall not be enclosed with walls or roofs. Permission of the park owner is required with the building permit application. (Reference: Zoning Provision 12.3.S.9.a, City Building Code)
3. Partial or fully covered porches should be twenty feet from any adjacent (existing or future) housing unit. They shall be self supporting and not attached to the housing unit. Permission of the park owner is required with the building permit application. (Reference: Zoning Code Provision 12.3.S.9.a, City Building Code)
4. Habitable space or other additions to manufactured housing unit shall not be attached to the unit without certification by a structural engineer verifying that the integrity of the unit is not compromised. Any such addition shall be no closer that twenty feet an adjunct.
5. Carports constructed of non-combustible materials (metal) and not structurally attached to the housing unit may be installed on a manufactured housing park site. They shall be placed to the side or rear of the housing unit and not in front. Three and one/half feet shall remain open from the side and rear home space lines. Permission of the park owner is required with the permit application. (Reference: Zoning Ordinance Administrative Declaratory ruling 2001-02).

6. Fences may be permitted. The fence provisions of Zoning Code need to be somewhat modified for manufactured housing spaces. Fences can be no higher than four feet to the main entrance to the unit, which is considered part of the front yard. They may be six feet high beyond the entrance. The park owner and the applicant will affirm that the fence will be placed within the area of the applicant's individual space. Permission of the park owner is required with the fence permit application. (Reference: Zoning Ordinance Provision 2.19)

J. Michael Gurnee
Development Services Director/
April 25, 2002

**Dodge City Zoning Ordinance
Administrative Declaratory Ruling 2003-01**

**TITLE: VESTED RIGHTS FOR MANUFACTURED HOUSING UNITS IN
NONCONFORMING AREAS.**

Determination:

The Dodge City Zoning Ordinance as adopted in March 2000 significantly changed how and where manufactured housing units could be placed within the City. The former R-4 District that permitted individual manufactured housing units was eliminated.

The Development Services staff noted at the time of adoption of this new Zoning Ordinance that three areas formerly in the R-4 district were under development: Glenridge Estates Subdivision, Waddel Subdivision north Cherry Street, and 17th Avenue south of Park Street. These areas were allowed to continue developing under the prior standards.

It has been over three years since the new ordinance has been in effect. Certain modifications now should be made to the above determination.

First, Glenridge Estates Subdivision is still under active R-4 type development; but only the portion of the platted extension of Division Street. For these three years there has been no activity to develop the northern portion.

Therefore: The vested rights to develop the Glenridge Estates Subdivision under the standards of the previous R-4 zoning district do not extend north of the platted extension of Division Street.

Second, the 17th Avenue R-4 type development has only occurred on the east side. The west side has not been platted for development since the March 2000 Zoning Ordinance changes.

Therefore: The vested rights to develop the 17th Street area south of Park Street under the standards of the previous R-4 zoning district do not extend to the west side of 17th Avenue.

Third, there has been no development activity in the Waddel Subdivision situated north of Cherry Street since the Final Plat was approved by the City Commission on July 30, 2000. Regardless, the plat satisfies all requirements for development under the current zoning.

Therefore: The vested rights to develop the Waddel Subdivision under the standards of the previous R-4 zoning district are no longer valid.

This determination likewise affects a February 21, 2001 Building Board of Appeals ruling concerning use of concrete board as manufactured housing perimeter walls. That ruling does not apply to areas no longer vested in the former R-4 district regulations.

All of these above sites can be developed under the current zoning standards.

Rationale

When a zoning code changes there is always a transition period to consider. Some property owners and developers have a “vested interest” in reliance on the codes in place before a new code takes place. The new code has allowances for this issue, found at section 3.7, Completion of Nonconforming Project, Vesting of Rights:

3.7 Completion of Nonconforming Project, Vesting of Rights

- A. Projects made nonconforming by provisions of this Ordinance or amendments thereto may be completed if substantial expenditures or substantial binding financial obligations were made in good faith towards construction of such projects in reliance on the then current regulations. Substantial expenditure or obligation does not mean the mere purchase of real or personal property. Proof of good faith substantial expenditure or obligation may be:
 - 1. Without question, a validly issued and unrevoked building, zoning, or special exception permit, or developer’s agreement issued prior to the effective date of this Ordinance or subsequent amendments thereto (all of which are valid for a one-year period, with a possible one year extension); or a combination of the following.
 - 2. Shown with regard to the dollar amount and in terms of the total cost of the project; and
 - 3. Shown with a timely progress towards development of the project; and
 - 4. Shown with documented discussions and preliminary approvals with city staff concerning the project.

- B. When it appears from the developer’s plans or otherwise that a project was intended to be or reasonably could be completed in phases or other discrete units, the developer shall be allowed to complete only those phases or discrete units which can be vested through provisions 3.7.A above.

Also, if nonconforming use is discontinued for twelve months, it may thereafter be used only for conforming purposes (Section 3.2).

J.Michael Gurnee
Development Services Director
April 29, 2003

**DODGE CITY ZONING ORDINANCE
ADMINISTRATIVE DECLARATORY RULING
2010-01**

TITLE: SPONSORSHIP SIGNS

Description

The City of Dodge City adopted new sign regulations in conjunction with the 2000 Dodge City Zoning Ordinance. No provisions were made for sponsorship signs at that time. The City recognizes significant changes resulting in the need to have a more flexible regulation for electronic message signs or animated signs. The City also recognizes that the use of electronic message centers in signage is increasing and that the sign ordinance needs to evolve to anticipate the evolution of signs to take advantage of electronic technologies; and that new technologies and media will continue to evolve.

The City has installed three electronic message center signs on public property located at the Civic Center, Legends Park and the Dodge City Raceway Park with the intention of making these signs available to commercial sponsors who support the “Why Not Dodge” projects or special events located at each venue. This will help support the funds needed to pay for and maintain each message center sign. The definition of a Sponsorship Sign is an advertising sign for a sponsorship entity for, at, or inside a public event or venue that is open to the public. Examples include but are not limited to: a public event sponsored by a business; a park or venue named after a sponsoring entity or a business that supports the “Why Not Dodge” projects.

The existing sign regulations do not allow outdoor advertising anywhere except for I-2, Heavy Industrial District. (VI.4.E) The definition of an outdoor advertising sign is a sign that directs attention to a business, profession, commodity, service, entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

THEREFORE: Business that sponsor or support “Why Not Dodge” or special events at each of the three venues will be allowed to utilize the electronic message center signs to display their name, company logo and slogan in accordance with commitments agreed upon by the City and the Sponsor. All other outdoor advertising will continue to be regulated by the Dodge City Zoning Regulations.

Dennis Veatch
Director of Development Services
January 4, 2010

ARTICLE X BOARD OF ZONING APPEALS

X.1 Establishment

The City of Dodge City Board of Zoning Appeals as constituted at the time of the adoption of this Ordinance shall continue in office with all powers granted herein. Future member appointments shall be made as specified by the City of Dodge City and the Kansas Statutes, Annotated.

X.2 Powers Duties and Rules of the Board

The Dodge City Board of Zoning Appeals (hereafter referred to as the “BZA” shall have the powers and duties as outlined below.

A. General

The Board of Zoning Appeals shall have all of the powers and duties provided by the Kansas Statutes, Annotated and as specifically set forth in this or any other Ordinance of the City of Dodge City. The BZA shall establish rules of procedures, consistent with law, which may be necessary or convenient for carrying out its functions.

B. Proceedings

1. The BZA shall schedule regular monthly meetings. Special meetings may be called as necessary by the chair or vice-chair in absence of the chair. Procedures for regular and special meetings shall be consistent with state and local laws.
2. A simple majority of the total authorized membership of the BZA shall constitute a quorum. Any member of the BZA who has any direct or indirect financial interest in the outcome of any question before the BZA shall disqualify himself (herself) from deliberation and voting on the question.
3. The BZA shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings, including regulations, transactions, findings, and determinations, and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall be filed in records of the BZA maintained by the Zoning Administrator, which shall be available to the general public.
4. The BZA from time to time may establish interpretations of the Zoning Ordinance provisions and procedures for efficient zoning administration. Such interpretations and procedures shall be consistent with the intent and provisions of this Ordinance. They shall follow the general guidelines for Administrative Declaratory Rulings specified in Section IX.6.

X.3 Members Liability

Members of the Board of Zoning Appeals acting within the powers granted by this Ordinance and the applicable provisions of the Kansas Statutes, Annotated are relieved from personal liability arising from the legal performance of their duties. Legal actions brought against members of the BZA in their capacity as BZA members shall be defended by a legal representative furnished by the City of Dodge City until the final determination of the proceedings.

X.4 Appeals

Appeals from the administration and enforcement of this Ordinance shall be to the Board of Zoning Appeals and may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Administrator. The BZA shall have the power to hear and decide appeal cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of this Ordinance.

- A. Appeals shall be taken within thirty days after the appellant or agent receives notice of the action appealed from. Appeals shall be filed with the Zoning Administrator and with the BZA, specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. The Zoning Administrator shall transmit to the Board the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings.
- B. The appeal shall be placed on the next available BZA agenda for a public hearing. Public notice shall be published in the local newspaper at least twenty days prior to the hearing. Notice shall be delivered to each party in the appeal, and to the Zoning Board.
- C. The BZA shall decide upon the appeal within forty-five days after the hearing.
- D. Any interested person may appear and be heard before the public hearing. The affected parties may appear at the hearing in person or by attorney or other representative.
- E. The BZA shall determine if the Zoning Ordinance provisions were appropriately applied; and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, grant, or refusal. The BZA may attach appropriate conditions to its decision.
- F. The BZA may decide an appeal by interpreting this Zoning Ordinance either based on the specific issues of the single case, or jurisdiction-wide interpretation.

X.5 Special Exception Conditional Use Permits

The Board of Zoning Appeals shall hear and decide Special Exception Conditional Use Permit applications as specifically authorized by Article XII of this Ordinance; to decide such questions as are involved in determining whether they should be granted; and to grant permits with such conditions and safeguards as are appropriate under this Ordinance; or to deny applications when they fail to comply with the intent, provisions, and requirements of this Ordinance.

- A. Activity shall commence within one year on a Special Exception Conditional Use Permit, with a possible one-year extension granted by the BZA. If no activity occurs within this time, the permit shall be void.
- B. Discontinuance or abandonment of a use authorized by such permit shall be considered as discontinuance of a nonconforming use (see Section III.5).
- C. The procedure for advertising and conducting a Special Exception Conditional Use Permit public hearing shall be the same as for a zoning map amendment, Section XI.3.

X.6 Nonconformity Special Exception Permits

The Board of Zoning Appeals shall have the authority to authorize Nonconformity Permits as special exceptions under the provisions of NONCONFORMING SITUATIONS (Sections III.6 and III.9). Activity shall commence within one year of approval of a Nonconformity Permit, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the permit shall be void.

A Nonconformity Permit application shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to adjacent property owners of record.

X.7 Landscaping, Parking, Loading Special Exceptions

The Board of Zoning Appeals shall have the authority to grant, as special exceptions, reductions to the landscaping (see Provision IV.2.F) and the parking and loading (see Provision V.4.D) regulations of this Zoning Ordinance. Activity shall commence within one year of approval of such waiver, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the waiver shall be void.

A landscaping, parking, or loading requirement reduction request shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to adjacent property owners of record. In matters of landscaping, the Dodge City Shade Tree Commission shall be notified of the public hearing.

X.8 Personal Animal Use Special Exceptions

Section II.7 permits in the Residential-Suburban District two horses per fenced acre for personal use. Other non-commercial animal husbandry may be allowed within the R-S district only after review by the Board of Zoning Appeals as a special exception. The BZA shall take in to consideration (among others): the location of pens, runs, and other enclosures; the size and number of animals kept; and the potential for neighborhood nuisance. The BZA shall not have authority to contradict provisions of the Dodge City Animal Control Ordinance.

A personal animal use special exception request shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to the adjacent property owners of record.

X.9 Variances

The Board of Zoning Appeals shall have the power to hear and decide applications for variances from specific provisions of the Zoning Ordinance. A variance granted shall not be contrary to the public interest and: where due to special conditions a literal enforcement of the zoning provisions would result in unnecessary hardship in an individual case; provided that the spirit of the regulations shall be observed; public safety and welfare secured; and substantial justice done.

- A. A variance from the terms of this Ordinance shall not be granted by the BZA unless and until a public hearing is held. Each application for a variance shall be upon forms provided by the Zoning Administrator.
- B. Upon receipt of the application, the Zoning Administrator shall prepare and distribute a notice of public hearing for the next available BZA agenda. The procedure for advertising and conducting a public hearing for a variance application shall be the same as for a zoning map amendment, Section XI.3.
- C. The Board of Zoning Appeals shall find each and all of the following before a variance can be granted:
 - 1. The request arises from conditions unique to the property and not ordinarily found on other land in the same zoning district; and
 - 2. The unique conditions are not created by actions of the applicant; and
 - 3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents; and

4. The strict application of the zoning provisions would constitute an unnecessary hardship upon the applicant; and
 5. The request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 6. The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations.
- D. In granting any variances, the BZA may proscribe appropriate conditions and safeguards in conformity with this Ordinance. The BZA shall have power to revoke variances for noncompliance with the conditions thereof. Furthermore, the BZA shall have a right of action to compel offending structures or uses removed at the cost of the violator.
- E. When granted, a variance shall allow the least possible change in the Zoning Ordinance requirements.
- F. The Board of Zoning Appeals shall not grant any variance for any use expressly or by implication prohibited by the terms of this Ordinance. A change in the use requirements is a rezoning or text amendment, and thus a legislative matter.
- G. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- H. Activity shall commence within one year of approval of a variance, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the variance shall be void.

X.10 Minor Variances

A minor variance is a request to deviate from the dimensional or other requirements of this Ordinance by less than ten percent.

- A. A minor variance may be granted by the Zoning Administrator following the procedure and required findings as described in Provisions X.9.C through X.9.H above, but with an abbreviated public comment.
1. A minor variance application notice shall be delivered to all adjacent property owners, describing the request and providing for comment. If all adjacent property owners agree in writing and the Zoning administrator finds that the requirements of Section X.9 are met, the variance can be granted.
 2. If there are any objections from any of the adjoining property owners, the minor variance request shall be denied, and the issue can be brought before the Board of Zoning Appeals as a normal variance.
- B. If the Zoning Administrator denies a minor variance request, the applicant may apply before the BZA for a normal variance.
- C. The Zoning Administrator shall report to the BZA on the status of all minor variance applications, for final ratification by the BZA.

X.11 Appeals from the Board of Zoning Appeals

Any person or entity claiming to be injured or aggrieved by any final action of the BZA may appeal from the action to the District Court. Such appeal shall be taken within thirty days after the final action of the Board. The date of final action is the day that Board votes on an issue, making a final determination.

ARTICLE XI AMENDMENT PROCEDURES

XI.1 Changes and Amendments

The City Commission may from time to time supplement, change, or generally revise these Zoning Ordinance regulations and the district boundaries on the Official Zoning Map. In no case shall final action by the City Commission be taken until the Zoning Board conducts a public hearing at which parties in interest and citizens have an opportunity to comment.

- A. The City Commission or the Zoning Board may initiate such supplement, change, or general revision.
- B. An affected property owner may initiate such amendment when it is not a general revision of the existing regulations and when it affects specific property; i.e., when it is a specific zoning map amendment.

XI.2 Action by Applicant

A petition to amend the district boundaries established by this Ordinance shall be made on forms provided by the Zoning Administrator and shall include the following information:

- A. A description and/or statement of the present and proposed or district boundaries.
- B. The names and addresses of the party or parties requesting the amendment. (Property owners in the case of a zoning map amendment.)
- C. In cases involving the amendment of a zoning district boundary, a legal description of the property.
- D. The names and addresses of persons owning land within two hundred feet of the property for which a map amendment is sought. Where properties within two hundred feet extend into unincorporated Ford County, the distance shall be extended to one thousand feet. See Section XI.7 for an exception.
- E. The person or persons submitting a petition shall pay all expenses incurred by the City in the proper advertisement of the public hearing and administrative review of the application. Such fee shall be set by the City Commission.

XI.3 Action by the Zoning Board

Every proposed amendment, supplement, change, or general revision of this Ordinance or Official Zoning Map shall be referred to the Zoning Board for its recommendation and report.

- A. A petition to amend the district boundaries or regulations established by this Ordinance shall be considered by the Zoning Board at its next available meeting through a duly advertised and conducted public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to the record property owners identified by XI.2.D above. A notification sign shall be posted on the petitioned property. Section XI.7 below provides for a different notification process under special circumstances.
- B. The Zoning Board shall render its decision on any properly filed petition within forty-five calendar days after the public hearing of such petition and shall transmit its recommendation and report, including the reasons for its determinations, to the City Commission. As specified by K.S.A. 12-757(d), if the Planning Commission fails to make a recommendation, it shall be deemed to be a recommendation for disapproval.

XI.4 Action by the City Commission

The City Commission shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable. As specified by K.S.A. 12-757(d), following receipt of the Zoning Board recommendation and summary of actions taken, the City Commission may:

- A. Adopt the Zoning Board recommendation;
- B. Override the Zoning Board recommendation by a 2/3 majority vote of the entire membership; or
- C. Return the case to the Zoning Board for further review. The Zoning Board may resubmit its original recommendation or provide an amended recommendation. The City Commission may then by simple majority adopt, or revise or amend and adopt, such recommendation; or take no further action. Failure of the Zoning Board to forward a reconsidered recommendation shall be considered to be a resubmitted of the original recommendation.

XI.5 Reason for Amendment

- A. This Ordinance, including the Official Zoning Map, is based upon, and is intended to implement, the Comprehensive Plan. Before any zoning map amendment is granted, the Zoning Board and/or City Commission must find that the map amendment is in agreement with the Comprehensive Plan or, in the absence of such a finding, that one or more of the following apply (such findings shall be recorded in the minutes and records of the Planning Commission and/or City Commission).
 - 1. That the original zoning classification given to the property was inappropriate or improper based on the Comprehensive Plan.
 - 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area.
- B. In addition to XI.5.A above, the Zoning Board and/or City Commission shall review proposed Zoning Ordinance and Map amendment petitions with respect to sound land use planning principles, and may approve or reject an amendment on such grounds. In addition to other factors which may be relevant to a particular application, the Planning Commission and City Commission may consider the following criteria:
 - 1. The character of the neighborhood.
 - 2. The extent to which the proposed use would be in harmony with surrounding zoning and uses.
 - 3. The suitability of the property for the allowed uses under present zoning.
 - 4. The length of time the property has remained vacant as zoned, if applicable.
 - 5. The extent to which approval of the application would detrimentally affect nearby properties.
 - 6. The extent to which transportation, utilities and services are available and adequate.
 - 7. The extent to which the proposed use would impact the environment, including storm water runoff.
 - 8. The extent to which there is a need for the use in the community.

9. The ability of the proposed use to comply with all applicable standards of this Ordinance and other relevant development codes.
10. The gain, if any, to the public health, safety and welfare due to the denial of the application; as compared to the hardship on the applicant, if any, as a result of denial of the application.
11. The recommendation of professional staff.

XI.6 Protest Petition

As specified by K.S.A. 12-757(f), property owners have the right to protest a Zoning map amendment application to the City Commission. A protest petition shall be filed within fourteen days after the Zoning Board public hearing on the issue. A valid protest petition is signed by twenty percent or more of the record owners of property proposed to be re-zoned, or the record owners of twenty percent or more of the total area covered by public hearing notice requirements (excluding streets and public ways). A protest petition shall be filed with the City Clerk. A three-fourths majority of all the members of the City Commission is required to approve such a protested Zoning Map amendment, regardless of the Zoning Board recommendation.

XI.7 More Restrictive Map Amendment

As specified by K.S.A. 12-757(c)

- A. Whenever five or more property owners owning ten or more contiguous or non-contiguous lots of the same zoning classification initiate a zoning map amendment from a less restrictive to a more restrictive classification, such application shall not require written notice to neighboring property owners, and shall not be subject to a Protest Petition.
- B. Whenever the Zoning Board or City Commission initiates such a zoning map amendment, written notice shall be required to be delivered only to those owners of property under consideration, and only such owners shall be eligible to initiate a Protest Petition.

XI.8 Amendment for Lesser Change

The Zoning Board may recommend, and the City Commission may adopt a change in zoning that is a lesser change than the original request. A lesser change to a zoning map amendment request may be that which affects only a portion of the land area initially noticed, or may be a more restrictive zoning district in the same residential, commercial, or industrial grouping as the district for which the change was requested. A lesser change does not include any change among the agricultural, residential, commercial, or industrial classifications, only within such classifications. A proposed zoning ordinance text change may be made less restrictive but not more restrictive than originally advertised.

A. Residential Districts

R-S Residential Suburban	Most Restrictive
R-1 Residential Low Density	
R-2 Residential Medium Density	
R-3 Residential Higher Density	Least Restrictive

B. Commercial Districts

C-O Commercial Office	Most Restrictive
C-1 Commercial Downtown	
C-2 Commercial Highway	Least Restrictive

C. Industrial Districts

I-1 Light Industrial	Most Restrictive
I-2 Heavy Industrial	Least Restrictive

XI.9 Reconsideration of Petition

Whenever an owner-initiated petition requesting a Zoning Map amendment is denied, such petition, or other petition for the same area, (or similar proposal), shall not be considered again sooner than twelve months after the date of denial, unless the Zoning Board finds that there have been substantial changes in conditions or circumstances bearing on the petition.

XI.10 Effect of Amendment Petition on Building Permits

Whenever a zoning amendment is filed with the Zoning Administrator, no building permits or certificates of occupancy shall be issued for property within the affected area until final action by the City Commission.

Building permits and certificates of occupancy issued prior to the filing of a zoning amendment petition shall not be adversely affected under this provision.

The Zoning Administrator shall approve permits and certificates of occupancy for property within the affected area when it is clear that the structure or use is permitted under the provisions of either the existing and petitioned zoning district or regulations.

Projects under development may be completed, and certificates of occupancy issued, when properly vested prior to filing of a zoning boundary or regulation amendment petition, (see Section III.7).

ARTICLE XII
SPECIAL EXCEPTION CONDITIONAL USES

XII.1 Objective and Purpose

- A. The Zoning Ordinance is based on the division of the City into districts which the use of land and buildings, and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that some land uses are basically in keeping with the intent and purpose of each district, but which may have an impact on the area around them that can only be determined by review of the specific proposals. Such uses may be established under certain conditions and with proper controls on site development, in such a manner as to minimize any adverse affects. In order to ensure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purpose of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Special Exception Conditional Use Permit application. For brevity and convenience, *Special Exception Conditional Use* is referred to in this Article as *Conditional Use*.
- B. Land uses for which Conditional Use Permits are required are listed in the Table of Permitted and Conditional Uses, Section XIV.11. A description of the procedures and standards which must be followed in the issuance of a permit is detailed in the Regulations for Uses below, Section XII.3. Should any interpretation conflict arise between these two sections, the Table of Permitted and Conditional Uses (Section XIV.11) shall be followed.

XII.2 Procedure for Approval of Conditional Use Permits

- A. A Conditional Use Permit may be issued by the Board of Zoning Appeals for uses designated in the Table of Permitted and Conditional Uses, Section XIII.11. Prior to rendering a decision, the BZA shall hold a public hearing. Each application for a permit shall be made upon forms provided by the City and approved by the BZA.
- B. Upon receipt of a completed application, the Zoning Administrator shall prepare a notice of public hearing. The procedure for advertising and conducting a Conditional Use Permit public hearing shall be the same as for a zoning map amendment, Section XI.3. The Zoning Administrator shall review all applications and present recommendations to the BZA. Other applicable agencies may be asked to comment on the application prior to the public hearing.
- C. Either the applicant or a designed agent shall present the proposal and its merits at the public hearing.
- D. A Site Development Plan as detailed in Article VIII is required prior to Board of Zoning Appeals action on a Conditional Use Permit application. Building plans (including elevation drawings) and descriptive narratives may be required to show conformance with the standards. The plans shall be approved by the BZA as to general design and standards listed in this Article. The Zoning Administrator shall conduct a technical review as to the provisions of Article VIII prior to the BZA hearing.
- E. After the public hearing where the applicant, supporting, and opposing testimonies are heard, the Board of Zoning Appeals may grant or deny the Conditional Use Permit requested. If granted, the permit shall include approval of such plans as may be required. In granting the permit, the BZA shall find each and all of the following:
 - 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted.

2. That the use meets all the required conditions and standards set forth herein or as determined by the BZA.
 3. That the layout of the site and the design of structures are compatible with the surrounding neighborhood.
 4. That the location and character of the use, if developed according to the plans as submitted and as approved, will be in conformity with the City Comprehensive Plan.
- F. The Board of Zoning Appeals may approve, modify, or deny any application for a Conditional Use Permit. If it approves such permit, the Board may attach necessary conditions to render the proposed use more compatible with the area in which it is to be located. Any such conditions shall be recorded in the Board's minutes and on the permit. All conditions shall run with the land (except in the case of temporary permits, the duration of which shall be stated within the conditions). Such conditions may not relax the adopted standards in Section XIII.3 below, but may be more restrictive or in addition thereto.
- G. The Board of Zoning Appeals shall have the power to revoke Conditional Use Permits for noncompliance. Furthermore, the BZA shall have a right of action to compel offending structures or uses removed at the cost of the violator, in addition to penalties provided by Article IX of this Ordinance.
1. The Zoning Administrator shall review all Conditional Use Permits, except those for which all conditions have been permanently satisfied, upon a complaint or at least every two years in order to ascertain compliance with all of the standards and conditions listed on the permit.
 2. If not in compliance with all the standards and conditions, the Zoning Administrator shall report the facts to the Board of Zoning Appeals and the responsible parties, specifying the noncompliance. The BZA shall hold a public hearing on the report, with notice of the hearing furnished to the responsible parties at least one (1) week in advance. If the BZA finds noncompliance, it may revoke the Conditional Use Permit and take necessary legal action to cause compliance or termination of the activity.
- H. A Conditional Use Permit applicant may present a proposal in phases. Upon request, the BZA may make a determination on a concept proposal, and the applicant may request a second public hearing and determination when design details are finalized, as if it were a new application.

XII.3 Regulations for Conditional Use Permits

The uses for which Conditional Use Permits are required, and their detailed regulations and standards are set forth in this Section. Except as modified for specific uses below or by the BZA for specific cases, all such uses shall comply with the following general standards:

- Dimensional Requirements: Conditional Uses shall comply with the dimensional requirements of the zoning district in which the use is to be located.
- Parking and Loading: Off-street parking and loading requirements shall comply with Article V.
- Landscaping and Buffers: Landscaping and buffers shall comply with provisions of Article IV.
- Signs: Signs shall be regulated to comply with Article VI of this Ordinance.

A. Adult Uses

1. Permitted Districts: Adult uses may be permitted as a conditional use in the C-2 and I-1 zoning districts (as-of-right no where).
2. Other Standards:
 - a. No adult use may operate within five hundred feet of any existing residential zone. (Property line to property line)
 - b. No adult use may operate within one thousand feet of any existing public, private, or parochial school, library, park, playground, church, or other places where minors tend to congregate, existing prior to the request. (property line to property line)
 - c. No adult use may operate within five hundred feet of any other such use. (property line to property line)
 - d. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible or audible to the public from public rights-of-way other than permitted signs. Permitted signs shall be limited to those, whose copy includes only the name of the business, place, organization, or building identified; size, location, and other requirements of such signs are controlled by Article VI.

B. Adult Residential, Nursing Care Homes

1. Permitted Districts: Nursing and adult day care homes may be permitted as conditional uses in the R-3 and C-2 zoning districts (as-of-right in C-1 and C-O).
2. Dimensional Requirements: Additional yard requirements may be set by the BZA to preserve the neighborhood character of the area, and to protect the home residents.
3. Landscaping and Buffers: The BZA may require additional landscaping buffers in order to protect home residents and the surrounding neighborhood character.
4. Nursing and adult day care centers shall meet all applicable state licensing requirements.

C. Animal/Pet Boarding, Kennel (Commercial)

1. Permitted Districts: Commercial animal/pet boarding and kennels may be permitted as a conditional use in the AG zoning district (as-of-right no where).
2. Dimensional Requirements: No pen, run or other enclosure for animals shall be closer than one hundred feet from the property lines.
3. Landscaping and Buffers: Buffers shall effectively screen the operation from view of adjacent residences.
4. Maintenance: Areas shall be adequately maintained in compliance with animal control and other applicable ordinances.

D. Animals/Pets Kennel (Personal)

1. Permitted Districts: The keeping of more than four dogs for personal use may be permitted as a conditional use in the AG and R-S zoning districts (as-of-right no where).

2. Dimensional Requirements: No pen, run or other enclosure for animals shall be closer than one hundred feet from the property lines.
3. Landscaping and Buffers: Buffers shall effectively screen the animal enclosures from view of adjacent residences.
4. Maintenance: Areas shall be adequately maintained in compliance with animal control and other applicable ordinances.

E. Airport, Landing Field

1. Permitted Districts: Airports, helipads, and landing fields may be permitted as conditional uses in the AG districts (as-of-right in I-1 and I-2).
2. Dimensional Requirements: Private helipad—5 acre minimum area, private landing strip—20 acre minimum area. Setback—100 feet from all property lines.
3. Other Requirements:
The applicant shall submit with the site plan a narrative description of the proposed use, detailing: hours of operation, provision for fuel storage, number of take-offs, types of aircraft, and access to the facility. Fencing and buffers may be required to protect the general public.

F. Art Gallery, Museum

1. Permitted Districts: Art galleries and museums may be permitted as conditional uses in AG, all R's, C-O, and I-1 zoning districts (as-of-right in C-1 and C-2).
2. Landscaping and Buffers: The BZA may require a vegetative buffer and/or screening as it deems necessary to retain the surrounding neighborhood character.
3. Other Requirements:
The applicant shall submit with the site plan a narrative description of the proposed use, detailing: hours of operation, provision of studios, presence of retail sales activity, character of proposed events and exhibits, and anticipated number of visitors, employees, and volunteers.

G. Bed and Breakfast

1. Permitted Districts: Bed and Breakfast operations may be permitted as conditional uses in the AG, R-2, and R-3 zoning districts (as-of-right in C-1 and C-2).
2. Off-Street Parking: In addition to other requirements, one space per room to let. Operations that include banquet/reception activities will require additional off-street parking.
3. Other Requirements:
The applicant shall submit with the site plan a narrative description of the proposed use, detailing the number of rooms to let, the nature of the operation, and the existence of banquet or reception and other services.

H. Cemetery

1. Permitted Districts: Cemeteries may be permitted as conditional uses in the AG and C-2 zoning districts (as-of-right no where).
2. Lot Size: A cemetery shall contain at least fifteen (15) acres of land.
3. Building Height: No structure shall exceed thirty-five (35) feet in height. Monuments are not restricted.

4. Structure Location: No structure shall be located closer than one hundred feet to any abutting residential structure, or any structure designed for routine occupancy.
5. Access: There shall be one access point to a cemetery. Such access shall be by way of a private drive entering from a public street and of sufficient width to accommodate two-way vehicular traffic. A gate or other means of closing the entrance shall be provided.
6. Landscaping and Buffers: A perimeter fifty foot wide buffer strip shall be maintained around the entire cemetery. No burial sites, decorations, or structures shall occupy this buffer strip.
7. Hours of Operation: Cemeteries shall be open only during daylight hours. The entrance shall be closed and locked at night.
8. Structures Permitted: Chapels, undertaking establishments, mortuaries, crematoriums, mausoleums, and sales and administrative offices are permitted within a cemetery.

I. Community Center

1. Permitted Districts: A public community center may be permitted as a conditional use in all zoning districts (as-of-right in C-O).
2. Landscaping and Buffers: The BZA may require a vegetative buffer and/or screening as it deems necessary to retain the character of the surrounding neighborhood.
3. Architecture and Design: Public community centers as special uses shall be designed to be compatible with the surrounding neighborhood character.
4. Other Requirements:
The applicant shall submit with the site plan a narrative describing the operation and activities, including: hours of operation, types of activities, anticipated number of persons served, and a description of the form of management.

J. Correctional Facility, Juvenile Detention, Secure Care Center

1. Permitted Districts: Correctional facilities, including juvenile detention, secure care centers, and half-way houses for convicted persons may be permitted as a conditional uses in the AG, I-1, and I-2 zoning districts (as-of-right no where).

Other Requirements: Correctional facilities' proposals shall include a site plan and narrative detailing the scope of the operation. Security shall be the primary concern for the BZA. Screening and buffering shall be installed to make the facility compatible with the character of the surrounding neighborhood.

K. Day Care, Group Foster Care (Amended by Ordinance 3370 on June 7, 2004)

1. Definitions: The State of Kansas defines types of day care by the following capacities:
 - Registered—6 or less children
 - Licensed—10 or less children
 - Group—12 or less children
 - Child Care, pre-school—13 or more children
 - Group Boarding Home—10 or less foster children
 - Residential Center—more than 10 foster children
2. Permitted Districts: Registered, Licensed, and Group Day Care Homes are permitted as-of-right in all zoning districts, and not regulated in this section. Child Care and Pre-school Centers

may be permitted as conditional uses in the AG zoning district (as-of-right in all C's and I's). Group Boarding Homes may be permitted as conditional uses in the AG and R-3 zoning districts (as-of-right in C-O). Residential Centers may be permitted as conditional uses in the AG, R-3, and C-2 zoning districts (as-of-right no where).

- 3 Outdoor play areas for regulated facilities shall not be located within required front yard setbacks.
- 4 Landscaping and Buffers: For regulated facilities, where any outdoor play area is directly adjacent to a residential lot, a solid fence or wall at least six (6) feet, or an open fence at least four (4) feet in height with a screen of planting of six (6) feet in height shall be installed. Vegetative material shall meet the required height within two growing seasons.
5. Other Requirements:
 - a. Each day care center shall be duly licensed or certified by the State of Kansas, where applicable.
 - b. For regulated facilities, an off-street area shall be provided where passengers may safely exit an automobile to enter the building, and vice versa.

L. Dwelling, Two Family and Zero Lot Line

1. Permitted District: two families and zero lot line residential development may be permitted as a conditional use in the R-1 and R-2 zoning districts under very limited circumstances (as-of-right in R-3).
2. Location within Zoning Districts:
 - a. It is the intent of this conditional use to provide a buffer between intense land uses and low density single-family residences. To that extent the BZA may permit two families or zero lot line dwellings at the fringe of lower density residential zones where it abuts more intense and/or incompatible land uses. The Board may further permit such housing near the intersection of two major streets where highway traffic may not be conducive to single family residential development.
 - b. This Conditional Use is not intended to change the character of the R-1 or R-2 zoning districts to one of higher density development. Therefore, such conditional use shall be allowed only for the single zoning lot or development that abuts a land use incompatible with R-1 or R-2 type development. Thereafter, the permitted conditional use will be considered a compatible land use with the district in which it is situated.
3. Landscaping and Buffers: The BZA may require a vegetative buffer strip or screen where this proposed development abuts low density existing or future housing.
4. Other Requirements:
 - a. Development under this subsection shall follow the dimensional standards in Section II.10.
 - b. No more than four dwelling units may be developed under these provisions per zoning lot or development.
 - c. The density of such development shall be 5,000 square lot feet in the R-1, and 3,000 in the R-2 district.

M. Dwelling, Townhouse and Multi-Family

1. Permitted Districts: Townhouse and small scale (one structure per lot and no more than 4 units per structure) multi-family residences may be permitted as conditional uses in the R-2 zoning district under very limited circumstances (as-of-right in R-3).
2. Location within Zoning Districts:
 - a. It is the intent of this conditional use to provide a buffer between intense land uses and low density single family residences. To that extent the BZA may permit townhouses or small scale multi-family housing at the fringe of a low density residential zone where it abuts more intense and/or incompatible land use. The BZA may further permit such housing near the intersection of two major streets where highway traffic may not be conducive to single family residential development.
 - b. This special use is not intended to change the character of the R-2 zoning district to one of higher density development. Therefore, such use shall be allowed only for the single zoning lot or development which abuts a land use incompatible with R-2 type development. Thereafter, the permitted conditional use will be considered a compatible land use within the R-2 district.
3. The BZA may require a vegetative buffer strip or screen where this proposed development abuts low density existing or future housing.
4. Other Requirements:
 - a. Development under this subsection shall follow the dimensional standards in Section II.9.
 - b. No more than four dwelling units may be constructed under these provisions per zoning lot or development.
 - c. The density of such development shall not exceed 3,000 square lot feet per unit in the R-2 district.

N. Emergency Services Facilities

1. Permitted Districts: Emergency services facilities may be permitted as a conditional use in the AG and all residential zoning districts (as-of-right in all C's and I's).
2. Landscaping and Buffers: The BZA may require a vegetative buffer and/or screening as it deems necessary to retain the character of the affected zoning district.
3. Architecture and Design: Emergency services facilities in AG and residential zoning district shall be designed to be compatible with the surrounding neighborhood character.

O. Flammable or Hazardous Materials: Bulk Storage Above Ground

1. Permitted Districts: Above ground bulk storage facilities for flammable and hazardous materials may be permitted as conditional uses in the I-2 Heavy Industrial zoning district (as-of-right no where).
2. Dimensional Requirements: No tank constructed above ground, nor basin or dike, nor truck loading dock shall be located closer than fifty feet to a property or street right-of-way line.
3. Parking and Loading: Vehicular access to the facility shall be provided in such a manner so as not to require the use of residential streets.

4. Landscaping and Buffers: In all instances, a fence shall be provided to completely enclose and secure the loading and storage facilities.
5. Other Requirements:
 - a. The proposed storage and loading facilities as well as any warehousing structures shall conform to the requirements of applicable federal, state, and local laws.
 - b. A dike system shall surround the storage tanks, with a design holding capacity equal to 110 percent of the volume of the tanks.
 - c. The operation will comply with national, state, and local fire codes.
 - d. The applicant shall provide with the site development plan: The layout of the entire project including the location of buildings, storage tanks, loading facilities, pumps and other apparatus. The plan shall show the storage tank location, design, diameter, height and storage capacity as well as the location, height, storage capacity and method of construction of dike systems. A statement of the fuel types to be stored in each tank shall be included on the plan.
 - e. These provisions do not cover *hazardous wastes* as defined and regulated by K.S.A. 65-3430 et seq.

P. Flammable or Hazardous Materials: Bulk Storage Below Ground

1. Permitted Districts: Underground bulk storage facilities for hazardous and flammable materials may be permitted as conditional uses in the I-1 and I-2 Industrial zoning districts (as-of-right no where).
2. Dimensional Requirements: All storage tanks, loading facilities, pumps, and other appurtenances shall be located at least fifty feet from any property or street right-of-way line.
3. Other Requirements:
 - a. The proposed storage and loading facilities as well as any warehousing structures shall conform to the requirements of applicable federal, state, and local laws.
 - b. The applicant shall provide a report, completely describing the types of materials stored.
 - c. The operations will comply with national, state, and local fire codes.
 - d. These provisions do not cover *hazardous wastes* as defined and regulated by K.S.A. 65-3430 et seq.

Q. Financial Institution (with drive through service)

1. Permitted Districts: A financial institution with vehicular drive through service may be permitted on a conditional use basis in the C-1 and C-O zoning districts.
2. Other Requirements: In addition to the general requirements for all conditional uses, a drive through service in the C-1 and C-O districts shall pay particular attention to the safety hazards of vehicles crossing pedestrian sidewalks. The C-1 and C-O districts are pedestrian oriented, and any vehicular drive should respect the pedestrian orientation. This permitted drive through service in these districts is limited to financial institutions as they are customarily operated during business hours, when pedestrians are more aware of the potential hazards.

R. Industrial Operations (Not Specifically Listed in the Table of Permitted Uses)

1. Permitted Districts: Industrial operations may be permitted on a conditional use basis in the I-1 Light Industrial and the I-2 Heavy Industrial zoning districts. The potential for community nuisances created by such operations will allow the BZA to determine whether such operations are "light" or "heavy" industrial, according to the purpose statements for each district (Section 1.7) (as-of-right no where).
2. Dimensional Requirements: The dimensional requirements for industrial operations as conditional uses shall be the same as the I-1 or I-2 districts (Section XIII.12.). The BZA may, however, require additional yard requirements for the protection of the public health, safety and welfare. Such greater yard requirements shall be based upon the nature of the industrial operation and the proximity of the facility to surrounding structures and land uses (existing or future).
3. Other Requirements:
 - a. No industrial operation shall be permitted which may become an annoyance or nuisance by reason of unsightliness or the excessive emission of noise, dust, odor, fumes or particulates. Determination of whether a proposed use may be objectionable shall be the judgment of the BZA.
 - b. Industrial operations which contain, utilize, or manufacture products or materials considered hazardous to life and property from fire, explosion, or other cause shall conform to national, state, and local fire codes. Where such codes conflict with this Ordinance or each other, the more restrictive shall apply.
 - c. The applicant shall provide a report, in writing, completely describing the proposed operation, including the types of products and materials used in the manufacturing process, and finished products and materials.

S. Manufactured Housing Parks

1. Permitted Districts: Manufactured housing parks are permitted as conditional uses in the AG and R-3 residential zoning districts (as-of-right no where).
2. Dimensional Requirements:
 - a. Minimum tract size shall be twenty-five acres.
 - b. Minimum tract frontage shall be three hundred feet along a public road.
 - c. Manufactured housing sites and park structures shall be set back at least fifty feet from any abutting public street right-of-way line; and at least thirty feet from any other abutting property line.
 - d. Each manufactured housing space shall have an area of at least 3,500 square feet.
3. Roads: Private, hard surface roads are required within a manufactured housing park. Each manufactured housing space shall be directly accessible from an internal private road, with no direct access to public streets. The Director of Public Works and City Engineer shall approve layout and construction of the private roads.
4. Utilities: Each manufactured housing park created under this conditional use shall be provided with an approved public water supply and sewage disposal system, and shall be approved by the City Engineer. All utility service conduits shall be underground.

5. Parking: Each manufactured housing space shall be provided with two off-street parking spaces, located conveniently to the manufactured housing space.
6. Recreation: Not less than ten percent (10%) of the area of each manufactured housing park shall be developed for active and passive recreation, including children's equipment and a fenced tot lot (where individual home spaces are greater than 4,000 square feet, playground equipment is not required). Required setbacks, laundry drying yards, and storage areas shall not be considered recreation areas.
7. Storage: Separate and fenced storage areas shall be provided for recreational vehicles, boats, and the like.
8. Pedestrian Access: Walkways for each individual manufactured housing space and for common areas shall be provided. They shall be smooth surfaced with asphalt, concrete, or similar material; and shall be free from mud, dust, and standing water at all times. All roads serving more than fifteen manufactured home spaces shall have a sidewalk along one side of the road.
9. Individual Manufactured Housing Spaces:
 - a. Manufactured housing units shall be separated from each other by not less than twenty feet in all directions, and forty feet when located on opposite sides of an internal road. Expandable rooms, double-wides, and additions to units shall be considered integral parts of the structure for these spacing requirements, but not open decks.
 - b. Manufactured housing stands shall be provided with anchorage and each unit shall be anchored.
 - c. Each manufactured housing unit shall be curtained around its base. Such curtain shall be completely enclosed to control rodent and vermin harborage.
 - d. No storage shall be allowed on or around a manufactured housing space other than in completely enclosed storage facilities designed and constructed for such use.
10. Refuse and Debris:
 - a. All refuse shall be stored in water-tight, rodent-proof containers; which shall be either roll-out containers, or screened dumpsters located within one hundred feet of each manufactured home space and common structures.
 - b. Manufactured housing parks shall be maintained free of debris and undergrowth.
 - c. Refuse shall be collected on a regular basis to assure a healthy and safe residential environment.
11. Storm Shelter: Each manufactured housing park shall provide storm shelters adequate for the expected occupancy of the park, at three persons per manufactured home space.
12. Accessory Uses: Self-service laundries and community centers may be included in a manufactured housing park; provided they are operated for the convenience of the park's residents, and that no signs regarding such accessory uses shall be visible from outside that park's borders.
13. Maintenance and Management Plan: Each manufactured housing park proposal shall include plans and assurances for proper maintenance and management of the facility as a quality residential neighborhood for city residents.

T. Manufactured Housing Subdivision

1. Permitted Districts: Manufactured Housing Subdivisions may be permitted as conditional uses in the AG and all Residential zoning districts (as-of-right no where).
2. Dimensional Requirements:
 - a. Minimum subdivision size shall be 25 acres.
 - b. Minimum lot size shall be the same as the underlying zoning district. Yard setbacks shall be:

Front	25 feet
Rear	15 feet
Side	10 feet
 - c. Manufactured housing units shall be installed with their longest dimension parallel to the street frontage.
 - d. The finished floor elevation for homes in a manufactured housing subdivision shall be no more than eighteen inches above the exterior finish grade of the lot.
3. Subdivision Regulations Continuity: All proposals shall fully comply with the adopted subdivision regulations for the city.
4. Other Requirements:
 - a. Manufactured housing units installed in manufactured housing subdivisions shall meet all requirements for Residential Design Manufactured Housing Units (see provision II.8.A), except that they may be fourteen feet wide.
 - b. Manufactured housing units installed in manufactured housing subdivisions shall have an approved *safe room* on the property for tornado protection, or a community storm shelter for the entire subdivision at a capacity of 3 persons per lot.
5. Individual Ownership: Manufactured housing subdivisions are intended to provide housing opportunities and options for single family home ownership. To that extent, building and other development permits shall only be issued for properties where the owner of the land and the housing unit are the same as the occupant, as verified by a valid legal instrument recorded in the county Register of Deeds.
6. Expansion of Pre-existing Sites: Expansion or further development of pre-existing manufactured housing subdivisions (formerly known as the R-4 General Residence Zoning District) shall require a conditional use permit; and shall comply with these standards. The 25 acre minimum tract size may be waived by the BZA. If lot configurations do not allow placing a unit parallel to the street frontage, the BZA may grant a waiver of that standard. If an owner at or after the time of adoption of this ordinance had control of two adjacent such lots which would conform to these standards, they shall be considered a single conforming zoning lot and shall not be individually sold or improved.

U. Natural Resources Extraction

1. Permitted Districts: Natural resources extraction may be permitted as a conditional use in the AG, C-2, I-1, and I-2 zoning districts (as-of-right no where).
2. Dimensional Requirements: No excavation shall take place closer than fifty feet to any property line, drainage way, or shore line of any water course, and no drilling shall take place within twenty-five feet of such lines.
3. Other Requirements:

- a. Access to and from the site shall be provided so as to assure that the traffic flow on any adjacent street will not be impeded.
 - b. Any temporary or permanent structure used in connection with this operation shall be set back at least fifty feet from all property lines. No such building shall be occupied for residential purposes.
 - c. The loading of trucks shall be accomplished in such a way to prevent spillage on any street or road.
 - d. Upon termination of the operation, all buildings and equipment shall be removed, all excavation areas shall be graded so as to provide for natural drainage, and vegetation shall be planted to prevent erosion. A reclamation plan shall be submitted as part of the application. Any amendments to the reclamation plan shall be approved by the city administration.
 - e. Any blasting operations in connection with the use shall be conducted between 8:00 a.m. and 5:00 p.m. Blasting shall be performed in such a manner as to protect neighboring properties from flying debris.
 - f. No extractive operations shall interfere with the natural drainage flow of the area, endanger any surrounding property, or cause undue vibration, noise or wind-blown dust or sand off the property.
 - g. The entire area of operation shall be enclosed by a six foot high fence to make the area inaccessible to the general public.
4. Plan Requirements: In addition to other site plan requirements, the applicant shall show the following:
- a. The dimensions and acreage of the site and its relation to surrounding properties and streets.
 - b. The topography of the site at two-foot contour intervals indicating existing contours as well as proposed contours after the excavation has occurred.
 - c. The plan for rehabilitation of the site after the excavation, describing the areas to be refilled, top-soiled, and seeded.
 - d. An estimate of the total volume of soil and other materials to be removed from the site and the length of time requested to conduct the operation.
 - e. All existing utility lines, water and drainage courses, and easements.

V. Planned Unit Development, Residential

1. Permitted Districts: Residential planned unit developments may be permitted as conditional uses in the AG and all residential zoning districts, and in the C-1 Commercial Downtown zoning district (as-of-right no where).
2. Use Requirements: Single family detached, two-family, zero lot line, townhouse, and multi-family residential units may be allowed. Neighborhood based non-residential uses may also be permitted on a case-by-case basis.
3. Dimensional Requirements: The minimum gross lot area of any planned unit development shall be five acres, with no minimum when in the C-1 district. Other requirements may be

waived by the BZA, provided that the spirit and intent of the under lying zoning district and this Section are followed. Each development shall, however, provide for reasonable visual, acoustical, and other privacy for dwelling units. Two-family, multi-family, townhouse, and zero lot line residential development shall follow the guidelines of Sections II.9 and II.10.

4. Open Space Reservation:
 - a. Common open space shall be provided for the recreational use and enjoyment of all development residents. Common open space shall comprise at least ten percent of the development area.
 - b. Floodplains and bodies of water may be included as part of the common space, if the BZA determines that their inclusion contributes to the quality, livability, and amenity of the development.
 - c. Common open space shall be indicated on the approved site plan.
 - d. Common open space shall be conveyed by one of the following methods.
 1. By dedication to, and acceptance by the City. In case of such acceptance, the City shall assume responsibility for development and/or maintenance of the site(s).
 2. By leasing or conveying title (including beneficial ownership) to a corporation, home owners' association, or other legal entity. The terms of conveyance shall include provisions suitable to the BZA assuring the continued use of such land, the continuity of proper maintenance, and adequate insurance protection.
5. Density of Residential Development:
 - a. Residential development density shall be no greater than that normally permitted for the zoning districts in which the planned unit development is located, except as provided under the density bonus provisions below.
 - b. For every one percent of area to be reserved and conveyed as common open space beyond the required ten percent, a one percent increase in the residential density may be allowed, up to a maximum of thirty percent.
6. Density of Non-Residential Development: Non-residential uses in a residential planned unit development shall not constitute more than twenty-five percent of the gross land area. No commercial development may be started until the residential development is at least twenty-five percent complete.
7. Roads: Private hard surface, drives may be permitted when approved by the City. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the BZA, that the owner, homeowners association, or agents thereof will assume continued maintenance responsibilities for all private drives.
8. Subdivision Continuity: Where the development proposal includes the subdivision, platting, or re-platting of land, the developer shall in addition comply with the city subdivision regulations.
9. Utilities: Utilities, including storm sewers, sanitary sewers, and water system shall be approved by the City, and shall be designed by a registered engineer. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the City. The developer shall provide assurances, acceptable to the BZA, that the owner,

homeowners association, or agents thereof will assume continued maintenance responsibilities for all private utility systems.

10. Condominium Project: When condominium ownership is proposed, the developer shall comply with applicable provisions of the Kansas Statutes, Annotated in addition to the provisions of this Ordinance.
11. Perimeter Standards: If topographical or other barriers within fifty (50) feet of the perimeter of a planned unit development do not provide reasonable privacy for existing or future adjacent land uses, structures located on the perimeter of the development shall be adequately screened/buffered in a manner acceptable to the BZA.
12. Plan Requirements: The following documents are required with submission of a planned unit development proposal, along with a site development plan.
 - a. A legal description of the total site proposed for development including statement of present and proposed ownership, and adjacent property owners.
 - b. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of common open space; and total amount of non-residential activity area.
 - c. A draft of proposed protective covenants whereby the owner proposes to regulate land use and maintenance of the proposed development.
 - d. A draft of any incorporation agreements and by-laws concerning maintenance of common open space, private drives, utilities, and other common facilities.
13. Phased Development: When a residential planned unit development is to be developed in phases, the owner may submit a preliminary site plan of the overall project, with detailed plans of the phase to be developed. The preliminary plan shall show the entire project in general form, while the phase to be developed shall include all items required by this Subsection. No construction of other phases may begin before a conditional use permit is issued for those phases.
14. Changes: Major changes in the approved site plan shall require formal submission and approval of such changes. Major changes shall include: increasing the number of structures and/or establishments, reducing the number of off-street parking and loading spaces; reducing the landscaping and buffer areas; and other such features deemed significant by the City. The City Manager and relevant department heads may approve changes in the utilities and streets, and minor design changes, without the formal submission of a revised plan. Such minor changes shall not vary the requirements, general purpose, and/or intent of the original conditional use permit.

W. Planned Unit Development, Non-Residential

1. Permitted Districts: Non-residential planned unit development projects may be permitted as a conditional use in all non-residential zoning districts (as-of-right no where).
2. Dimensional Requirements: A non-residential planned unit development shall have a minimum gross area of two acres. Other dimensional requirements may be waived by the BZA, provided that the spirit and intent of the underlying zoning district and of this Section are complied with.

3. Use Requirements: Any use permitted as-of-right in the underlying zoning district is likewise permitted as a planned unit development. The applicant may elect to further limit the types of allowable uses.
4. Roads: Private, hard surface drives may be permitted when approved by the City. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the BZA, that the owner, property owners association, or agents thereof will assume continued maintenance responsibilities for all private drives.
5. Utilities: Utilities, including storm sewers, sanitary sewers, and water system shall be approved by the City, and shall be designed by a registered engineer. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the City. The developer shall provide assurances, acceptable to the BZA, that the owner, property owners association, or agents thereof will assume continued maintenance responsibilities for all private utility systems.
6. Subdivision Continuity: Where the development proposal includes the subdivision, platting, or re-platting of land, the developer shall in addition comply with the city subdivision regulations.
7. Condominium Project: When condominium ownership is proposed, the developer shall comply with applicable provisions of the Kansas Statutes, Annotated in addition to the provisions of this Ordinance.
8. Perimeter Standards: If topographical or other barriers within fifty (50) feet of the perimeter of a planned unit development do not provide reasonable privacy for existing or future adjacent land uses, structures located on the perimeter of the development shall be adequately screened/buffered in a manner acceptable to the BZA.
9. Plan Requirements: The following documents are required with submission of a planned unit development proposal, along with a site development plan.
 - a. A legal description of the total site proposed for development including statement of present and proposed ownership, and adjacent property owners.
 - b. Quantitative data for the following: total number and type of structures and uses; parcel size; proposed lot coverage of buildings and structures.
 - c. A draft of proposed protective covenants whereby the owner proposes to regulate land use and maintenance of the proposed development.
 - d. A draft of any incorporation agreements and by-laws concerning maintenance of common open space, private drives, utilities and other common facilities.
10. Phased Development: When a non-residential planned unit development is to be developed in phases, the developer may submit a preliminary site plan of the overall project, with detailed plans of the phase to be developed. The preliminary plan shall show the entire project in general form, while the phase to be developed shall include all items required by this Subsection. No construction of other phases may begin before a conditional use permit is issued for those phases.
11. Changes: Major changes in the approved site plan shall require formal submission and approval of such changes. Major changes shall include: increasing the number of structures

and/or establishments, reducing the number of off-street parking and loading spaces; reducing the landscaping and buffer areas; and other such features deemed significant by the City. The City Manager and relevant department heads may approve changes in the utilities and streets, and minor design changes, without the formal submission of a revised plan. Such minor changes shall not vary the requirements, general purpose, and/or intent of the original special use permit.

X. Recreational Facilities

1. Permitted Districts: Recreation facilities may be permitted as conditional uses in the following districts:

- AG
 - Athletic Field (accessory to parks/schools)
 - Dude Ranch (as-of-right no where)
 - Golf Course (all types) (as-of-right C-2, I-1)
 - Fraternal, Social, Union Hall (without dance hall, night club) (as-of-right C-1,C-2,I-1)
 - Health, Fitness Club (as-of-right C-1,C-2)
- AG, C-2 Amusement Park (as-of-right no where)
 - Country Club, Sports Club (as-of-right no where)
 - Horse Stable, Academy (as-of-right no where)
 - Outdoor Concert, Dance Grounds (as-of-right no where)
 - Outdoor Theater (as-of-right no where)
 - Race Track (as-of-right no where)
 - Recreational Vehicle Park (as-of-right no where)
 - Rodeo, Fair Grounds (as-of-right no where)
- AG, C-1, C-2, I-1
 - Dance Hall, Night Club (as-of-right no where)
 - Exhibition Hall, Auditorium (as-of-right no where)
- AG, all RS, C-O
 - Public/Non-Profit Recreation Facility Not otherwise listed (as of right C-1,C-2,I-1)

2. Landscaping and Buffers: The BZA may require additional landscaping in order to protect the surrounding neighborhood character.

3. Other Requirements:

- a. The following provisions shall govern noise emanating from the amusement:
 - 1. Every use and activity shall be operated so that regular recurring noises are not disturbing or unreasonably loud, and do not cause injury or detriment to surrounding properties.
 - 2. Every use and activity shall be so operated that regularly recurring noises, as detected by the human sense of hearing without instruments, at adjoining property lines, shall not exceed the normal noise level generated by uses permitted in the zoning district.
- b. Lighting, if provided, shall be directed away from residential areas and public rights-of-way or shielded to protect them.

- c. Vehicular access to the site shall be provided from major collector or arterial streets, and not residential local streets.
- d. The applicant shall provide a statement detailing the proposed activities and uses of the grounds and facilities. Proposals for outdoor activities shall detail provisions for adequate parking, access, potable water, and sanitary and sufficient rest rooms. Hours of operation shall not interfere with the enjoyment of nearby residential areas.

Y. Sewerage Treatment Facility

- 1. Permitted Districts: Public or private sewerage treatment facilities may be permitted as conditional uses in the AG and I-2 zoning districts (as-of-right no where).
- 2. Other Requirements: Structures, facilities, and equipment shall be set back at least fifty feet from all property lines. The applicant shall show that all state and federal licensing and operating requirements are met. Operations shall be screened from view of adjacent residential areas. Assurances shall be provided for the clean up and removal of sanitary treatment facilities within 180 days of closing the operation.

Z. Tattoo, Body Piercing, Massage Parlor

- 1. Permitted Districts: A tattoo or body piercing or massage parlor may be permitted as a conditional use in the C-2 and I-1 zoning districts (as-of-right no where).
- 2. Other Requirements: A tattoo or body piercing parlor shall submit with the application proof of meeting applicable state licensing requirements. Masseurs and masseuses shall submit certification of at least 500 hours classroom training in massage therapy.
- 3. Signage: Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible or audible to the public from public rights-of-way other than permitted signs. Permitted signs shall be limited to those whose copy includes only the name of the business, place, organization, or building identified; size, location, and other requirements of such signs are controlled by Article VI.

AA. Transmission Tower and Antenna, Commercial

- 1. Permitted Districts: Installation of a commercial transmission tower may be permitted as a conditional use in the AG, C-2, I-1 and I-2 zoning districts. No conditional use permits are required for placing additional equipment on existing towers (as-of-right no where).
- 2. Other Requirements: The applicant shall provide the following:
 - a. A report from a structural engineer which describes the design characteristics and documents the structural integrity of the design and construction.
 - b. Evidence that a valid FCC license for the proposal has been granted.
 - c. An agreement to remove the facility within 180 days after cessation of the use.
 - d. Setbacks from all property lines equal to ½ the tower height (for free-standing or guyed), or equal to the height of the tower (monopole).
 - e. Screening of the base with a solid screening fence at least six feet high, or a landscaped screen at least six feet high around an unscreened fence.

BB. Utility Station/Substations/Exchange (No Outdoor Storage)

1. Permitted Districts: Public utility substations, stations, or exchanges (with no outdoor storage) may be permitted as a conditional use in the all residential zoning districts (as-of-right in AG, all C's and all I's).
2. Dimensional Requirements: The setback of any building or structure, or any use instituted, shall be a minimum of twenty-five feet, or the required setbacks of the district, whichever is greater.
3. Landscaping and Buffers:
 - a. Portions of properties not used for facilities, parking or related services shall be maintained with grass or other suitable ground cover.
 - b. Natural planting shall be provided along the exterior property lines of any lot within residential districts. Hedges or comparable natural planting shall be planted at an initial height of at least three feet and shall reach an average height of six feet within two growing seasons.
 - c. A six foot high fence shall be erected inside the vegetation to make the facility inaccessible to the general public.
4. Architecture and Design: Utilities facilities as special uses shall be designed to be compatible with the surrounding neighborhood character.

CC. Utility Service Shop/Storage Yard, Governmental Shop/Yard

1. Permitted Districts: A utility or governmental service or storage yard may be permitted as a conditional use in the AG district (as-of-right in C-2, I-1, I-2).
2. Landscaping and Buffers: Storage and work areas shall be screened from abutting residences and residential zoned areas.

DD. Veterinary Clinic, Outdoor Use

1. Permitted Districts: Veterinary clinics with outdoor uses may be permitted as a conditional use in the AG zoning district (as-of-right in I-1).
2. Dimensional Requirements: No pen, run or other enclosure for animals shall be closer than one hundred feet from the property lines.
3. Landscaping and Buffers: Buffers shall effectively screen the operation from view of adjacent residences.
4. Maintenance: Areas shall be adequately maintained in compliance with animal control and other applicable ordinances.

EE. Water Treatment Plant

1. Permitted Districts: Public or private water treatment facilities may be permitted as conditional uses in the AG and I-1 zoning districts (as-of-right in I-1 and I-2).
2. Other Requirements: Structures, facilities, and equipment shall be set back at least fifty feet from all property lines. The applicant shall show that all state and federal licensing and operating requirements are met. Operations shall be screened from view of adjacent

residential areas. Assurances shall be provided for the clean up and removal of the facilities within 180 days of closing the operation.

FF. Mini Storage Ware House (Amended by Ordinance No. 3363 on December 1, 2003)

1. Permitted Districts: Mini-Storage Warehousing may be permitted as a conditional use in the C-2 Highway Commercial District. (as-of-right in the I-1 and I-2 districts)
2. Definition: A Mini-Storage Warehouse provides self storage spaces designed and used for the purpose of renting or leasing individual spaces to tenants who have access to such space for storing and removing personal property.
3. Dimensional Requirements: A Mini-Storage Warehouse facility under the provision shall, in addition to the C-2 dimensional requirements, have a maximum street frontage of 100 feet. The bulk of the facility shall be situated to the rear of the site; so that higher intensity uses more compatible with the C-2 district can be situated toward the front of the site. If a single lot or parcel, the Mini-storage facility shall be behind an existing C-2 permitted use. Vacant land shall first have an as-of-right operation in place before use of the rear for Mini-Storage.
4. Other Requirements (to be incorporated into facility agreements):
 - A. Sales and services are prohibited from mini-storage facilities, except the facility owner may conduct sales of contents to recover rental fees.
 - B. Outdoor storage of boats, campers, recreation, and other vehicles is prohibited where Storage facilities are adjacent to residential zoning districts.
 - C. Maintenance, repair, or other servicing of boats, campers, recreation, and other vehicles is prohibited.
 - D. Storage of hazardous, toxic, or volatile substances is prohibited, including motors containing such.
 - E. Adequate solid waste facilities shall be provided and suitability maintained.
 - F. Adequate security shall be maintained for the facility.

GG. Automobile Salvage Yard (Amended by Ordinance 3502 on December 12, 2010)

The following standards shall apply to salvage yards for the purpose of dismantling or sale of parts from used automobiles, known as a automobile salvage business. Junk yards and scrap dealers will be regulated under the Dodge City Municipal Code.

1. Permitted Districts: Automobile Salvage Yards may be permitted as a conditional use in the I-1, Light Industrial district. (as of right in the I-2 district)
2. Separation of Residential: No Automobile Salvage Yard shall be located within 300 feet on an R-S, R-1, R-2 or R-3 zoning district.
3. Screening: The operation shall be conducted wholly within non-combustible building or within an area surrounded on all sides by a fence or wall at least six feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the salvage from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all salvage materials within the yard. All salvage materials shall be piled or stored so that they are not visible from the fenced in area

and do not exceed the height of the enclosing fence or wall.

4. Loading/Unloading: No salvage shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosing building, fence, or wall or within the public right-of-way.

XII.4 Special Use Permit for a Lottery Gaming Facility (Amended by Ordinance 3439 on September 4, 2007)

The Governing Body may, by Special Use Permit, after a public hearing and after a report by the City Zoning Board, authorize the location of a Lottery Gaming Facility, under such conditions as to operation, site development, signs, time limit or other conditions as maybe necessary to assure that the use will not harm neighboring property or the welfare of the community. This use shall conform to the general intent and purpose of this title and shall comply with all of the regulations of the zoning district in which it may be located unless otherwise specifically granted.

A. Allowable Special Use- Lottery Gaming Facilities and other related facilities or campuses are allowed only on C-2, Highway Commercial District subject to the following criteria:

1. Any approval shall be subject to the facilities being granted a Lottery Gaming License from the State of Kansas; the term of the Special Use Permit shall be for the term of the State License.
2. The Special Use Permit must be renewed prior the expiration of any Lottery Gaming License is granted by the State of Kansas.
3. In addition to the standards of the C-2, Highway Commercial District, any Lottery Gaming Facility and related facilities or campuses shall be subject to the City of Dodge City's Municipal Codes, Development Codes, Policy Manual Standard Specifications for Construction regardless of the location within the city.
4. Any existing Lottery Gaming Facility is subject to review, if new improvements to the exterior of any building or improvements to the campus are indicated or required.

**ARTICLE XIII
DISTRICT REGULATIONS**

XIII.1 AG Agricultural

- A. **Intent Statement**
These districts are composed primarily of areas at the edges of the developed urban area occupied by or suitable for agriculture and land uses commonly associated with agriculture. They are designed to protect agriculture from premature or disorderly intrusion by more urban land uses, and as a holding zone for properties where more intense urban development is not yet feasible. The district regulations are designed to conserve our area agriculture, and to protect agricultural areas from untimely and incompatible land use encroachment. Regulations controlling lot sizes and other dimensional standards are designed to provide for economically productive agriculture. Residential development on very large lots is permissible with the acknowledgement that urban services such as water and sewerage may not be available in the foreseeable future. The AG district allows as special exceptions certain uses which with proper safeguards will not interfere with the primarily agricultural uses.
- B. **Permitted and Conditional Uses**
Land in the AG zoning district shall be developed and used only for the permitted or conditional uses indicated in the AG column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. **Dimensional Standards**
Land in the AG zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the AG section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. **Landscaping and Buffer Standards**
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. **Parking and Loading Standards**
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. **Sign Standards**
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.2 R-S Residential Suburban

- A. **Intent Statement**
These districts are composed primarily of areas occupied by or suitable for single family dwellings on quite large lots, resulting in very low density residential neighborhoods. The district regulations are designed to protect the very low density residential character by prohibiting higher density residential and commercial activities, and to encourage a suitable environment for household life. Acknowledging the semi-rural character, limited non-commercial animal husbandry and associated agricultural accessory structures may be permitted. R-S areas are not likely to receive sanitary sewers and other urban services at the time of development. Non-residential uses allowed as of right or as special exceptions are limited to public and semi-public uses which support large lot single family neighborhoods, and only when proper safeguards are in place to assure compatibility with general intent of the district.
- B. **Permitted and Conditional Uses**

Land in the R-S zoning district shall be developed and used only for the permitted or conditional uses indicated in the R-S column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.

C. Dimensional Standards

Land in the R-S zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the R-S section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.

D. Landscaping and Buffer Standards

Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.

E. Parking and Loading Standards

Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.

F. Sign Standards

Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.3 R-1 Residential Low Density

A. Intent Statement

These districts are composed primarily of areas occupied by or suitable for one-family dwellings at a low density. The district regulations are designed to protect the residential character of the districts by limiting higher density residential and commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. Non-residential uses allowed as of right or as a special exception are limited to public and semi-public uses which support primarily single family neighborhoods, and only when proper safeguards are in place to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure neighborhood compatibility.

B. Permitted and Conditional Uses

Land in the R-1 zoning district shall be developed and used only for the permitted or conditional uses indicated in the R-1 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.

C. Dimensional Standards

Land in the R-1 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the R-1 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.

D. Landscaping and Buffer Standards

Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.

E. Parking and Loading Standards

Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.

F. Sign Standards

Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.4 R-2 Residential Medium Density

- A. Intent Statement
These districts are composed primarily of areas occupied by or suitable for single family dwellings at a slightly higher density than the R-1 districts. While new development may take advantage of the R-2 standards, the provisions are principally designed to protect and preserve existing medium density, primarily single family, neighborhoods by limiting higher density residential and commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. New development is encouraged to replace older housing stock and on vacant tracts within existing neighborhoods. Non-residential uses may be permitted which support the primarily single family neighborhood with proper safeguards to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure compatibility.
- B. Land in the R-2 zoning district shall be developed and used only for the permitted or conditional uses indicated in the R-2 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. Dimensional Standards
Land in the R-2 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the R-2 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. Landscaping and Buffer Standards
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. Parking and Loading Standards
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. Sign Standards
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.5 R-3 Residential Higher Density

- A. Intent Statement
These districts are composed primarily of areas occupied by or suitable for a mixture of single family, two-family, and multi-family dwellings in a higher density range. These districts may also contain public and semi-public uses to support higher density residential development. The district regulations are designed to encourage the construction of higher density multi-family units, to protect the residential character of the areas by limiting commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces for all buildings, and to avoid excessive population density by requiring certain minimum building site area for each dwelling unit. Two-family, townhouse, and small scale multi-family developments are encouraged.
- B. Land in the R-3 zoning district shall be developed and used only for the permitted or conditional uses indicated in the R-3 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. Dimensional Standards

Land in the R-3 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the R-3 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.

- D. Landscaping and Buffer Standards
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. Parking and Loading Standards
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. Sign Standards
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.6 C-O Commercial Office

- A. These districts are composed of land and structures occupied by or suitable for services of an administrative, personal, professional, and governmental nature. Occupancy of such areas generally follows an 8:00-5:00 business day, five days a week. These lands are usually found on major arterial and collector streets, adjacent to the downtown area, and as a transition between residential neighborhoods and more intense uses. Outdoor storage is not compatible with this district, and high quality site design is expected to assure compatibility with adjacent residential neighborhoods. High density and institutional housing may be permitted as with proper safeguards to assure compatibility with the low density residential and non-residential surrounding areas.
- B. Land in the C-O zoning district shall be developed and used only for the permitted or conditional uses indicated in the C-O column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. Dimensional Standards
Land in the C-O zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the C-O section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. Landscaping and Buffer Standards
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. Parking and Loading Standards
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. Sign Standards
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.7 C-1 Commercial Downtown

- A. Intent Statement
These districts are composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services required by residents of the regional trade area. Located at the convergence of principal arterial streets, the downtown is the focus of commerce, professional service and administrative business of the trade area. The downtown is pedestrian oriented, facilities for automobile convenience and uses generating direct vehicular traffic are discouraged. Residential development is encouraged at a high density to stimulate downtown activity. Outdoor storage of items is not compatible with the downtown district, except for occasional events such as organized sidewalk

sales. The district regulations are designed to permit further development of the district for its purpose in a compact and convenient arrangement of uses and structures that are urban in character.

- B. Land in the C-1 zoning district shall be developed and used only for the permitted or conditional uses indicated in the C-1 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. **Dimensional Standards**
Land in the C-1 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the C-1 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. **Landscaping and Buffer Standards**
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. **Parking and Loading Standards**
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. **Sign Standards**
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.8 C-2 Commercial Highway

- A. **Intent Statement**
These districts are composed of land and structures occupied by or suitable for uses supplying a wide range of retail goods and services. Located on a principal arterial street or near the intersection of principal arterial streets, these districts are relatively large and within convenient distance of the area they serve for several neighborhoods and/or the traveling public and with convenient vehicular access. The district regulations are designed to allow commercial development while protecting the abutting and surrounding residential areas. Development within the C-2 district should be highway and vehicular oriented, and at a scale that serves the market area. Outdoor storage that is compatible with this district is permitted. Some processing of materials may be permitted when the environmental effect is minimal.
- B. Land in the C-2 zoning district shall be developed and used only for the permitted or conditional uses indicated in the C-2 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. **Dimensional Standards**
Land in the C-2 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the C-2 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. **Landscaping and Buffer Standards**
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. **Parking and Loading Standards**
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. **Sign Standards**
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.9 I-1 Light Industrial

- A. **Intent Statement**
These districts are composed of land and structures occupied by or suitable for light manufacturing, wholesaling, warehousing, and similar uses. Uses located in these districts should have little negative environmental impact (including, but not limited to noise, glare, and vibration) on adjoining properties. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or by natural barriers; if they are adjacent to residential areas, an artificial or natural separation is required. The district regulations are designed to allow a range of light industrial activities subject to limitations designed to protect nearby residential and business districts. Commercial and service activities that benefit the primary light industrial uses may be allowed.
- B. Land in the I-1 zoning district shall be developed and used only for the permitted or conditional uses indicated in the I-1 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. **Dimensional Standards**
Land in the I-1 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the I-1 section of the Table of Dimensional Requirements (Section XIII.12) of this Ordinance.
- D. **Landscaping and Buffer Standards**
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. **Parking and Loading Standards**
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. **Sign Standards**
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.10 I-2 Heavy Industrial

- A. **Intent Statement**
These districts are composed of land and structures occupied by or suitable for heavy manufacturing and related activities. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or natural barriers; if they are adjacent to residential areas, an artificial or natural separation is required. The district regulations are designed to promote the development of heavy industrial uses subject to conditions necessary for the mutual benefit of the uses and the city. Heavy industrial land uses may have moderate to high environmental impact or nearby properties. Commercial and service activities that benefit the primary heavy industrial uses may be allowed.
- B. Land in the I-2 zoning district shall be developed and used only for the permitted or conditional uses indicated in the I-2 column of the Table of Permitted and Conditional Uses (Section XIII.11) of this Ordinance.
- C. **Dimensional Standards**
Land in the I-2 zoning district shall be developed and used only in compliance with the lot area, lot width, front setback, side setback, rear setback, lot coverage, and structural height standards indicated in the I-2 section of the Table of Dimensional Requirements (Section XIII.) of this Ordinance.

- D. Landscaping and Buffer Standards
Landscaping and buffers shall be provided in accordance with Article IV of this Ordinance.
- E. Parking and Loading Standards
Off-street parking and loading areas shall be provided in accordance with Article V of this Ordinance.
- F. Sign Standards
Signs shall be permitted as regulated by Article VI of this Ordinance.

XIII.11 Table of Permitted and Conditional Uses

- A. Within the various districts as indicated on the official zoning map, no land, building, or structure shall be used, and no building or structure shall be erected, moved, expanded or altered except in accordance with the provisions of the following Table of Permitted and Conditional Uses and this Ordinance. Any use not specifically permitted or prohibited is prohibited. Where more than one use occupies a building or premises, the zoning requirements for each shall be adhered to as set forth in this Article.
- B. Particular uses which are permitted as-of-right in the zoning districts are indicated by a “P” in this Table of Permitted and Conditional Uses.
- C. Particular uses that are permitted as special exception conditional uses in the zoning districts are indicated by a “C” in this Table of Permitted and Conditional Uses. A letter in parentheses following the land use type directs the reader to the Subsection of Section XII.3 (Regulations for Conditional Uses) that details the standards for that conditional use. Should any interpretation conflict arise between conditional uses allowed under this Table and Section XII.3, the Table of Permitted and Conditional Uses shall be followed.
- D. Zoning districts in which particular uses are prohibited are indicated by a blank space in the Table of Permitted and Conditional Uses.

**TABLE OF PERMITTED AND CONDITIONAL USES
DODGE CITY ZONING ORDINANCE**

RESIDENTIAL, AGRICULTURAL

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	i-2
P					Agriculture, Farms, Ranches					
P	P				Limited Agricultural Uses					
P	P	P	P	P	Single Family Dwelling					
		C	C	P	Two Family Dwelling (L)					
			C	P	Multi-Family Dwelling (M)					
			C	P	Townhouses (M)					
		C	C	P	Zero Lot Line Dwellings (L)					
C				C	Manufactured Housing Park (S)					
C	C	C	C	C	Manufactured Housing Subdivision (T)					
					Rooming House	P	P		P	
C			C	C	Bed and Breakfast (G)	P	P			
C	C	C	C	C	Planned Residential Development (V)	C				
P	P	P	P	P	Residential Accessory Uses					
P	P	P	P	P	Home Occupations					

UTILITIES / PUBLIC SERVICES

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
C	C	C	C	C	Emergency Services Facility (N)	P	P	P	P	P
P					Governmental Services (no outdoor storage or maintenance)	P	P	P	P	P
C					Governmental Shop or Yard (DD)		P		P	P
P	P	P	P	P	Non-residential Accessory Use	P	P	P	P	P
C					Sewerage Treatment Plant (Y)					C
P	P	P	P	P	Sewerage Pumping Station	P	P	P	P	P
P	P	P	P	P	Streets/Railroad Tracks and Rights-of-Way	P	P	P	P	P
					Telecommunication Tower (AA)		C		C	C
P	P	P	P	P	Utility Service Lines/Structures (in easements or rights-or-way)	P	P	P	P	P
P	C	C	C	C	Utility Station, Substation, Exchange (no outdoor storage or maintenance) (BB)	P	P	P	P	P
C					Utility Service Shop, Storage Yard (CC)		P		P	P
P	P	P	P	P	Water Reservoir, Well, Pumping Station, Elevated Storage	P	P	P	P	P
C					Water Treatment Plant (EE)				P	P

COMMERCIAL / SERVICE

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
					General Retail Sales and Service (no drive thru-pick up, outdoor storage/use—gas pumps, vehicles)	P	P			
					General Retail Sales and Service (with drive thru-pick up, outdoor storage/use, not junk, scrap or salvage)		P		P	
					Professional or Personal Service (no drive thru/pick up, outdoor storage/use)	P	P	P		
					Professional or Personal Service (with drive thru/pick up, outdoor storage/use, no junk, scrap, or salvage)		P		P	
					Adult Uses (A)		C		C	
C	C				Animal, Pet Boarding, Kennel (C)(D)		C			
					Auto, Vehicle Repair, Car Wash		P		P	
					Contractor, Trades		P		P	P
					Financial Institution (with drive thru) (Q)	C	P	C		
					Farmers' Cooperative				P	P
					Hotel, Motel	P	P			
					Junk, Salvage, Scrap					P
					Lounge, Tavern, Private Club	P	P			
					Medical, Dental Office/Clinic	P	P	P		
P	P	P	P	P	Non-residential Accessory Use	P	P	P	P	P
					Planned Commercial Development (W)	C	C	C	C	C
					Restaurant (no drive thru/pick up)	P	P	P		
					Restaurant (with drive thru/pick up)		P		P	
					Tattoo, Body Piercing, Massage Parlor(Z)		C		C	
					Veterinary Clinic (no outdoor use)	P	P		P	
C					Veterinary Clinic (with outdoor use) (DD)				P	
					Wholesale Sales		P		P	P
					Warehousing and Distribution				P	P
					Mini-Storage Warehouse		C		P	P
					Automobile Salvage Yard				C	P

TRANSPORTATION

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
C					Airport, Landing Field (E)				P	P
					Bus Station		P		P	
P	P	P	P	P	Non-residential Accessory Use	P	P	P	P	P
P	P	P	P	P	Parking Lot, With a Permitted Use	P	P	P	P	P
					Parking Lot, Commercial	P	P			
					Railroad Freight Depot				P	P
					Railroad Passenger Depot	P	P			
					Railroad Yard				P	P
P	P	P	P	P	Transportation Rights-of-Way, Easements	P	P	P	P	P

RECREATION / ENTERTAINMENT

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
C					Athletic Fields (X)					
C					Amusement Park (X)		C			
C	C	C	C	C	Art Gallery, Museum (F)	P	P	C	C	
C	C	C	C	C	Community Center, Public (X)	C	C	P	C	C
C					Country Club, Sports Club (X)		C			
C					Dance Hall, Lounge, Night Club (X)	C	C		C	
C					Dude Ranch (X)					
C					Exhibition Hall, Auditorium, Civic Center (X)	C	C		C	
					Game Room, Billiards, Bowling, Skating, Indoor Amusement Center	P	P		P	
C					Golf Course, Miniature, Par 3, Regulation, Driving Range (X)		P		P	
C					Fraternal, Civic, Social Club, Union Hall (no dance hall, lounge, night club) (X)	P	P		P	
C					Health, Fitness Club (X)	P	P			
C					Horse Riding Stable, Academy (X)		C			
					Library, Learning Resources Center	P	P	P		
P	P	P	P	P	Public Park	P	P	P	P	
P	P	P	P	P	Non-residential Accessory Use	P	P	P	P	P
C					Outdoor Concert, Dance Grounds (X)		C			
C					Race Track: Animal or Vehicle (X)		C			
C	C	C	C	C	Recreation Facility Not Otherwise Listed, public/non-profit (X)	P	P	C	P	
C					Recreational Vehicle Park (X)		C			
C					Rodeo, Fair Grounds (X)		C			
					Theater, Indoor	P	P			
C					Theater, Outdoor (X)		C			
					Lottery & Gaming Facilities		C			

INSTITUTIONAL

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
				C	Adult Residential Care, Nursing Home, Adult Day Care (B)	P	C	P		
C					Cemetery (H)		C			
P	P	P	P	P	Church, Religious Facility: may include child care center, rectory, etc. as accessory	P	P	P		
C					Correctional Facility, Juvenile Detention, Secure Care, Criminal Half-Way House (J)				C	C
C	C	C	C	C	Day Care: Licensed, Group, Registered(K)					
C					Child Care Center, Pre-School (13+ children) (K)	P	P	P	P	P
P	P	P	P	P	Family Foster Care (4 children)					
C				C	Group Boarding Home (10 or less foster children) (K)			P		
P	P	P	P	P	Group Home (developmentally disabled)					
C				C	Residential Center (10+ foster children) (K)		C			
					Hospital, Sanatorium, Maternity Care		P	P		
					School: business, commercial	P	P	P	P	
P					School: college, vocational, technical	P	P		P	
P	P	P	P	P	School: primary, secondary	P	P	P		

MANUFACTURING

AG	R-S	R-1	R-2	R-3		C-1	C-2	C-0	I-1	I-2
					Retail Sales of On-premises Production: Baking, Confections, Printing, Publishing, Musical Instruments, Toys, Sports Goods	P	P		P	
					Production/Wholesale Sales: Baking, Confections, Printing, Publishing, Musical Instruments, Toys, Sports Goods				P	P
					Photographic Processing	P	P		P	P
					Bottling Operation				P	P
					Micro Brewery	P	P		P	
					Brewery, Distillery, Winery				P	P
					Building Materials Manufacture					P
					Cabinet Making, Wood Working				P	P
					Cement, Concrete, Gypsum Production and Products					P
					Chemical Products Processing					P
					Communications Equipment Manufacture				P	P
					Drugs, Pharmaceuticals, Cosmetics Manufacture				P	P
					Dry Cleaning, Laundry: Industrial/Wholesale				P	P
					Electrical Equipment, Accessories, Components, Manufacture				P	P
					Electronic Data Processing	P	P		P	P
					Extermination Service		P		P	P
					Fabric & Apparel Manufacture				P	P
					Farm Equipment, Manufacture					P
					Fertilizer, Feed, Farm Supplies, Manufacture or Processing					P
					Flammable or Hazardous Chemicals, Bulk Storage Above Ground (O)					C
					Flammable or Hazardous Chemicals, Bulk Storage Below Ground (P)				C	C
					Food Processing					P
					Furniture and Home Furnishings, Manufacture				P	P
					Glassware, Ceramics, Earthenware Manufacture					P
					Hardware and Garden Supplies, Manufacture					P
					Household Appliances and Furnishings Manufacture					P
					Household, Office Goods Manufacture					P
					Ice Plant		P		P	P
					Industrial, Commercial Equipment Manufacture					P
					Laboratory, Research and Development, Commercial and Industrial		P		P	P
					Laboratory, Medical and Dental		P		P	P
					Leather Products Manufacture, tanning & finishing					P
C					Natural Resources Extraction (U)		C		C	C
					Sanitary Landfill					P
					Light Manufacturing (not otherwise listed) (R)				C	C
					Heavy Manufacturing (not otherwise listed) (R)					C

XIII.12 Table of Dimensional Requirements

The following table indicates the minimum dimensional standards for land use and development within the City by each zoning district. The Board of Zoning Appeals may impose other minimum standards for conditional uses and other special exceptions.

DISTRICT	LOT AREA	LOT WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	LOT COVERAGE	MAX HEIGHT
AG	10 Acres	200'	50'	30'	50'	15%	35'
R-S							
Septic system	2 Acres	100'	30'	15'	50'	20%	35'
Public sewer	1 Acre	100'	30'	15'	50'	20%	35'
R-1							
Single family	10,000 sq'	70'	30'	6'	25'	30%	35'
Two Family ¹	5,000 sq' ²	35'	30'	0' ³	25'	50%	35'
Zero Lot Line ¹	5,000 sq' ²	35'	30'	0' ⁴	25'	50%	35'
Other Uses	10,000 sq'	70'	30'	6'	25'	30%	
R-2							
Single family	6,000 sq'	50'	30'	6'	25'	35%	35'
Two Family ¹	3,000 sq' ²	35'	30'	0' ³	25'	50%	35'
Townhouse ¹	3,000 sq' ²	35'	30'	0' ³	25'	50%	35'
Zero Lot Line ¹	3,000 sq' ²	35'	30'	0' ⁴	25'	50%	35'
Multi-Family ¹	3,000 sq' ²	35'	30'	10'	25'	50%	35'
Other Uses	6,000 sq'	50'	30'	6'	25'	35%	35'
R-3							
Single family	5,000 sq'	50'	25'	6'	25'	25%	35'
Two Family	2,500 sq' ²	25'	25'	0' ³	25'	50%	35'
Townhouse	2,500 sq' ²	25'	25'	0' ³	20'	50%	35'
Zero Lot Line	2,500 sq' ²	35'	30'	0' ⁴	25'	50%	35'
Multi-Family	2,500 sq' ²	50'	25'	10'	25'	50%	35'
Other Uses	5,000 sq'	50'	25'	6'	25'	25%	35'
C-O							
Multi-Family	1,000 sq' ²	50'	15'	0' ⁵	10'	N/R	65'
Other Uses	5,000 sq'	50'	15'		10'	N/R	65'
C-1							
All Uses	N/R	25'	N/R	0' ⁵	0' ⁵	N/R	65'
C-2							
All Uses	3,000 sq'	25'	15'	0' ⁵	0' ⁵	N/R	35'
I-1							
All Uses	N/R	30'	20'	0' ⁵	0' ⁵	N/R	35'
I-2							
All Uses	N/R	50'	25'	0' ⁵	0' ⁵	N/R	N/R

¹ Allowed only as a conditional use and under unique circumstances.

² Minimum lot area per dwelling unit

³ Zero feet for interior units, 15' between this and adjacent development

⁴ Zero feet for interior units, 10' between units, 15' between adjacent development

⁵ 10' when adjacent to residence districts

ARTICLE XIV DEFINITIONS

XIV.1 Ordinance Construction

Within this Ordinance *Article* refers to a major subdivision of the Ordinance text, and is indicated by a Roman numeral; *Section* refers to a major subdivision of the text of an Article, and is indicated by a Roman numeral and an Arabic numeral; *Subsection* refers to a minor subdivision of the text of a Section, and is indicated by a Roman numeral, Arabic numeral, and a lower case letter; *Provision* refers to any phrase, clause, sentence, or groups thereof, within the text.

XIV.2 Words and Phrases

For the purposes of this Ordinance, all words used in the present tense shall include the future and past tense; all words in the plural number shall include the singular unless the natural construction of the wording indicates otherwise; the word *shall* is mandatory; the word *may* is permissive; and the word *person* includes a firm, association, organization, partnership, corporation, trust and company, and any other legal entity as well as an individual; the words *used* and *occupied* shall include the words *intended*, *designed*, *designated* or *arranged to be used or occupied*, and the word *structure* shall include the word *building*. Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

ABANDONMENT, DISCONTINUANCE: Quitting the use of an activity. A criterion for the continuation of a nonconforming situation or special exception conditional use as detailed in Section III.5 and Subsection X.5.B.

ABUTTING, ADJACENT, ADJOINING: Having property or district lines (or portions of lines) in common. Properties are considered to abut, be adjacent, adjoin if they are opposite each other and separated by a public right-of-way or easement.

ACCEPTED SOIL EROSION AND SEDIMENT CONTROL PROCEDURES: Practices to control erosion and the resultant sedimentation of soil from land-disturbing activity as developed agencies and persons recognized as qualified experts in that area.

ACCESS: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSORY STRUCTURE OR USE: A structure or use which:

- Is subordinate to and serves a principal structure or use;
- Is subordinate in area, extent, or purpose to the principal structure or use;
- Contributes to the comfort, convenience, or necessity of occupants of the principal structure or use; and
- Is located on the same zoning lot as the principal structure or use (unless the text clearly allows otherwise).

ACCESSORY USE, NON-RESIDENTIAL: In addition to the above general definition and the provisions of Section II.6, a non-residential accessory use for all practical purposes is designed and operated to not stand on its own as a principal use. A cafeteria designed and constructed for the convenience of employees in an office complex is not a principal use restaurant and would not require additional off-street parking, for example.

ACCESSORY USE, RESIDENTIAL: In addition to the above general definition and the provisions of Section II.5, a residential accessory use does not create a nuisance to surrounding residential properties nor change the neighborhood residential character.

ADJACENT: See ABUTTING, above.

ADMINISTRATIVE DECLARATORY RULING: Further elaboration on the provisions of this ordinance and its enforcement as determined by the zoning administrator and detailed at Section IX.6.

ADULT DAY CARE: A use and its facility licensed by the State of Kansas providing less than 24 hour a day care for adults with infirmities.

ADULT RESIDENTIAL CARE: Facilities and premises for elderly living. May include *congregate living* (a more or less independent arrangement with shared recreation and dining facilities), *assisted living* (additional provision of personal care), *residential health care* (additional provision of nursing supervision), or *extended health care* (nursing home), or a combination thereof.

ADULT USE: A use and facility whose activities include the following (or any combinations thereof), and which exclude minors by virtue of their age for reasons not related to alcohol or tobacco:

- Commercial establishments offering for sale/display, which have a substantial or significant portion (greater than 10 percent of gross receipts, signage, or floor area) of their stock and trade in printed or written material, pictures, drawings, photographs, motion pictures, or other pictorial representations, or statues or other figures, or any recordings, transcriptions, or mechanical, chemical, or electronic reproductions, or any other articles, equipment, machines, or materials depicting sexual activity.
- Personal service establishments.
- Entertainment establishments, whether live or in some other format.

AGRICULTURAL USE: The use of property by a family farm for the production of plants, animals, or horticultural products, including but limited to: forages; grains and feed crops; dairy animals and dairy products; beef cattle; sheep; swine; poultry, and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; or nursery, floral, ornamental, or greenhouse products. Land used for agricultural purposes shall **not** include the following:

- Land which is used for recreational purposes; residential suburban property; home sites and yard areas whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or listed above.
- The operation or maintenance of greenhouses, nurseries, or hydroponics farms operated at retail.
- Wholesale or retail sales as an accessory use except the seasonal retail sale of produce, as detailed in Subsection II.18.B.
- The operation or maintenance of a commercial stockyard, feedlot, or other confined livestock feeding operation, including corporate farms.
- The operation of auction sales yards.
- The operation of a bed and breakfast.
- The operations of junk, scrap, or salvage yards.
- The operation of kennels.
- The establishment of additional dwelling sites for any purpose except as accessory dwellings for bona fide farm help employed on the premises.

ALLEY: A public way (not a street) intended as only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change or modification in the use of land or in the structural parts of an existing building or structure. Enlargement, whether by increasing the height or size, or the moving from one location or position to another, shall be considered an alteration.

AMUSEMENT CENTER: A usually indoor facility providing entertainment facilities such as coin-operated games, shows, and similar uses. Typical accessory uses include concessions and souvenir sales.

AMUSEMENT PARK: A primarily outdoor facility that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants, and souvenir sales.

ART GALLERY: Use of land and/or structure for the display and sale of works of art; may include among other things the incidental retail sale of related merchandise, and artist studios for teaching and individual work as accessory uses.

AS-OF-RIGHT LAND USE: Land uses and development projects which are determined in advance and specifically authorized by this Ordinance, not requiring additional Board of Zoning Appeals, Zoning Board, or City Commission discretionary review or approval.

ASSISTED LIVING CENTER: See ADULT RESIDENTIAL CARE.

ATHLETIC FIELDS: Property and associated structures providing for open air organized sports activities at intensity greater than for a neighborhood pick-up type game. They are often lighted for evening activity and often attract crowds requiring off-street parking. Athletic fields are considered accessory uses when associated with regional public parks, and secondary or post-secondary schools.

AUTOMOBILE, VEHICLE AND MACHINERY REPAIR: The servicing and repair of motorized vehicles and equipment designed and operated for more than one vehicle at a time. A dwelling unit occupant may occasionally work on one personally owned vehicle, outside an enclosed structure, without causing disruption of the neighborhood character.

BED AND BREAKFAST: An owner occupied dwelling unit, or portion thereof, where short-term guest lodging rooms without complete kitchen facilities are provided for compensation, with or without meals.

BERM: A landscaping feature wherein earth is formed into a buffer screen.

BLOCK: A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open spaces.

BLOCK FACE: A segment of a block between two intersecting streets or other boundaries.

BOARD OF ZONING APPEALS: The agency created herein which has statutory and local authority to hear and determine appeals, special exceptions, and variances to this Ordinance.

BODY PIERCING PARLOR: A personal service establishment in which a significant portion of business provides body piercing services and supplies. Body piercing is requires a State license, and is regulated under this Ordinance as a special exception conditional use for health reasons. Occasional body piercing services in connection with barber, hairdressing, and cosmetology services is not regulated under this ordinance. *Significant* and *occasional* are relative terms: if signage, floor area, and gross receipts indicate twenty percent or more of a business comes from body piercing and/or similar regulated activities such as tattoos and massages, it is a parlor.

BUFFER: A strip of land, established to protect and separate one type of land use from another; standards detailed in Article IV.

BUILDING PERMIT: A certificate issued by the city authorizing the holder to proceed with construction or other development activity with no further review of the proposal other than inspection of work in progress.

BULK: A measurement of structural intensity, the size of a building. (See Subsection III.6.B for its use regarding nonconformity permits.)

BULK ITEMS: Regarding parking standards for retail sales, sale of bulk items are large-ticket items which customarily attract fewer customers at a time than smaller merchandise (i.e., furniture, vehicles, farm equipment).

BULK STORAGE: The storage of chemicals and other materials in large quantities, and typically for distribution to persons other than the ultimate consumer.

BUSINESS LICENSE: A certificate issued by the city authorizing the holder to conduct specified business activity within the city.

CARPORT: A roofed structure open on at least three sides for the storage of vehicles.

CEMETERY: Land for the interment of human or animal remains. May include among other things columbarium's, crematories, mausoleums, and mortuaries as accessory uses/structures.

CERTIFICATE OF OCCUPANCY: A document issued by the city indicating that a premise complies with this zoning ordinance and other city development codes, and may be used and occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, or when the nature of a land use changes. Unless such a certificate is issued, a structure or premises cannot be occupied or used.

CHANGE IN USE: Using property for a purpose different from that existing, to the extent that different zoning standards apply. Section III.6 details the change in use provisions for nonconforming uses.

CHURCH, RELIGIOUS FACILITY: An establishment, the principal purpose of which is religious worship; but which may include such accessory uses in the main structure or separate structures as religious education facilities, day care, recreational facilities, offices, and dwelling rooms for the religious leaders among other things.

CITY, CITY ADMINISTRATION: Where provisions of the Ordinance require city or city administration approval, it shall mean the City Manager and/or employees designated by the City Manager to act upon such matters.

COMMUNITY CENTER: Grounds and facilities to serve neighborhood public recreation. A center may include among other things adult education classes, adult and child day care, occasional fund-raising sales, and social activities such as reunions as accessory uses. They may be designed primarily for specific groups such as senior citizens.

COMPREHENSIVE PLAN: A document guiding future land use and development policy decisions developed in accordance with State statutes and officially adopted by the governing body.

CONDITIONAL USE: A land use that by its very nature is perceived to require discretionary review and special attention in siting, design, and other features so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed as a special exception to this Ordinance only after a Board of Zoning Appeals public hearing and following the procedures detailed in Article XII.

CONDITIONS: Standards attached to a discretionary permission to develop or use property, as with special exceptions to this Ordinance.

CONDOMINIUM OWNERSHIP: A distinct unit of a structure in which the ownership or property rights is exclusive of any land. Condominium ownership requires compliance with K.S.A. 58-3101 et seq.

CONFORMING USE: The occupancy of premises within the city in compliance with the provisions of this Zoning Ordinance.

CONTRACTOR TRADES: Facilities and premises for operation of trades contracting business. Examples of this category are building, remodeling, electrical, plumbing, water conditioning, and mechanical contracting. Such uses most often include some outdoor storage of supplies and materials.

CORRECTIONAL FACILITY: Premises for the confinement of persons within the guidelines of the local and state criminal justice system.

COUNTRY CLUB: Grounds and facilities for private recreation, entertainment, and socialization. This land use often includes golf courses, dance halls, restaurants, and lounges among other things as accessory uses.

COVENANT: A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc. This Zoning Ordinance does not enforce or regulate covenants—aggrieved persons must pursue civil legal action.

CROSS SECTION: A design drawing indicating the vertical construction details of land improvements such as roads, parking lots, utilities, and foundations.

CURTAIN WALL: An enclosure around a structure and between the ground and bottom of a structure such as a manufactured housing unit where not necessary as a foundation under building code requirements, completely enclosed except for necessary access and ventilation openings. Curtain walls are to be constructed of durable materials and kept in good repair.

DANCE HALL: A public assembly facility for dances, concerts, banquets, and the like, whether or not for private membership or the general public. This may include as accessory uses food and beverage services for the patrons but not the general public. Dance halls are designated as special exception conditional uses due to health, safety and general welfare concerns with noise, congestion, and potential for neighborhood character disruption.

DAY CARE: Facilities and premises providing less than 24 hour a day care for children and regulated by the State of Kansas. Day care regulated by this Ordinance does not include community centers, religious facilities, summer camps, Bible schools, operations within public or private schools, or the voluntary care of relatives.

DEVELOPMENT PERMIT: A document certifying to the holder permission from the city to develop property according to specified development codes including and in addition to zoning and building requirements.

DIMENSIONAL STANDARDS, REQUIREMENTS: Provisions within this Zoning Ordinance which stipulate certain measurements, such as building setbacks, height, lot coverage, parking space sizes. All dimensional standards and requirements are stated in this Ordinance as the minimum necessary for code compliance.

DISCONTINUANCE: See ABANDONMENT.

DISTANCE: For the purposes of this Ordinance, distance requirements are to be measured as straight lines or radii from the object measured, unless the text clearly states otherwise.

DOG: Any domesticated specie of canine over 6 months of age.

DRIVE THROUGH: A facility where customers may obtain service at windows or bays without leaving their vehicles.

DWELLING, MULTI-FAMILY: A residential building or portion thereof designed, arranged, and intended for three or more dwelling units, with the number of families in residence not exceeding the number of units provided. Multi-family dwellings may include as accessory uses recreation, laundry, community center, and similar facilities designed and intended for enjoyment and convenience of the residents and not the general public, among other things.

DWELLING, SINGLE FAMILY: A building having accommodations for and occupied by one family. It does not include fraternal, dormitory, or society type housing occupied by five or more unrelated adults.

DWELLING, TOWNHOUSE: A single family dwelling unit erected in a row as part of a single building, on separate adjoining lots, each being separated from adjoining units by an approved fire resistant party wall. See Section II.9 for detailed zoning standards.

DWELLING, TWO FAMILY: A building or portion thereof arranged, intended, and designed for two dwelling units. A two family dwelling may be divided into separate ownership lots, see Section II.10 for details.

DWELLING UNIT: One room, or several rooms connected together, constituting a separate and independent housekeeping establishment for owner or renter occupancy, physically separated from other units which may be in the same building, and containing independent cooking, bath, and sleeping accommodations. The letting of space for up to two boarders may be an accessory use within a dwelling unit, provided that an additional dwelling unit is not established under this definition.

DWELLING, ZERO LOT LINE: A detached single family dwelling unit which is constructed against one side lot line. See Section II.10 for details.

EASEMENT: A right given by a land owner to another party for specific limited use of a specified portion of that property. Most common are utility easements, which allow a utility concern to provide services. Property rights associated with easements require the owner to not deny access to the easement holder for service to the

easement holder's use of the land, and a prohibition against construction of permanent structures within such easement.

EMERGENCY SERVICES FACILITY: A public use of land to provide public safety services. Examples include fire, police, and ambulance services, and tornado shelter and warning devices.

EROSION CONTROL PLAN: A design and perhaps narrative that indicates measures to be taken to control erosion and any resultant sedimentation from a development project.

EXHIBITION HALL, AUDITORIUM, CIVIC CENTER: A building or complex of buildings and premises that may include cultural, recreational, athletic, convention, and other entertainment facilities.

EXPANSION: See ALTERATION. The expansion of an existing land use or structure shall require compliance with all provisions of this Ordinance, to the extent of the expansion.

FAMILY FOSTER CARE HOME: The 24 hour a day care for four or less children, as regulated and licensed by the State of Kansas, and permitted in all residential zoning districts.

FARMERS' COOPERATIVE: Facilities and premises operated by and for farmers to centralize their mutual economic farming needs. Activities typically include storage of grain in elevators, sale/rental of supplies and equipment,

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FLOOD PLAIN, FLOOD HAZARD AREA: Land areas identified by the Federal Insurance Administration and local studies as having a one percent chance of flooding in any given year.

FOSTER CARE: See FAMILY FOSTER CARE HOME, GROUP BOARDING HOME, and RESIDENTIAL CENTER.

FRATERNAL, CIVIC, SOCIAL CLUB: A private facility and premises for members' entertainment, enjoyment, and benevolent activities. If a dance hall, lounge, or night club are included, they are considered separately and not as accessory uses.

GAME ROOM: A facility for the commercial use of electronic/mechanical games, bingo card playing, pool and billiards, bowling, and the like with more three such games or play stations. Three or less games or play stations shall be considered accessory to a principal use.

GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility, causing a disruption to the health, safety, and welfare of the citizens.

GOOD REPAIR: Properties, structures, signs, and other items regulated by the provisions of this Ordinance are in *good repair* when properly affixed, surface coated with paint or other weather retarding material, in working order, and not in a state of disintegration.

GOVERNMENTAL SHOP OR YARD: Premises and facilities for the conduct of non-administrative governmental activities. Such activities often involve heavy contracting equipment, the storage of salt and other chemicals, etc., and their storage should be limited to areas conducive with this type of activity.

GROSS AREA: The area of a structure or lot determined by the exterior borders of such structure or lot.

GROUND COVER: Vegetation established to provide soil stabilization on exposed soil areas. Grass is an example of ground cover.

GROUP BOARDING HOME: A State licensed facility for the 24 hour a day care of ten or less foster children or adults needing such care.

GROUP HOME: A dwelling unit occupied by not more than ten persons, including eight or fewer persons with a disability who need not be related by blood or marriage, and not to exceed two staff residents who need not be related or each other or to the residents of the home, such dwelling being licensed by the State of Kansas. Such homes shall be considered single family dwellings under this Ordinance, as specified by K.S.A. 12-736, as may be amended.

HEALTH, FITNESS CLUB: A facility where patrons may exercise receive therapeutic massage as a portion of the operation, and other treatments to restore health and vigor; and may include numerous recreational outlets.

HEAVY COMMERCIAL: A land use activity that shares characteristics with industrial uses. Significant outdoor storage, heavy equipment movement, and high volumes of large truck traffic are indicators of heavy commercial activity.

HEIGHT, SIGN: See SIGN, HEIGHT.

HEIGHT, SIGHT TRIANGLE: No obstruction to vision is permitted in a sight triangle between the heights of two and one-half and eight feet above the adjacent street or driveway elevation.

HEIGHT, STRUCTURE: The height of a structure is measured from the average grade of the immediately surrounding ground to the highest projection of the roof or parapet.

HOME OCCUPATION: An accessory use of a residential dwelling for gainful employment that is clearly incidental to the principal residential use. See Section II.17.

HOMEOWNERS' ASSOCIATION: An organization of owners charged with liability and maintenance responsibilities for common areas, private roads, and private utilities within a planned unit development, condominium, and perhaps townhouse and two-family development.

HORSE RIDING STABLE, ACADEMY: A commercial establishment for the training of horses and riders. Such use may include the boarding of horses, an enclosed or open air arena, dressing rooms, and the like.

HOTEL, MOTEL: A facility used, maintained, and/or advertised to the public to be a place where sleeping accommodations are available for compensation to transient or permanent guests or tenants, and in which ten or more rooms are provided for such guests. Less than ten rooms to let is a ROOMING HOUSE. Restaurants, lounges, gift shops, and personal services are often associated with hotels and motels as accessory uses among other activities; if designed and advertised for customers in addition to hotel/motel guests they are considered additional principal uses.

HOUSEHOLD PET: Domesticated animals normally and traditionally considered *pets*. This classification does not include animals kept, raised, or bred for commercial purposes, except the incidental breeding and littering/whelping/birthing of such for a fee or subsequent sale. This classification does not include animals normally and traditionally considered farm animals, such as horses, poultry, and bees; and does not include undomesticated animals.

IN WRITING: Certain notices are required to be *in writing* under provisions of this Ordinance. The city shall submit such in a hard-copy paper format to clients. Clients have the option of submitting items in writing on hard-copy paper, or via FAX or e-mail. Clients should be aware that alternatives to hand delivered hard copy paper may encounter delivery problems.

INTENSE: When the Board of Zoning Appeals considers a nonconformity permit application, one of the criteria is if the proposed use is *more intense* than the previous or existing land use (Section III.6.B). A use is more intense if there is an increase in traffic, if the lot coverage and bulk are increased, if more parking is needed, and if the potential for neighborhood disruption is greater, among other similar items.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK, SCRAP, SALVAGE YARD: Any place not fully enclosed in a structure and which encompasses an area of at least 500 square feet and/or 1,000 cubic feet, where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled; including auto and house wrecking yards/activities, used lumber yards, and places for storage of salvaged construction materials. The presence on any premises of three or more vehicles which for a period exceeding 30 days have not been capable of operating under their own power, or from which parts have been removed, shall constitute prima facie evidence of a junk yard.

JUVENILE DETENTION CENTER: A secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders which is not a jail, and is licensed by the State of Kansas.

K.S.A.: Kansas Statutes, Annotated; which is the official state legislation governing municipal operations and procedures.

KENNEL: The storage, either commercial or private, of more than four domesticated canines.

LEGAL PROPERTY DESCRIPTION: The identification of a lot, tract, or parcel of land as noted on a legal instrument. For platted land, this is the Subdivision Name, Block Number, and Lot Number. For unplatted land, this is a metes and bounds description.

LIMITED AGRICULTURAL USE: Limited agricultural uses are permitted in the R-S Residential Suburban zoning district. Two horses per fenced acre are permitted as-of-right (Subsection II.7.A), and other types of animal husbandry may be permitted as a special exception (Section X.8). Nothing in this ordinance regulates noncommercial gardening.

LOCAL NEWSPAPER: The official newspaper for the City of Dodge City as specified by state statutes. The media outlet for publication of official notices.

LOT COVERAGE: A ratio, express in percent, of the area of a zoning lot occupied by principal and accessory structures/uses in relation to the total lot area. Parking lots, drives, and sidewalks/walkways are not included in this formula.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT DEPTH: The distance between the front lot line and the rear lot line, measured from the midpoints of the front and rear lot lines.

LOT LINE, FRONT: The property boundary which is coincident with a street right-of-way line, the property boundary which is used to establish a permanent street address.

LOT LINE, REAR: That property boundary that is opposite to the front lot line. For zoning dimensional requirements and where lot lines are irregular, the rear lot line shall be deemed to be a line not less than twenty feet long, lying within the lot and parallel to the front lot line at its midpoint.

LOT LINE, SIDE: That property boundary which connects the front and rear lot lines.

LOT OF RECORD: A property which is recorded in the Register of Deeds either as part of a subdivision plat or as a recorded deed referencing a metes and bounds description.

LOT, THROUGH: A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT WIDTH: The distance between side lot lines, measured at the established front building setback line.

LOUNGE, TAVERN, PRIVATE CLUB: A facility where the primary activity is serving cereal malt beverages, wine, and/or liquor beverages, either for private members or the general public. A lounge is designated as a special exception conditional use due to health, safety, and general welfare concerns with noise, traffic congestion, and potential for neighborhood character disruption.

MANUFACTURED HOUSING: A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, capable of being transported on its own chassis and designed without a permanent foundation whether or not one is subsequently provided. Manufactured housing bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280, et seq.), effective June 15, 1976, as may be amended.

MANUFACTURED HOUSING PARK: An area of ground equipped as required for support of manufactured housing and used or intended to be used by two or more occupied manufactured housing units provided the manufactured housing spaces shall not be sold or offered for sale individually. See Subsection XII.3.R.

MANUFACTURED HOUSING SUBDIVISION: An area of ground used or intended to be used for the purpose of selling lots for owner-occupancy of manufactured housing units. See Subsection XII.3.S.

MANUFACTURED HOUSING, RESIDENTIAL DESIGN: A manufactured housing unit which meets certain design criteria; and is considered for zoning purposes as a single family residence. See Subsection II.8.A.

MASSAGE PARLOR: A personal service establishment in which a significant portion of business provides massage services and supplies. Massage services are regulated under this Ordinance as a special exception conditional use for health reasons. Occasional massage services in connection with health clubs and medical clinics are not regulated under this ordinance. *Significant* and *occasional* are relative terms: if signage, floor area, and gross receipts indicate twenty percent or more of a business comes from massages and/or similar regulated activities such as tattoos and body piercing, it is a parlor.

MOBILE HOME: A manufactured housing unit built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.

MODULAR HOUSING: A dwelling structure designed for and located on a permanent foundation and not capable of being transported on its own chassis; connected to public utilities consisting of pre-selected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom built on the site of its permanent location, and also in contradistinction to a manufactured housing unit.

MOTEL: See HOTEL.

MUSEUM: A facility and grounds for display of historical interest artifacts. Includes *living museum*, which replicates life styles from a former era. Gift shops and food and beverage service operated for patrons are examples of accessory uses customarily associated with museums.

NATURAL RESOURCES EXTRACTION: The removal of materials from the earth for economic benefit. Includes sand, gravel, rock, minerals, oil, and natural gas. Does not include ground water. Extraction of natural resources is a special exception conditional use in various zoning districts due to the potential for neighborhood character disruption from blasting, drilling, and heavy truck traffic

NEIGHBORHOOD CHARACTER: Features that make areas of the city attractive living environments. *Neighborhood disruption* includes activities that detract from safe and peaceful enjoyment of such areas. Special exception standards that require facilities to be *in keeping with the neighborhood character* must consider generation of noise, dust, and traffic, among other features in excess of that otherwise normal to such neighborhood. Screening and buffers may help alleviate the degree of disruption. Design can be *in keeping* with neighborhood character when, for example, similar exterior materials and structural members are used, i.e. brick siding, pitched roof.

NEXT AVAILABLE MEETING: Items for the Zoning Board, Board of Zoning Appeals, and City Commission are placed on the next available agenda when all public notice requirements can be met and when city administrative procedures can be followed, in the shortest possible time.

NIGHTCLUB: An establishment whether open to private membership of the general public, dispensing cereal malt beverages, wine, and liquor beverages with meals and in which music, dancing, or entertainment is conducted. A nightclub is designated as a special exception conditional use due to health, safety, and general welfare concerns with noise, traffic congestion, and potential for neighborhood character disruption.

NONCONFORMING LOT OF RECORD: A lot that does not meet the dimensional or other requirements of this Ordinance which is part of a subdivision, the plat of which has been recorded in the County Register of Deeds; or a parcel of land, the deed of which was recorded in the County Register of Deeds; both of which were recorded prior to adoption of this Zoning Ordinance or any applicable amendment thereto; but not created for the purpose of evading the restrictions of this Ordinance.

NONCONFORMING SITUATION: A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use does not conform to one or more of the regulations applicable to the district in which the lot or structure or use is located. Among other possibilities, a nonconforming situation may arise:

- because a lot does not meet minimum area requirements,
- because structures do not satisfy maximum height or minimum floor space limitations,
- because landscaping or off street parking provisions are inadequate,

- because the relationship between existing buildings and the land (in such matters as density and setback standards) is not in conformity with the Ordinance, or
- because land or buildings are used for purposes made unlawful by this Ordinance.

NONCONFORMING STRUCTURE: A building or other structure which is being used for a conforming use, but which does not meet the dimensional standards of this Ordinance (or amendment thereto).

NONCONFORMING USE: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activities that constitute the use made of the property.

NONCONFORMITY: See NONCONFORMING SITUATION.

NONCONFORMITY PERMITS: A certificate issued by the Board of Zoning Appeals that allows the continuation, re-establishment, or change in a nonconforming situation.

NOTICE, NOTIFICATION: Notice for public hearing where required may be delivered by first class mail to the last known address of record of the party to receive notice. Notice of violation of any provision of this ordinance may be delivered informally by first class mail; formal violation notices shall be delivered by in person or by certified mail.

NURSING HOME: See ADULT RESIDENTIAL CARE.

OFF STREET: *Street* refers to the entire public right-of-way. *Off street* thus is not within the public right-of-way.

OFF STREET LOADING: An area not within the public right-of-way designated and used for the loading and delivery of items from or to a certain location, and including access ways to such areas.

OFF STREET PARKING: An area not within the public right-of-way designated and used for temporary parking of motor vehicles, including access ways to such areas.

ORIGINAL FOUNDATION: The location and dimensions of where a structure is or was situated.

OUTDOOR CONCERT, DANCE GROUNDS: A place of public assembly designed and utilized for concerts, dances, or stage performances outside an enclosed building. This land use is allowed only as a special exception conditional use due to the potential for neighborhood character disruption from noise and traffic congestion, and health and sanitation concerns for large groups of assembly.

OUTDOOR STORAGE: The placement of any item outside of an enclosed structure for a period of more than forty-eight hours. In the instance of motor vehicles, boats, trailers, and similar items, outdoor storage shall in addition mean the routine and/or recurring (more than twice a week) parking of such for more than six hours at a time.

OUTDOOR USE: In addition to outdoor storage, outdoor use activities include display and sales of products primarily outside of enclosed structures, such as motor vehicles, garden supplies, gasoline, tires building and landscaping materials, farm equipment, and the like. Outdoor use is generally prohibited in the C-1 Commercial Downtown district except for promotional sales as detailed in Subsection II.18.B.

PARAPET: A structural vertical extension of a building wall.

PARCEL, TRACT: An area of land not necessarily designated as a lot or lots, usually considered a unit for development purposes.

PERMANENT CURTAIN WALL: A *curtain wall* constructed of permanent materials such as concrete, brick, or masonry.

PERSONAL SERVICE: Facilities and premises primarily engaged in providing involving the care of persons and their personal goods or apparel. Some examples include dry cleaning, beautician, shoe repair, seamstress, and the like.

PICK UP WINDOW: See DRIVE THROUGH.

PLANNED UNIT DEVELOPMENT (PUD): A form of special exception development usually characterized by a unified site design for a number of residential and/or commercial units, clustering of buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits planning of a project and the calculation of densities over the entire development rather than on an individual lot-by-lot basis.

PORCH: A permanently roofed open area, which may be screened, attached to and part of a building.

PREMISES: A lot, parcel, or tract of land together with the buildings and structures thereon.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL LAND USE: The primary or predominant use of any property. A property may have more than one principal use for regulatory purposes, i.e. a motel which includes a restaurant designed and offered for the general public in addition to motel guests shall meet the parking requirements for both land uses.

PRINCIPAL STRUCTURE: See PRINCIPAL BUILDING

PRIVATE CLUB: See LOUNGE, TAVERN, PRIVATE CLUB.

PRIVATE DRIVE: A way for vehicular and other access to property that is not dedicated or otherwise made public. Private drives are permitted in manufactured housing parks, unified shopping and industrial centers, and residential planned unit developments as special exception conditional uses. Private drives are not publicly maintained.

PROFESSIONAL SERVICE: A facility and premises where a customer receives the services from persons recognized by training and certification in fields requiring high levels of knowledge and expertise as opposed to skilled use of equipment. Different from *personal services*, which may also require training and certification, professional services include attorneys, accountants, realtors, tutors, photographers, consultants, and similar activities.

PROPERTY OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a land lot, parcel, or tract.

PUBLIC HEARING: A formal meeting of a board or agency to solicit public comment prior to deciding upon a land development proposal.

PUBLIC USE: A land activity that is available to the general public, such as a public park or community center.

RACE TRACK: A facility designed and used for the racing of animals or vehicles. Accessory uses to a race track may include among other things concession stands, food and beverage service for patrons, stadiums, garages or barns for participants, and maintenance areas. Race track grounds may also be used for outdoor concerts and other entertainment. This land use is allowed as a special exception conditional use due to the potential for neighborhood character disruption from noise and traffic congestion, and health and sanitation concerns for large groups of assembly.

RECORD PROPERTY OWNERS: See PROPERTY OWNER.

RECREATIONAL VEHICLE PARK: A lot or parcel of land upon which two or more recreational vehicle sites are located, established, and/or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes. Accessory uses may include among other things tent camping grounds, bathing and laundry facilities, sale of concessions and convenience items for patrons

RESIDENTIAL CENTER: A state licensed facility providing non-secure 24 hour a day residential foster care for more than 10 persons.

RESPONSIBLE PARTY: The person, firm, partnership, corporation or other legal entity responsible for compliance with provisions of this Ordinance. This term includes all who facilitate or help facilitate the action, including but not limited to property owners, renters, guests, business employees, corporations, and individual members of corporations.

RESTAURANT: A facility and land use wherein food is prepared and sold to the public for human consumption. This category may include the serving of only specialty items such as ice cream parlors and coffee houses, and may include sit-down, pick up, and/or drive through service.

RETAIL SALES AND SERVICE: Activities selling goods or merchandise to the ultimate consumer, and rendering services for such goods or merchandise to the ultimate consumer.

RETAIL SALES OF ON-PREMISES PRODUCTION: Categories of retail sales where products are manufactured on the premises. If the vast majority of the production is sold to ultimate consumers on premises, this activity is considered a part of retail sales activity.

RETAINING WALL: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RIGHT-OF-WAY: A strip of land dedicated or reserved or otherwise obtained for use as a public way which normally includes streets, sidewalks, and/or utilities and similar uses.

ROOMING HOUSE: A building or portion thereof which contains rooms without complete kitchen facilities designed, used, or intended to be used for residential occupancy by not less than three nor more than nine transient individuals for compensation.

RUN WITH THE LAND: A covenant, restriction, or permission that is binding on the present and all future owners of the property. For purposes of zoning, variances and special exceptions run with the land so long as any and all conditions are met.

SAFE ROOM: An enclosure located on a property designed and constructed to provide protection from natural disasters.

SALVAGE: See JUNK

SCHEDULE OF FEES: A listing of charges adopted by the city commission determined necessary for the administration of this Zoning Ordinance.

SCHOOL, BUSINESS/COMMERCIAL: A non-profit or for profit facility providing courses of instruction in the business skills.

SCHOOL, COLLEGE, VOCATIONAL, TECHNICAL: A non-profit or for profit facility providing regularly scheduled courses of instruction in post secondary education; in technical or trade skills such as construction, electronics, mechanics and technology.

SCRAP: See JUNK

SCREEN FROM VIEW: To reasonably conceal a land use activity or structure, as detailed in Article IV.

SCREENING: Berms, fencing and/or vegetation maintained for the purpose of concealing from view.

SECURE CARE: See JUVENILE DETENTION CENTER

SEMI PUBLIC USE: Land use activities usually open to the general public, but may include some restrictions on public access, also private land use that provide benefit and utility for the general public. Places of worship, cemeteries, country clubs, for example, are not totally open to public access—but the general public benefits from the open space and other features of such uses.

SETBACK: A required open space distance that is not occupied or obstructed sometimes referred to as *required yards*. Setbacks are defined and measured as:

- Front—an area extending across the front of a lot that is bounded by the front lot line, the two side lot lines, and a line parallel to the front lot line at the minimum setback distance.
- Rear—an area extending across the full width of a lot between the rear lot line and a line parallel to the rear lot line at the minimum setback distance.
- Side—an area extending from the front setback to the rear setback, between the side lot line and the minimum setback distance.

SEWERAGE TREATMENT PLANT: A facility for the treatment and disposal of sewage. This may include municipal facilities, private package plants, and pre-treatment facilities that reduce heavy concentrations of certain materials.

SHADE TREE COMMISSION: A board established and appointed by the Dodge City Commission to protect shade trees in the city, and to oversee activities related to shade trees.

SIDEWALK: A hard surface paved area designed and constructed to city standards, for pedestrian circulation.

SIGHT TRIANGLE: A three-sided portion of land established at street intersections with streets, railroad tracks, and non-residential driveways in which nothing is to be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See Section II.4.

SIGN: Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, service, event, organization, business, product, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Included in this definition shall be any structure used for display and all structural or decorative supports.

SIGN, AREA: The gross area of a sign shall be the sum of all surface areas of the sign faces. With freestanding and projecting signs designed as double-faced signs, having both faces parallel and where the distance between the faces does not exceed two feet, then only one face of the sign shall be considered. Each surface shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters will not include any structural elements lying outside the limits of such signs when they do not form an integral part of the display, nor shall it include architectural embellishments when such do not contain any copy, and no not exceed ten percent of the permitted sign area.

SIGN, AWNING: A sign that is mounted, painted, or attached to an awning that is otherwise permitted by this Ordinance.

SIGN, BANNER: A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame.

SIGN, FLAT MOUNTED: A sign attached to or painted on a wall of a building or structure in such a manner that the wall become the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

SIGN, FRAMED AREA: A rigid frame attached to a building or structure wall for the purpose of placing banner signs within such area.

SIGN, FREESTANDING: Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more uprights, with or without braces. Any sign which is mounted into the ground, but has supports passing through any portion of the roof of a building or structure shall be considered a roof sign.

SIGN HEIGHT: A distance measured from the ground level at the foundation of the sign to the highest element of the sign.

SIGN, IDENTIFICATION: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and a professional title where applicable.

SIGN, MOBILE: Signage attached, intended to be attached, or formally attached to a truck, chassis, detachable vehicle trailer, or other item capable of movement; but not including signage painted or inscribed on a self-propelled or towed vehicle which identifies the product, service, or activity for which the vehicle is used.

SIGN, ON PREMISES: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, OUTDOOR ADVERTISING: A sign that directs attention to a business, profession, commodity, service, entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN PERMIT: A zoning permit issued showing compliance with the sign regulations and other provisions of this Ordinance.

SIGN, PORTABLE: A sign not permanently attached to the ground or other permanent structure, a sign designed to be transported (which may subsequently become attached to the ground, a structure, or other signs), menu and sandwich board signs, balloons used as signs, and signs with similar characteristics.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building or structure for support and extends more than twelve inches from the building or structure wall.

SIGN, PROPERTY IDENTIFICATION: A sign giving the name and address of a building, business, development, or establishment.

SIGN, ROOF: A sign mounted and supported wholly upon or over the roof of any structure, or a sign whose supports pass through a roof.

SIGN, THEATER MARQUEE: A sign that is mounted, painted, or attached to a theater marquee.

SOIL EROSION: The detachment and movement of soil or rock fragments, or the weathering away of the land surface by water, wind, ice, and/or gravity.

SOIL SEDIMENTATION: The depositing of materials transported from its site of origin as a product of soil erosion.

SPECIAL EXCEPTION: A land use allowed in a particular zoning district upon showing that such use will comply with all the conditions and standards for the location or operation of the use as specified in this Zoning Ordinance and authorized by the Board of Zoning Appeals.

SPECIAL EXCEPTION CONDITIONAL USE: One type of special exception permission, where the standards and conditions are detailed in Article XII.

SPORTS CLUB: A facility and premises for patrons to undertake sporting activities such as hunting, trap and skeet shooting, fishing, and similar activities. Uses accessory to sports clubs may include among other things shelters, concessions, hunting blinds, and the sale and rental of sporting goods to patrons not readily available to the general public.

STANDARD CONDITION: Premises, buildings, and structures, and other facilities maintained in GOOD REPAIR.

STREET: A public right-of-way other than an alley that provides principal access to adjacent properties or other streets.

STREET FRONTAGE: That portion of a lot or structure that faces a street.

STREET, ARTERIAL: A street that collects and distributes traffic to and from collector streets.

STREET, COLLECTOR: A street that provides for traffic movement between arterial and local streets.

STREET, LOCAL: A street that provides for direct access to abutting property, and for local traffic movement.

STORM SHELTER: A structure to provide safety from tornadoes.

SUBDIVISION REGULATIONS: An ordinance adopted by the city to regulate the subdivision of land and improvements thereon.

TATTOO PARLOR: A personal service establishment in which a significant portion of business provides body tattoo services and supplies. Tattooing services require a State license, and are regulated under this Ordinance as a special exception conditional use for health reasons. Occasional tattooing services in connection with other cosmetology services are not regulated under this ordinance. *Significant* and *occasional* are relative terms: if signage, floor area, and gross receipts indicate twenty percent or more of a business comes from tattooing and/or similar regulated activities such as body piercing and massages, it is a parlor.

TAVERN: A facility where the primary activity is serving cereal malt beverages, wine, and/or liquor beverages.

TEMPORARY USE: As land use activity of short duration. Section II.18 details standards for *seasonal and temporary uses*.

THEATER, INDOOR: A building or part of a building devoted to the showing of motion pictures or for live dramatic, dance, musical, or other performances.

THEATER, OUTDOOR: A drive-in theater, which is an open lot devoted primarily to showing motion pictures to patrons seated in vehicles; or out-of-doors stage or amphitheater for seasonal dramatics or musical concerts. Outdoor theaters are special exception conditional uses under this ordinance due to health, safety and general welfare concerns with noise, traffic congestion, and potential for neighbor character disruption.

TIME PERIOD (DAY, MONTH, YEAR): Where provisions of this Ordinance refer to time, the normal meaning is calendar time (i.e., six months from January 5 is July 5, one week from Tuesday is Tuesday, days includes weekends and holidays). This may vary only when the Ordinance text clearly states otherwise (i.e., ten working days). For actions requiring official notice a certain number of days in advance, it shall mean calendar days; and the day of delivery or publication is excluded.

TOWNHOUSE: See DWELLING, TOWNHOUSE.

TRACT: See PARCEL

TRANSMISSION TOWER, ANTENNA, and COMMERCIAL: A structure designed and operated to send and/or receive radio, television, microwave, cellular telephone, or similar electronic communications.

UNIFIED INDUSTRIAL PARK: A parcel of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses. A unified industrial park may have private roads and utility systems as a planned unit development special exception conditional use.

UNIFIED SHOPPING CENTER: A group of commercial establishments planned, developed, constructed, and managed as a total entity, with on-site customer and employee parking, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. A unified shopping center may have private roads and utility systems as a planned unit development special exception conditional use.

UNION HALL: A facility and premises for trade unions to conduct business. This use may include as accessory uses among other things indoor and outdoor recreation activities, and food and beverage service. If a dance hall, lounge, or night club are included, they are considered separately and not as accessory uses.

VARIANCE: Permission for a departure from the literal dimensional requirements or standards of this Ordinance that would significantly interfere with the right to use property, as provided for by Sections X.9 and X.10 of this Ordinance.

VEHICULAR USE AREA: Areas regulated by parking, loading, and landscaping standards of this Ordinance. These include the parking and loading spaces, access drives and their approaches, and spaces for maneuvering.

VETERINARY CLINIC: A facility where are given medical care. When including outdoor storage, the meaning is expanded to include pens, runs, and/or kennels for boarding and/or long-term observation of ill animals.

VICINITY SKETCH: A drawing of a site proposal location, indicating its location for identification, not drawn to any scale or any precision.

WALKWAY: A path for pedestrian travel that may be of lesser design or construction than a *sidewalk*. A walkway to an individual dwelling may not require full compliance with the Americans with Disabilities Act, for instance, and manufactured housing parks require sidewalks at certain thresholds, and walkways otherwise.

WALL: The vertical exterior of a building or other structure.

WAREHOUSING AND DISTRIBUTION: A building and premises used primarily for the storage of goods and materials, and their transfer to end users. This term includes *mini-warehouses* for self-service storage.

WATER TREATMENT PLANT: A facility for the treatment and distribution of potable water. This may include municipal and private facilities.

WHOLESALE SALES: Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD, REQUIRED: See SETBACK.

YARD, GARAGE SALE: The non-routine and incidental sale of household items to the public from a residence.

ZERO LOT LINE DWELLING: See DWELLING, ZERO LOT LINE.

ZONING ADMINISTRATOR: The city employee designated to administer the provisions of this Zoning Ordinance.

ZONING BOARD: The agency created and appointed by the City Commission to prepare studies, conduct public hearings, and make recommendations to the City Commission on adoption and amendments to the Zoning Ordinance.

ZONING LOT: For purposes of this Ordinance, a zoning lot is a parcel of land for use and develop, of at least sufficient size to meet minimum zoning requirements for its use, coverage, and to provide such yards and other open spaces as are required. Such zoning lots shall have frontage on a improved public street and may consist of:

- A single lot of record
- A portion of a lot of record
- A combination of complete lots of record or portions thereof
- A parcel of land described by metes and bounds, provided that in no case of division or combination shall any lots be created which do not meet the requirements of the Subdivision Regulations and this Zoning Ordinance.

ZONING PERMIT: a certificate or certification issued by the Zoning Administrator indicating compliance with applicable provisions of this Zoning Ordinance; a development permit.