

# CITY OF ROSE HILL, KANSAS ZONING REGULATIONS



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# City of Rose Hill, Kansas Zoning Regulations

Incorporated into the City of Rose Hill Municipal Code

by Ordinance No. XXX

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INSERT DATE

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INSERT DATE

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# Official Public Hearing Notice Published in the Rose Hill Reporter

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# Rose Hill Planning Commission Adoption Resolution

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# Rose Hill City Council Adoption Ordinance

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## Article 01      Enactment and Applicability

### 01.01. Title

These regulations, including the zoning district maps made a part hereof, shall be known as the "City of Rose Hill Zoning Regulations," hereinafter referred to as "these regulations."

### 01.02. Jurisdiction

These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Rose Hill, hereinafter referred to as "the City." These boundaries may be amended by annexation of new territory into the City.

### 01.03. Authority

These regulations are adopted under the authority granted to the City by KSA 12-701 et seq.; 12-3009 to 12-3012; 12-3301 to 12-3302.

### 01.04. Purpose

These regulations are intended to:

- A. Promote the health, safety, comfort and general welfare.
- B. Implement the vision, goals, objectives and strategies of the Comprehensive Plan.
- C. Preserve, protect and enhance property values.
- D. Ensure the adequate and efficient provision of public services, utilities, infrastructure and facilities.
- E. Provide adequate open space.
- F. Preserve and protect natural, historic and cultural resources.
- G. Encourage a land use pattern that is consistent with community growth and economic development goals.
- H. Divide the City into districts, each having compatible land uses, building types, density and intensity of development.
- I. Regulate the size, bulk, density and location of structures on properties within each district.
- J. Control the general appearance of buildings, structures and land developed or redeveloped in the City.
- K. Establish the processes and procedures whereby these regulations will be implemented, administered and enforced.

### 01.05. Separability

It is the intention of the City that the individual provisions of these regulations are separable, as follows:

- A. If a court with jurisdiction over these regulations judges any provision invalid, it shall affect only the invalidated provision; all other provisions shall remain valid.
- B. If a court with jurisdiction over these regulations judges a specific application of any provision invalid, it shall affect only the invalidated application of said provision; all other applications of said provision to any building, structure or property shall remain valid.

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## Article 02 Rules of Construction and Interpretation

### 02.01. Rules of Construction

In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise.

- A. Words used in the present tense include the future; words used in the past tense include the present.
- B. Singular numbers include plural numbers; plural numbers include singular numbers.
- C. "Used for" and similar language include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. "Including," "such as" and similar language are used to present examples for clarification purposes, not to limit the intent strictly to listed items.
- E. "Shall (not)," "will (not)," "must (not)," and "may not" are mandatory.
- F. "May," "can," "should," and "could" are permissive.
- G. "Prohibited" means not allowed and there are no provisions for an allowance in these regulations, except variances granted by the Board of Zoning Appeals.
- H. "Authorized" means that applicable permits or other approvals have been received.
- I. "Allowed" means in conformance with applicable provisions of these regulations.
- J. "Person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- K. "City" means City of Rose Hill, Kansas.
- L. "City Council" means the Mayor and City Council of the City of Rose Hill.
- M. "Planning Commission" and "Commission" mean the Rose Hill City Planning Commission.
- N. "Board" means the Rose Hill City Board of Zoning Appeals.
- O. "Zoning Administrator" means the Rose Hill City staff position appointed by the Mayor with the consent of City Council to administer and enforce these regulations. The title of Zoning Administrator and all authorities, duties, responsibilities, etc. assigned to that position shall apply equally to any individual or firm with which the City contracts and appoints to carry out the function of Zoning Administrator.
- P. Unless otherwise specified, all distances shall be measured horizontally.

### 02.02. Rules of Interpretation

- A. The provisions included in these regulations shall be considered minimum requirements.
- B. When the conditions of any provision in these regulations overlap or conflict with those of any other applicable law, ordinance, resolution, rule or regulations, the more restrictive of these conditions shall apply.
- C. The provisions in these regulations shall govern when they are more restrictive than the provisions of any easement, covenant or other legally binding instrument affecting private property.
- D. No building, structure or use lawfully existing at the time these regulations are adopted shall be made unlawful by said adoption; any building, structure or use that exists unlawfully at the time these regulations are adopted shall remain unlawful only if, and to the extent they are in conflict with these regulations.
- E. Any structure or use authorized by zoning permit, conditional use, special use, variance or other provision of previous zoning regulations of the City shall remain authorized after the adoption of these regulations, provided it is in compliance with said authorization at the time these regulations are adopted.
- F. Should these regulations unintentionally omit specific requirements or fail to account for unanticipated circumstances related to the development of structures or land uses, the City's authority to regulate such shall be limited according to applicable provisions of Kansas State Statutes.

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## Article 03 Definitions

### 03.01. Purpose

The purpose of this article is to define the words and terms used throughout these regulations. Words and terms that are specific to a particular article of these regulations may be defined in said article.

### 03.02. General

- A. Any definition of a word or term provided in these regulations shall apply to each use of the word or term within these regulations, unless the context clearly indicates otherwise or the meaning or scope is expressly limited.
- B. Words or terms used, but not defined in these regulations, shall have their ordinary meaning as defined in a reputable dictionary.
- C. Drawings, diagrams or other illustrations may be provided to clarify the meaning, interpretation or application of certain definitions.

### 03.03. Definitions of Words and Terms

**Accessory:** A structure or use that is subordinate or incidental to the primary land use of a given property parcel. The following definitions are provided for specific related terms.

**Accessory Apartment:** An accessory residential unit that is constructed within or attached to the primary structure on a parcel or another accessory structure, such as a garage.

**Accessory Dwelling:** An accessory residential unit that is detached from the primary structure on a parcel.

**Accessory Structure:** A building or other structure that serves a function that is incidental to that of the primary structure on a parcel. Some typical examples include garages, carports and storage sheds.

**Accessory Use:** A land use or activity that is incidental to that of the primary use of a parcel. Some typical examples include parking areas, tennis courts, swimming pools, and home occupations.

**Aircraft:** A vehicle capable of flight, which may or may not carry passengers. Some typical examples include airplanes, helicopters, model aircraft and drones.

**Alteration:** The physical modification or reconfiguration of an existing or approved structure or its component parts. Some typical examples include room/garage additions (expand building footprint), floor additions (extend building height) and sign relocations.

**Applicant:** The property owner or other person with legal authorization to request approval for a building, structure or use governed by these regulations and whose signature must certify such authority on permit applications.

**Basement:** Any usable story of a structure with at least one-half (½) of its height below the adjacent finished grade.

**Block:** A contiguous tract of one or more parcels within a subdivision that has boundaries defined by streets, public parks, railroad rights-of-way, city limits, other property lines, easements or natural barriers, such as waterways.

**Building:** A covered and enclosed structure where activities associated with a primary, secondary or accessory land use take place. Buildings that are interconnected by covered and enclosed walkways, breezeways and similar structures are considered a single building. Buildings sharing a common wall, but having separate entrances are considered individual buildings.

**Bulk Regulations:** Requirements or provisions that control the size of a structure and its location on a parcel. Examples included in these regulations are maximum height, maximum lot coverage, minimum yard size and setbacks.

**By-Right Use:** A structure or use that is allowed within a specific zoning district because it is generally compatible with other uses allowed within the same zoning district. By-right uses must meet only the minimum zoning district requirements for the use, unless it is subject to specific use standards.

**Canopy:** A covered, but unenclosed accessory structure that provides shelter for individuals performing activities associated with the primary, secondary or accessory use of a parcel. Some typical examples include those found over a building entrance, drive-thru facility, fuel pumps or temporary parking spaces. This does not include structures meeting the definition of carport.

**Carport:** A covered accessory structure, which may be fully or partially unenclosed, intended to shelter motor vehicles parked in permanent parking spaces. Carports may be freestanding, but if attached to another structure, may only be attached to the primary building on a parcel.

**Conditional Use:** A structure or use that is not allowed by-right within a specific zoning district because of characteristics that are somewhat incompatible with other uses allowed in the same zoning district. A conditional use may be authorized according to the process and procedures defined in these regulations. Such authorization may be subject to additional provisions (conditions) intended to improve compatibility with other uses allowed in the zoning district.

**Density:** The degree to which land is developed, which dictates the distribution of structures and population within the community. These regulations control density primarily through bulk regulations and lot size requirements.

**Condominium:** A single structure divided into individual units, each unit having separate ownership.

**Develop:** The act of making a tract of property suitable for a specific land use by changing the physical characteristics of the land or preparing it for the construction of structures, utilities, streets and other improvements necessary to support the desired land use. Properties having such improvements are said to be developed. Properties without such improvements are said to be undeveloped. Such improvements may be referred to as development.

**Disability:** A physical or mental impairment that substantially limits a person's major life activities or a record of having such an impairment.

**District (Zoning):** A section or sections of the zoning jurisdiction within which these regulations govern the use of buildings and land, the height of buildings, the size of yards, and the intensity of uses in a uniform manner.

**Driveway:** A private roadway providing access to a parking space.

**Dwelling:** A structure or portion thereof, which is primarily designed and used for residential purposes. Each portion of a dwelling designed and equipped as an individual residence for a single family or household is considered a dwelling unit. Secondary uses and activities, such as allowable home occupations, may also take place within a dwelling.

**Easement:** A legal instrument wherein a landowner grants permanent or temporary use rights for a defined property to another person, but retains title and ownership of said property.

**Family:** One (1) or more individuals living together in the same dwelling unit as a single household.

**Fence:** A free-standing structure that meets the provisions of these regulations and serves as a protective, confining or decorative barrier between adjacent lots or uses.

**Frontage:** The length of distance along a lot line that abuts and is shared in common with a public street.

**Garage:** A covered and enclosed accessory structure that provides direct access to a driveway or parking space, which is intended solely for storage of motor vehicles owned by residents of the primary structure. A garage may be attached to or detached from a primary residential structure.

**Gross Floor Area:** The unit of measurement for the space within a structure as measured between the exterior faces of exterior walls or centerlines of shared common walls on each story (floor) of a structure. Includes basements and attics having headroom of seven (7) feet or more.

**Height (Structure):** A vertical dimension measured from the finished lot grade at the front of a structure to the highest point on the structure. For buildings and other covered structures, this is measured to the highest point of the roof. For signs, towers and other uncovered structures, this is measured to the highest point of the structure itself or of anything attached to the structure, whichever is greater.



**Home Occupation:** A business, profession, service or trade allowed by these regulations to be conducted for gain or support entirely within the primary residence of the business owner. Activities related to a home occupation are restricted from occurring in a secondary or accessory structure, except as allowed by these regulations.

**House Pet:** A legally-owned domesticated small animal routinely kept as a family pet and generally housed within the primary residential structure. Some typical examples include dogs, cats, birds, hamsters and aquarium fish.

**Landscaping:** Plants, trees, yard art and other improvements generally intended to beautify a property.

**Lot of Record:** An individual parcel of land under single ownership that has a legal description and deed recorded with the Butler County Register of Deeds. Various types of lots are defined below and illustrated in [Figure 3.1](#).

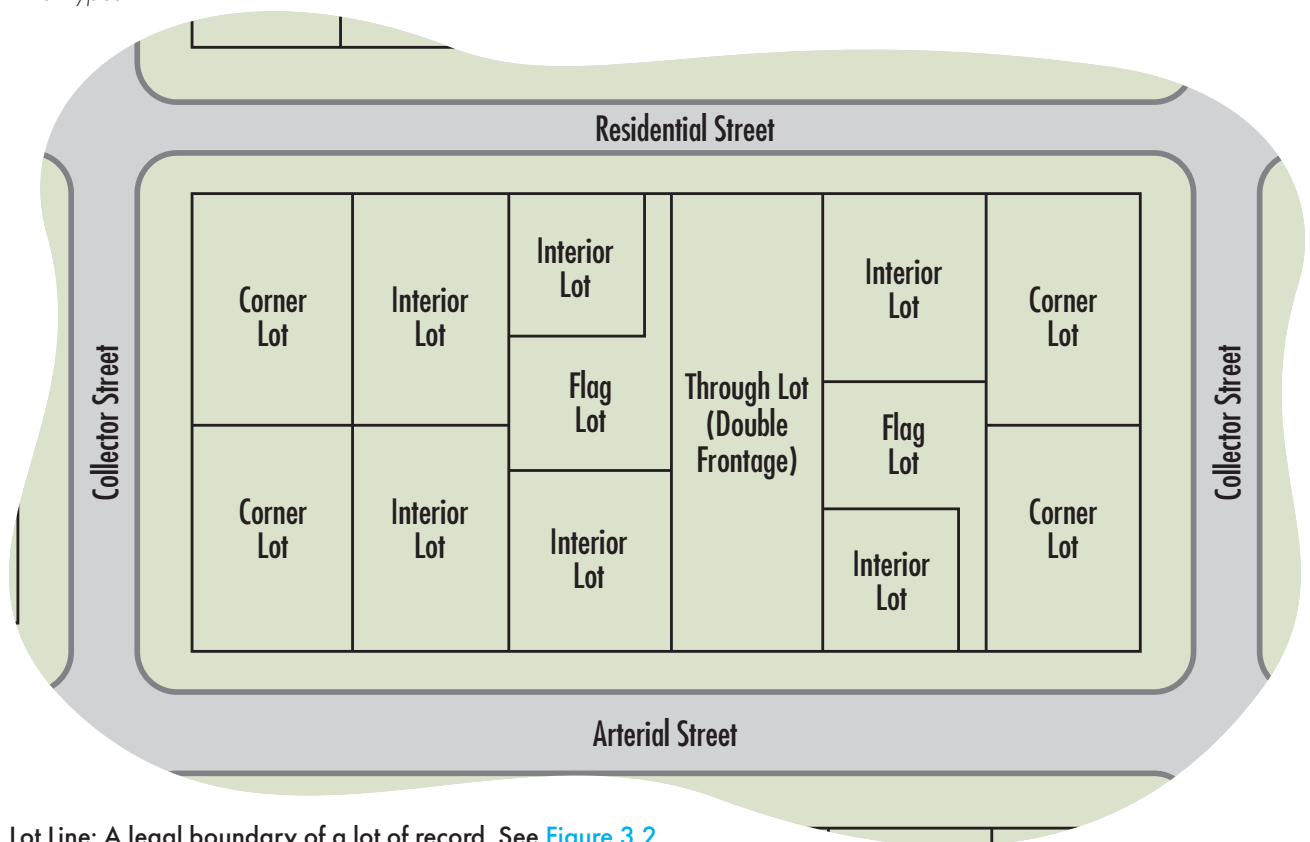
**Corner Lot:** A lot with frontage on two or more intersecting streets.

**Flag Lot:** A lot shaped like a flag that has street frontage significantly narrower than its main portion, which is typically where the driveway is located.

**Interior Lot:** A lot other than a corner lot that has frontage on only one street.

**Through (Double Frontage) Lot:** A lot with frontage on two non-intersecting street.

Figure 3.1 - Lot Types



**Lot Line:** A legal boundary of a lot of record. See [Figure 3.2](#).

**Front (interior lot):** The lot line with street frontage.

**Front (corner lot):** The lot line along the primary access street, typically the street to which the address is assigned.

**Rear:** The lot line that is most distant from and generally parallel to the front lot line (primary front lot line on a corner lot).

**Side:** A lot line that is not a front or rear lot line.

**Exterior:** A rear or front lot line that is not shared by another lot of record, which typically marks the boundary of a block, right-of-way or natural barrier.

**Interior:** A rear or side lot line shared by two or more lots of record.

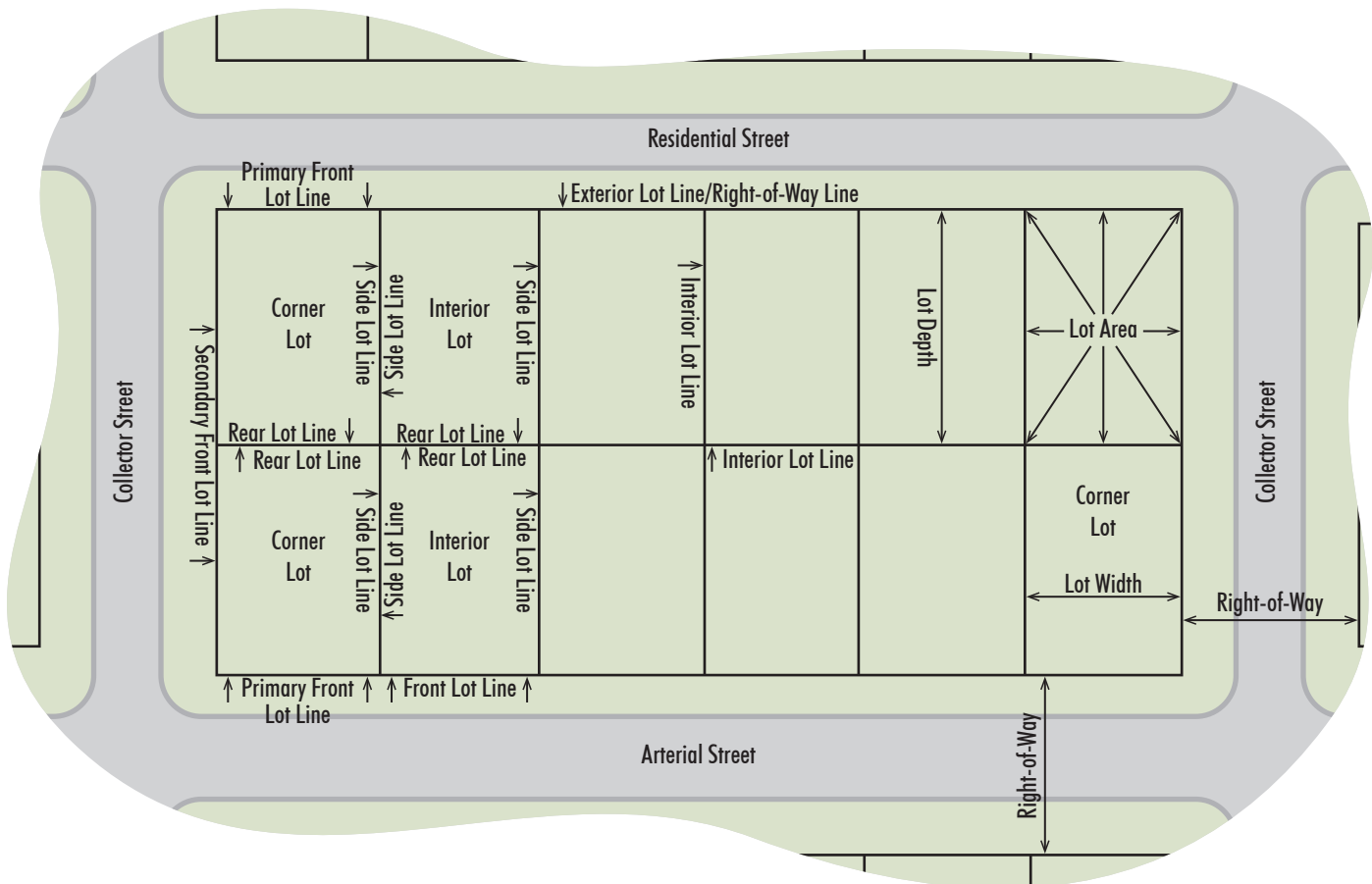
**Lot Size Requirements:** Restrictions on the dimensions of a lot. See [Figure 3.2](#).

**Lot Area:** The surface measurement encompassed by a lot's boundaries.

**Lot Depth:** The dimension between the front and rear lot lines, as measured from their midpoints.

**Lot Width:** For an interior lot, the dimension between side lot lines as measured along the front yard setback line. For a corner lot, the dimension between the secondary front lot line and side lot line as measured along the primary front yard setback line.

Figure 3.2 - Lot Lines & Required Lot Measurements



**Nonconforming:** A lot, structure, sign or land use within the City zoning jurisdiction that does not meet the applicable provisions of these regulations. Such is considered legal nonconforming if it existed lawfully prior to the adoption of these regulations, which is commonly referred to as being "grandfathered."

**Obstruction:** Any encroachment within a required setback area (yard), sight triangle or other area where such restrictions are indicated in these regulations.

**Open Space:** An area of land or water open to public access intended for recreation, sports activities or preservation of natural resources. Some typical examples include parks, playgrounds, greenways and nature preserves.

**Permanent:** A term referring to a use, structure or activity that is intended to remain in place or be conducted in perpetuity with no limit on its duration.

**Premise(s):** The land, building and structures located on a lot.

**Primary Structure:** The structure in which the main activities of a primary use take place.

**Primary Use:** The main purpose for which a lot of record is used and developed.

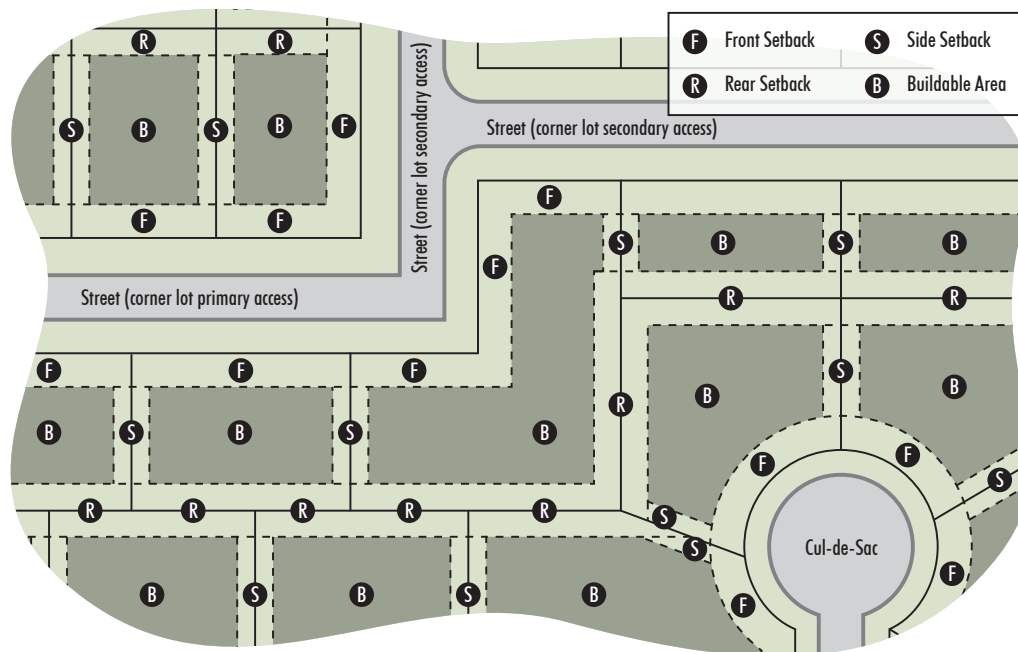
**Recreational Vehicle (RV)/Utility Trailer:** An appropriately licensed and registered single-chassis vehicle or trailer designed as a temporary lodging unit for travel or camping; a trailer (loaded or unloaded) designed to haul vehicles, watercraft, work equipment, animals, etc. or used for general utility purposes.

**Right-of-Way:** Real property owned by a public entity dedicated to current or future transportation, utility or other infrastructure uses, including the area on, below, and above such property. See [Figure 3.2](#).

**Screening:** A man-made or natural barrier used to minimize the visual impact of a property from outside its perimeter or minimize the effects of noise, dust or other impacts that may be generated on the site.

**Setback:** The required minimum dimension between a structure and a front, side or rear lot line on which it is located. These are considered the front, side and rear setback lines respectively. The space between all setbacks is referred to as the buildable area. See [Figure 3.3](#).

Figure 3.3 - Setbacks on Various Shaped Lots



**Sight Triangle:** The area at a street intersection that must be kept clear from obstructions that may block a driver's line of sight to intersecting vehicles. See [Section 04.06.K](#) on pg. 15.

**Street:** A public right-of-way intended to carry vehicular, pedestrian and bicycle traffic.

**Alley:** A minor street intended to provide secondary access to property parcels.

**Local Street:** A low volume street that functions mainly to provide direct access to property parcels.

**Collector Street:** A street that carries traffic between local and arterial streets, which has some direct access to property parcels.

**Arterial Street:** A street that carries traffic through and out of a community, which has limited direct access to property parcels.

**Structure:** Anything constructed that is permanently attached to the ground or affixed to a permanent location on the ground that is subject to these regulations, unless otherwise exempted.

**Subdivision:** A contiguous tract of land made up of one or more parcels that has been divided into individual lots intended for separate ownership. Subdivisions are broken into additions, blocks and lots, which are used to identify the properties by a legal description. This hierarchy of divisions is illustrated on a map, referred to as a "plat," which is filed of record with the county Register of Deeds. The subdivision of land in Rose Hill is governed by the City of Rose Hill Subdivision Regulations.

**Temporary:** A term referring to a use, structure or activity that is not intended to remain in place or be conducted in perpetuity. Such may be allowed or permitted for a specific duration with a set time limit.

**Use:** The purpose for which a lot of record is developed or proposed to be developed. This generally describes the types of human activities that occur or will occur on the subject property.

**Variance:** An approval granted by the Board of Zoning Appeals consistent with [Section 15.05](#), which allows for deviations from one or more requirements of these regulations.

**Wireless Communications:** Personal wireless services and facilities defined by 47 USC § 332(c)(7)(C), including commercial mobile services defined by 47 USC § 332(d), provided to personal mobile communication devices through wireless facilities or any wireless services provided using such facilities. As used herein, the term applies specifically to the services and facilities defined in and regulated by KSA 17-1902 et seq. This includes the following related terms.

**Accessory Equipment:** Apparatus serving or being used in conjunction with a wireless facility or wireless support structure including, but not limited to utility or transmission equipment; power supplies; generators; batteries; cables; equipment buildings and cabinets; and storage sheds, shelters or similar structures.

**Antenna:** Equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications services.

**Base Station:** A structure that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations.

**Collocation:** The mounting or installation of wireless facilities on a building, structure, wireless support structure, tower, utility pole, base station or existing structure for the purposes of transmitting or receiving radio frequency signals for communication purposes.

**Substantial Modification:** Any change to an existing wireless support structure or base station that will substantially change the physical dimensions of the wireless support structure or base station under the objective standard for substantial change, established by the Federal Communications Commission pursuant to 47 CFR 1.40001.

**Transmission Equipment:** Apparatus that facilitates transmission for a wireless service licensed or authorized by the Federal Communications Commission including, but not limited to radio transceivers, antennas, coaxial or fiber optic cable and regular and backup power supply.

**Wireless Facility:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network.

**Wireless Infrastructure Provider:** A person or entity that builds or installs transmission equipment, wireless facilities or wireless support structures, but is not a wireless services provider.

**Wireless Services Provider:** An entity that provides wireless services.

**Wireless Support Structure:** A freestanding monopole, self-supported lattice tower, guyed tower or any other vertical structure designed to support or capable of supporting wireless facilities.

#### ILLUSTRATIVE EXAMPLES: WIRELESS SUPPORT STRUCTURES



MONOPOLE TOWER



SELF-SUPPORTED LATTICE TOWER



GUYED LATTICE TOWER



COLLOCATED ON WATER TOWER

**Yard:** The open space on a lot within which only permitted obstructions are allowed. See [Figure 3.4](#).

**Front Yard:** The required yard extending the full width of a lot, as measured between the front lot line and front setback line. On a corner lot, both yards abutting a street are considered front yards.

**Rear Yard:** The required yard extending the full width of a lot, as measured between the rear lot line and the rear setback line. On a corner lot, any yard not considered a side or front yard is a rear yard.

**Side Yard:** The required yard extending the depth of a lot between the front and rear setback lines. On a corner lot, any yard abutting the side yard of an adjacent property is considered a side yard.

Figure 3.4 - Required Yards

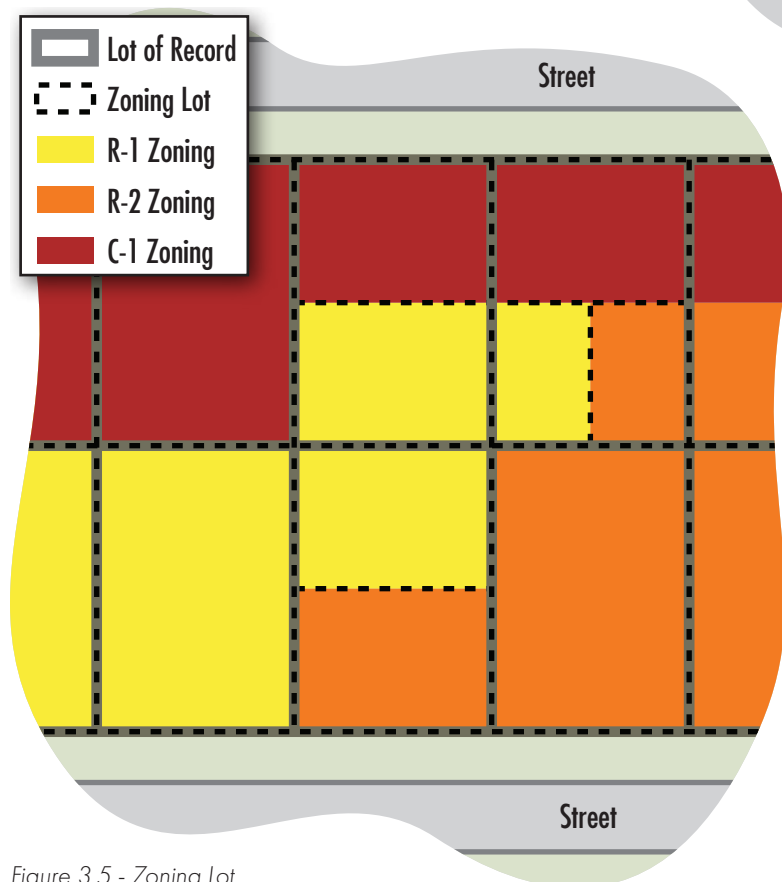
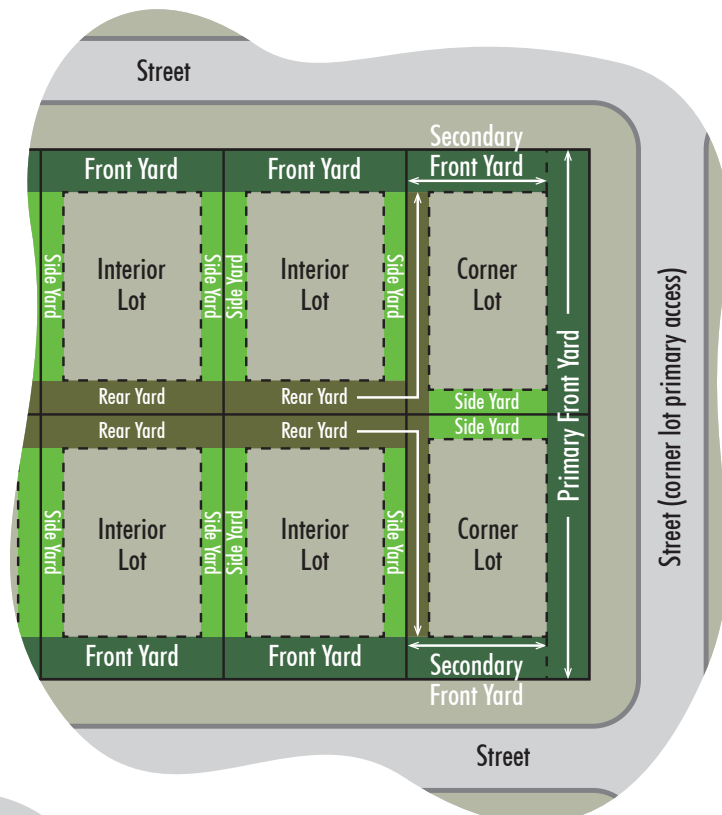


Figure 3.5 - Zoning Lot

portions of a single lot of record are within different zoning districts, each portion within a different zoning district is considered an individual zoning lot. See [Figure 3.5](#).

**Zero Lot Line (ZLL):** The location of a building on a lot such that: (A) one or more exterior walls of a detached unit rest directly on an interior lot line, or (B) the shared common wall of two attached units rests on an interior lot line. Some typical examples are patio homes, garden homes, and townhomes sold as condominiums.

**Zoning Compliance Certificate:** A document issued by the Zoning Administrator, which states that a given property is appropriately zoned and meets all applicable provisions of these regulations for: (A) establishing a specific use; (B) changing an established use; (C) constructing, altering, or modifying a structure; or (D) establishing occupancy in an existing structure previously occupied with a different type of use.

**Zoning Jurisdiction:** The geographic boundaries wherein the City has the legal authority to adopt and enforce zoning regulations. This is the City of Rose Hill corporate limits.

**Zoning Lot:** A single lot of record that is wholly within the same zoning district. Where separate

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## Article 04      General Provisions

### 04.01. Purpose

The purpose of this article is to outline general requirements of these regulations that apply after the effective date of adoption unless otherwise indicated.

### 04.02. Activities Governed

#### A. Structures

1. These regulations apply to all structures built, moved, rebuilt, remodeled or restored, unless such is exempted by other provisions of these regulations.
2. These regulations apply to any change in the use of a structure, unless such is exempted by other provisions of these regulations. The new use shall comply with all applicable provisions for said use. In cases when a change in structure use does not comply with lot size requirements and bulk regulations, the structure shall be considered legal nonconforming.
3. The following requirements shall apply to structural alterations, as defined in these regulations:
  - a. The entire altered structure shall comply with all applicable use regulations.
  - b. Structural alterations and additions shall comply with applicable bulk regulations, except as otherwise indicated in these regulations.
  - c. Offstreet parking shall not be reduced below applicable requirements of these regulations as a result of structural alterations.

#### B. Undeveloped Lots

1. All changes in use of undeveloped lots shall comply with the applicable provisions of these regulations.

#### C. Exemptions

The following structures and uses are exempted from the provisions of these regulations:

1. Underground utility distribution infrastructure for electricity, telecommunications, data transmission, gas, potable water, sanitary sewer and storm water.
2. Electric utility poles or towers, including any power, data, and cable TV lines installed on them.
3. Structures, facilities, improvements, signs, etc. located within railroad rights-of-way or activities in such rights-of-way being conducted by authorized individuals.
4. Buildings, structures or land owned by the State of Kansas or federal government.
5. Agricultural land uses and structures as defined by these regulations or exempted from these regulations by state or federal laws. This exemption does not apply to uses and structures located in a designated floodplain. In cases when a change in use nullifies this agricultural exemption, all applicable provisions of these regulations shall apply to the new use.

### 04.03. Establishment of Districts

#### A. The zoning jurisdiction is hereby divided into the following eight zoning districts:

- |   |   |
|---|---|
| 1. A-1 Agricultural District                  | 5. B-1 Local Business District              |
| 2. R-1 Single-Family Residential District     | 6. C-1 General Commercial District          |
| 3. R-2 Single-Family/ZLL Residential District | 7. I-1 Industrial District                  |
| 4. R-3 Multiple-Family Residential District   | 8. PDO Planned Development Overlay District |

- #### B. The numbered order of the above listing describes the relationship of land use intensity and density between each of the zoning districts, with A-1 providing for development of the lowest intensity land uses at the lowest density and I-1 providing the opposite. This relationship of intensity does not apply to the PDO district.

**04.04. Official Zoning Map**

- A. The boundaries of the districts listed in [Section 04.03](#) are shown on the Official Zoning Map of the City of Rose Hill.
- B. The Official Zoning Map shall be identified on its face as part of these regulations, including all notes, references and other information as indicated by these regulations.
- C. The Official Zoning Map shall be kept on file with the Zoning Administrator and accessible to the public during regular business hours of the City of Rose Hill.
- D. All natural and man-made features encompassed by the zoning jurisdiction are included in the zoning district boundaries shown on the Official Zoning Map.
- E. Areas within the zoning jurisdiction that are not shown within a zoning district on the Official Zoning Map are deemed to be within the R-1 Single-Family Zoning District.

**04.05. Zoning District Boundaries**

The following rules shall apply when interpreting zoning district boundaries on the Official Zoning Map:

- A. District boundaries shall be interpreted as following lot lines or property parcel boundaries, unless otherwise indicated.
- B. District boundaries appearing to follow rights-of-way, easements, streams or bodies of water shall be interpreted as following the centerlines of said features, unless otherwise indicated. When any such feature is not within the boundaries of a zoning district, it shall be deemed to be in the zoning district of the abutting properties to its centerline, as drawn on the same bearing as the property lines that mark the extents of the abutting properties.
- C. District boundaries that do not coincide with another identifiable boundary shall be determined by the scale of the Official Zoning Map, unless an exact distance is shown.
- D. District boundaries that divide a lot of record, may be extended to the ownership boundaries by the Zoning Administrator, upon written request by the property owner of record. Such requests shall not apply in cases where the zoning district boundary will be extended more than twenty-five (25) feet.
- E. Where district boundaries divide a lot of record, they shall be parallel to a lot line and in no case shall they be allowed to divide any structure on that lot.

**04.06. General Provisions**

The following requirements shall apply, except as otherwise provided in these regulations.

**A. Conformance Required for By-Right Uses & Structures**

No lot or structure shall be occupied or designed for occupancy as a matter of right unless it is in conformance with the applicable provisions for by-right uses or structures of the zoning district in which it is located.

**B. Specific Use Standards**

No use or structure subject to the specific use standards of these regulations shall be established without being in conformance with the applicable standards.

**C. Conditional Uses**

1. No use or structure designated as a conditional use in any zoning district shall be established, except according to applicable provisions, processes and procedures of these regulations.
2. The authorization of a conditional use shall apply only to the specific structure or use approved and shall not transfer to other uses or structures designated as a conditional use without authorization according to these regulations.
3. Changes or modifications to a use or structure authorized by conditional use shall remain in compliance with the conditions and provisions of the conditional use permit, except those authorized according to these regulations.
4. Approved conditional uses shall remain authorized upon transfer of property ownership, provided they remain in full compliance with the original conditional use permit.



D. Conformance Required for Modifications

No use or structure shall be established, changed or altered without being in conformance with applicable lot size requirements, setback requirements, height requirements and bulk regulations, unless otherwise provided for in these regulations.

E. Offstreet Parking and Loading

1. No lot or structure shall be occupied or designed for occupancy without meeting the minimum requirements for offstreet parking and loading space provided in these regulations.
2. No use or structure shall be changed or altered without meeting the minimum requirements for offstreet parking and loading space for the modified use or structure provided in these regulations.

F. Allowed in All Districts

All of the following shall be allowed in all zoning districts, provided that none shall be established, expanded, changed or altered, except as in compliance with these regulations.

1. Accessory uses or structures
2. Temporary uses or structures
3. Home occupations
4. Signs
5. Offstreet parking and loading

G. Use Definitions & Determinations

1. The various uses governed by these regulations are defined in [Section 05](#). Such definitions shall be utilized for determining how the provisions of these regulations apply to a certain property, zoning lot, development, land use, structure, etc.
2. When an applicant's proposed use is undefined in [Section 05](#):
  - a. The Zoning Administrator shall provide a written determination of the appropriate definition for the proposed use, based on the most comparable defined use, which shall include explanations for the rationale behind the determination.
  - b. This written determination shall then apply for the purposes of regulating the proposed use and dictate the appropriate application, review, and approval procedures.
  - c. Written determinations of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA) in accordance with these regulations.

H. Primary Uses and Structures

1. Each zoning lot shall be allowed only one primary use and structure; all other uses or structures must be an allowed secondary, accessory or temporary use or structure, except:
  - a. Multi-family dwellings in the R-3 district.
  - b. Nursing, residential care and group homes allowed by-right or approved by conditional use in the indicated zoning districts.
  - c. When allowed in an approved PDO district.
2. A primary structure may be constructed over the interior lot lines of adjacent zoning lots having the same owner of record only when approved by conditional use. In such cases:
  - a. The structure is considered one building, subject to applicable provisions of these regulations and other City codes.
  - b. Such a structure shall be considered the primary structure for each zoning lot it occupies.
  - c. Each occupied lot shall be considered an individual zoning lot for the determination of setback and yard requirements, except that those with interior lot lines crossed by the structure. In such cases, side setbacks are not required for the side lot lines crossed and rear setbacks are not required for the rear lot lines crossed.

- d. Bulk regulations, lot size and lot coverage requirements shall be determined using the aggregate requirements for all zoning lots occupied by the structure.

I. Setbacks

1. Setback requirements for each zoning district shall apply to all uses and structures approved after the adoption of these regulations, except when:
  - a. Setbacks for a zoning lot have previously been established on an approved subdivision plat.
  - b. A deed restriction or other private instrument dictates a setback requirement greater than the applicable minimum for the zoning district.
  - c. A setback greater or less than the applicable minimum for the zoning district has been maintained on lots covering more than fifty percent (50%) of the block's street frontage. In such cases, the minimum required setback shall be the average setback distance of the existing structures, provided that no minimum setback shall be required greater than fifty (50) feet or less than twenty (20) feet.

J. Required Yards

1. A zoning lot with a by-right or approved conditional use, but having no structures shall maintain the required yards for the zoning district in which it is located and keep them free from obstructions. Public open spaces, parks, and recreation areas shall be exempt from this requirement.
2. Required yards shall be provided on the same zoning lot for which they are required.
3. No required yard shall be reduced below the minimum area provided in these regulations as a result of change or alteration to a use or structure, except by variance according to the provisions of these regulations.
4. Subject to City codes, the building code and other provisions of these regulations, the following obstructions are allowed as indicated within a required yard.
  - a. Allowed in any yard:
    - i. Open terraces or patios not exceeding four (4) feet in height.
    - ii. Awnings and canopies.
    - iii. Stairways, steps and wheelchair ramps necessary to access a property or structure.
    - iv. Fire escapes, bay windows, eaves, gutters, chimneys, window wells and wing walls that project less than two (2) feet into the yard.
    - v. Arbors and trellises.
    - vi. Flagpoles.
    - vii. Basketball goals.
    - viii. Required offstreet parking in A-1, B-1, C-1, I-1, and PDO zoning districts; and lots with primary use other than single-family residential located in R-3 zoning districts.
    - ix. Allowed accessory uses, except as otherwise prohibited by these regulations.
    - x. Fences, subject to applicable provisions of these regulations.
  - b. Allowed in any yard, except the front yard:
    - i. Children's play equipment, such as play houses, swings, slides and other play sets.
    - ii. Clothes lines.
    - iii. Required offstreet parking in R-1 and R-2 zoning districts; and lots with a single-family residential use located in R-3 zoning districts.
  - c. Allowed only in rear yards:
    - i. Jetted spas.
    - ii. In-ground swimming pools.
  - d. Other obstructions expressly allowed by these regulations.

5. The following obstructions are expressly prohibited within required yards.
  - a. Attached or detached garages and carports.
  - b. Covered or uncovered decks, patios, and porches.
  - c. Above-ground swimming pools.

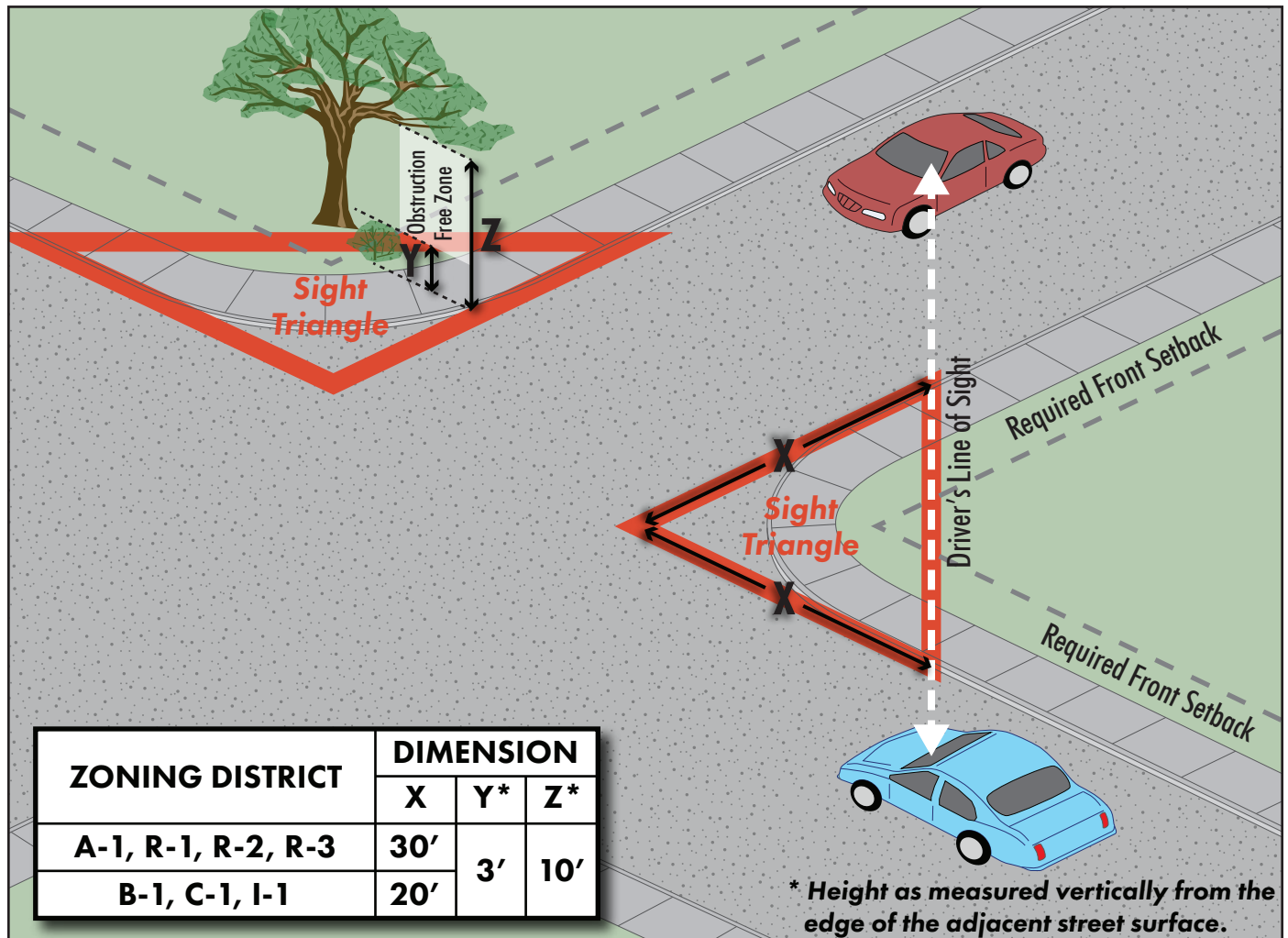
K. Non-Residential Site Access

Except for public rights-of-way and access easements, no land within a residential zoning district shall be used for a driveway, walkway or other access to a zoning lot located within a commercial or industrial zoning district.

L. Sight Triangle

1. No permanent or temporary obstructions are allowed within the sight triangle on corner lots between the height of three (3) feet and ten (10) feet as measured from the outside edge of the street surface, except for allowable obstructions placed by government agencies and utility providers. This is generally limited to traffic signs, utility equipment and other similar items.
2. No use or structure on corner lots shall be established, changed or altered if it will encroach the sight triangle.
3. Sight triangles shall be measured as shown in [Figure 4.1](#).

Figure 4.1 - Site Triangle Dimensions



**M. Height Exemptions**

The following structures are exempted from zoning district maximum height restrictions, except for such structures located within City of Rose Hill street rights-of-way, subject to applicable height provisions of [Article 9](#) or [Article 10](#), or as regulated by state or federal law.

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Freestanding Vertical Structures               <ol style="list-style-type: none"> <li>a. Electric Transmission Towers</li> <li>b. Flagpoles</li> <li>c. Grain Silos &amp; Elevators</li> <li>d. Water Towers/Tanks</li> <li>e. Wind Energy Conversion Systems</li> </ol> </li> <li>2. Freestanding Communication Structures               <ol style="list-style-type: none"> <li>a. Broadcast Towers</li> <li>b. Collocated Wireless Facilities</li> <li>c. Radio Antennas</li> <li>d. Wireless Communication Towers</li> </ol> </li> </ol> | <ol style="list-style-type: none"> <li>3. Integrated &amp; Attached Structures (including screening/housings)               <ol style="list-style-type: none"> <li>a. Bell Towers &amp; Carillons</li> <li>b. Chimneys &amp; Flues</li> <li>c. Cupolas &amp; Steeples</li> <li>d. Electric Service Components</li> <li>e. Elevator/Stair Enclosures</li> <li>f. Fire Escapes</li> <li>g. HVAC &amp; Ventilation Components</li> <li>h. Skylights &amp; Solar Panels</li> </ol> </li> </ol> |
|---|--|

**04.07. City Utility Connections**

All primary structures built after the adoption of these regulations shall be served by the City's sanitary sewer, potable water, and natural gas utilities, except as provided in zoning district regulations or approved by the City Council when such connections are not possible.

**04.08. Conditions of Approval**

- A. The following may be required as conditions of approval for any necessary authorizations governed by these regulations.
  1. Dedication of street rights-of-way.
  2. Easements for utilities, drainage, access, fire lanes, setback lines and other necessary public uses related to the purposes of these regulations.
  3. Construction, removal or replacement of public improvements necessary for development of the subject property.
  4. Platting or replatting the subject property to enact necessary dedications according to the City Subdivision Regulations; or another legal instrument in lieu of platting.
- B. Conditions of approval may be required regardless of ownership status of the subject property.
- C. A time limit not to exceed one year shall be placed upon all conditions of approval.
- D. When conditions of approval accompany a zoning authorization, the City Council shall withhold publication of the ordinance enacting such authorization until all conditions have been met.
- E. Failure to comply with the conditions of approval during the specified time limit, shall render the authorization null and void. No extensions of the time limit shall be provided without reapplication.

**04.09. Annexed Land**

Annexation of land into the City zoning jurisdiction may be initiated by the City Council or by property owner petition. To ensure due consideration of the appropriate zoning and adequate provision of municipal services for land to be annexed, the following shall apply.

- A. City Council Initiated Annexations
  1. Prior to annexation, the Zoning Administrator shall review the subject property and submit a report to the Planning Commission recommending an appropriate zoning district, which the Planning Commission shall consider.

2. If the Zoning Administrator recommends R-1 Single-Family Residential zoning and the Planning Commission concurs, upon completion of annexation proceedings the subject property shall be designated R-1, which is the most restrictive zoning district established in these regulations.
  3. If the Zoning Administrator recommends zoning other than R-1 Single-Family Residential or the Planning Commission does not concur with a recommendation of R-1, the Planning Commission shall file an application for the zoning district it deems appropriate.
    - a. The application shall be considered according the process established in these regulations and the Planning Commission shall provide a zoning recommendation to the City Council.
    - b. Upon approval by the City Council, the zoning ordinance shall be published only after annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.
- B. Property Owner Petitioned Annexations
1. In the annexation petition, the property owner shall indicate which zoning district designation is desired for the land being annexed.
  2. If the requested zoning is R-1, upon annexation into the City's zoning jurisdiction the subject property shall be designated as R-1, which is the most restrictive zoning district established in these regulations.
  3. If a zoning district other than R-1 is requested, the property owner shall file an application for the desired zoning district, which the Planning Commission shall considered according to the procedures established in these regulations.
  4. If the requested zoning is approved by the City Council, the zoning ordinance shall be published only when:
    - a. Annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.
    - b. All conditions of approval have been met.
- C. The City Council shall not approve any annexation of land into the zoning jurisdiction without first determining appropriate zoning of the subject property as provided in [Section 04.09.A](#) or [Section 04.09.B](#).

#### 04.10. Nonconforming Uses & Structures

- A. All legal nonconforming uses and structures shall maintain legal nonconforming status so long as they remain in the state in which they existed at the time of achieving nonconforming status.
- B. Any legal nonconforming use that has been abandoned for a period of six (6) consecutive months, shall not be reestablished or resumed. Any legal nonconforming structure that has been abandoned for a period of twelve (12) consecutive months shall not be reoccupied or modified in nonconformance. Any use established or structure occupied/alterd after that time shall only exist in conformance with these regulations.
- C. Any legal nonconforming structure that has been damaged by any means, except by flooding, to an extent greater than 50% (fifty percent) of its fair market value, shall not be reconstructed or replaced without meeting all requirements of these regulations.

#### 04.11. Floodplain Regulations

No use or structure shall be established, changed or altered within a floodplain identified on the Federal Emergency Management Agency's Flood Insurance Rate Maps without being subject to the City's Floodplain Regulations and applicable City Codes.

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## Article 05 Land Uses

### 05.01. Purpose

The purpose of this article is to define primary and secondary land uses and structures; differentiate between primary and secondary uses and structures; and identify which land uses and structures are allowed by-right, permitted by conditional use, and disallowed within each zoning district.

### 05.02. Primary Land Uses

This section defines primary land uses, after which is provided a table identifying allowed primary land uses in each zoning district. After each definition, North American Industry Classification System (NAICS) 2012 number(s) are provided in parentheses. The NAICS is a hierarchical numbering system used by Federal statistical agencies in classifying business establishments for a variety of uses related to the United States business economy. This number provides additional guidance as to the types of uses associated with the land use. These are not specific and not intended to restrict or allow uses identified in the NAICS. Not all uses include a NAICS number due to specific uses not having related NAICS numbers or uses are not deemed income-producing properties. Two digit numbers identify the industry sector, three digit numbers identify the industry sub-sector, four digit numbers identify the industry group, and five and six digit numbers identify the industry.

### Agricultural Land Uses

#### **General Agricultural Uses**

Animal & Livestock Production: Establishments primarily engaged in raising or fattening animals for sale of animals or animal products (112).

Crop Production: Establishments primarily engaged in growing or producing crops mainly for food and fiber (111).

Breeding Kennel: Establishments primarily engaged in providing breeding services for house pets and small animals allowed by City Code (11299).

Greenhouses & Hoop Houses: Establishments primarily engaged in growing and selling flowers, plants, fruits or vegetables that are wholly covered within a transparent or semi-transparent structure (1114).

Nurseries, & Orchards: Establishments primarily engaged in growing and selling trees, flowers, plants, fruits, vegetables or other vegetation that are grown in the open (1114).

### Residential Land Uses

#### **Single-Family Dwellings**

A detached single-family dwelling is a residential building containing not more than one (1) dwelling unit, and intended to be occupied by not more than one (1) family. An attached single-family dwelling has two (2) adjoining dwelling units, each unit intended to be occupied independently by one (1) family.

Duplexes: Attached single-family residential buildings having two (2) individual dwelling units on a single lot that share a common wall or floor. A duplex is owned by a single entity, but each dwelling unit is intended to be occupied independently by one (1) family.

Earth Sheltered Homes: Residential buildings designed to utilize earth as protection from the elements. They may be dug into the ground or have raised or mounded earth extending higher than the floor level on more than one (1) side of the building (not including basements).

Garden Homes: Attached single-family residential buildings designed for zero lot line development, having two (2) or more individual dwelling units, each unit intended to be owned and occupied independently by one (1) family. Each dwelling unit is on a separate lot with a common wall on the shared lot line.

**Manufactured or Mobile Homes:** Transportable, factory-built structures, designed to be used as a year-round residential dwelling. Mobile homes were built prior to the June 15, 1976 enactment of the National Manufactured Home Construction and Safety Standards Act. Manufactured homes were built after said date and are subject to its provisions. This shall not include "tiny homes" or other dwellings having no integrated wheeled framework. Such shall be regulated as recreational vehicles.

**Modular Homes:** References the construction method. Residential dwellings manufactured at a remote location, transported to the home site and installed on a permanent foundation. They are built utilizing assembly-line type production techniques or other methods unique to the manufacturing process.

**Patio Homes:** Detached single-family residential buildings designed for zero lot line development having one wall that rests on a side lot line, each lot under separate ownership.

**Residential-Design Manufactured Homes:** Manufactured homes defined as such by KSA 12-742(7), with a minimum of twenty-two (22) body feet in width placed on permanent foundations, and having a pitched roof, siding and roofing materials that are customarily used on site-built homes, and that comply with the architectural and aesthetic standards of this Code.

**Site-Built Homes:** References the construction method. Residential dwellings constructed on a foundation from basic materials delivered to the building site, without regard to the structure's gross floor area.

### **Multi-Family Dwellings**

**Apartments:** Multi-story residential buildings containing three (3) or more dwelling units, each unit intended to be occupied independently by one (1) family. Each unit is located above, below or adjacent to another dwelling unit. This definition shall include dormitories and similar uses (53111).

**Boarding Houses:** Residential buildings, typically a private home, that provide rooms for rent to individuals on a mid- to long-term (monthly or yearly) basis. These generally offer private sleeping quarters, but living areas and other rooms are shared spaces. They may be owner-occupied with rooms rented to unrelated individuals or they may be group living quarters that are not considered "Group Homes" as defined in KSA 12-736, et seq., including fraternity and sorority houses (7213).

**Group Homes:** Dwellings occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of the State of Kansas, and consistent with KSA 12-736, et seq. (6232).

**Townhomes:** Residential buildings with three (3) or more adjoining multi-story dwelling units, each unit intended to be occupied independently by one (1) family. Each unit shares a common vertical wall with at least one (1) other unit. Individual units in a townhome share common property outside of the building (53111).

**Triplexes & Quadplexes:** Residential buildings with three (3) or four (4) adjoining one-story dwelling units, each unit intended to be occupied independently by one (1) family. Each unit shares a common wall with at least one (1) other unit (53111).

### **Nursing & Residential Care Facilities**

**Assisted Living Facilities:** Group living quarters with on-site personal care services for elderly individuals or those needing limited personal care services, which has no on-site nursing care (623312).

**Continuing Care Facilities:** Group living quarters with on-site personal care services for elderly individuals or those needing personal care services, which also has on-site nursing care (623311).

**Nursing Care Facilities:** Establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services (6231).



**Residential Mixed Uses**

Live/Work Offices or Studios: A unit or units within a single building having defined residential and work spaces. Work spaces are restricted to allowed office-based uses and artistic and cultural uses.

Loft or Apartment in Commercial Building: A residential unit within a building primarily used for commercial purposes consistent with the zoning district in which it is located.

**Office Land Uses****Administration & Management Offices**

Business or Corporate Offices: Establishments used for the headquarters or administrative operations of a business or corporation (55).

Governmental or Institutional Offices: Establishments used for administrative operations of an institutional or governmental agency/organization (561).

**Medical & Health Offices**

Medical & Diagnostic Laboratories: Establishments that provide analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner (6215).

Medical Clinics: Establishments that provide outpatient health care services to ambulatory patients and having four (4) or more licensed medical professionals (621).

Medical Offices: Establishments that provide outpatient health care services to ambulatory patients and having three (3) or fewer licensed medical professionals (621).

**Professional & Technical Offices**

Accounting, Finance & Investment Services: Establishments that provide accounting, tax preparation, bookkeeping, billing, payroll, financial management, and investments services (522, 523, 5412).

Attorneys & Law Offices: Establishments of legal practitioners, lawyers or attorneys engaged in the practice of law, which may provide general expertise or practice specific areas of law, such as criminal, corporate, family and estate, patent, real estate, or tax law (5411).

Business Support & Consulting Services: Establishments that provide business support services, which may include routine functions traditionally conducted internally, research, assistance, or expert advice to businesses and other organizations (5416, 5614).

Design & Technical Professions: Establishments that provide planning and design activities, such as engineering, architecture, planning, landscape architecture, drafting, building inspection, geotechnical services, survey, and testing laboratories (5413, 5414, 5416).

Information Technologies: Establishments that use technology involving the development, maintenance, and use of computer systems, software, and data processing/distribution networks (51).

Insurance & Real Estate: Establishments that provide or service annuities or insurance policies, including related support activities such as sales, underwriting, investing premiums, or processing claims; establishments that provide professional real estate services including brokerage, sales agency, rental/leasing, property management, abstracting, title work, and appraisal services (5241, 5242, 531).

Travel Agencies: Establishments that act as agents in selling travel, tour, and accommodation services (5615).

**Other Office-Based Uses**

Corporate, Scientific & Government Campuses: Contiguous developments that contain a group of office and support uses by a single entity or group of entities united for a singular purpose, and utilized as a consolidated base of operations (55, 5416, 5417).

Multi-Tenant Office Buildings: Structures divided into separate units for conducting office-based activities having some shared common spaces for support functions (N/A).

Research & Development Laboratories: Establishments that conduct original investigation undertaken on a systematic basis to gain new knowledge, or apply research findings or scientific knowledge to create or improve products or processes (5417).

Veterinary Clinics (house pets): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat household pets exclusively and may include outdoor support facilities as allowed by these regulations (54194).

Veterinary Clinics (large animal): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat large animals and livestock, either exclusively or in addition to house pets and may include outdoor support facilities (54194).

## **Arts, Culture & Recreation Land Uses**

### **Arts & Culture Uses**

Arts or Crafts Studios & Galleries: Establishments that create, store, display, or sell works of art or individually crafted items (7115).

Libraries: Establishments that contain collections of books, periodicals, films, music, or similar items for people to use, borrow, study, and reference (51912).

Motion Picture Studios: Establishments that produce or distribute motion pictures, videos, television programs, or commercials or provide post-production and related services (5121).

Museums: Establishments that contain exhibits of historical, scientific, artistic, or cultural objects and may also store, research, clean, or restore such items (712).

Sound Recording Studios: Establishments that produce and distribute musical recordings, publish music, or provide sound recording and related services (5122).

Tattoo & Body Piercing Studios: Establishments that provide body tattooing and piercing services (812199).

Theaters, Motion Picture: Establishments that project motion pictures or videos onto a screen for viewing by a group of individuals assembled in a venue designed specifically for such purposes (51213).

Theaters, Performing Arts: Establishments that produce the performances of actors, singers, dancers, musical groups, or similar artists, and present the performances to a group of individuals assembled in a venue designed specifically for such purposes (7111).

### **Recreation & Sports Uses**

Amusement Arcades: Establishments that contain collections of coin-operated games or entertainment devices, board games, card games, and similar items used by individuals solely for recreation and not gambling purposes (71312).

Fitness Centers & Health Clubs: Indoor establishments that contain equipment and related facilities for individuals to engage in exercise or physical fitness activities (71394).

Golf Courses & Country Clubs: Establishments that contain golf courses, which may include associated driving ranges, retail sales, dining facilities, and other sports, fitness or recreational facilities (71391).

Horse Riding Stables: Indoor or outdoor establishments for equestrian instruction, practice, and competition including support facilities. This use includes rodeo grounds and facilities (71399).

Recreation, Sport & Amusement Centers: Establishments designed and equipped for conducting specific sports, leisure, fitness, and recreation activities or a variety of such activities in one location. This may include indoor and outdoor facilities either open to the public or operated on a membership basis. Such facilities often include one or more of the following: bowling alleys, video arcades, miniature golf, golf driving ranges, batting cages, go-cart tracks, carnival rides, swimming pools, ballfields, etc. (71399).

Shooting Ranges, Indoor: Indoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (71399).

Shooting Ranges, Outdoor: Outdoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (71399).

## **Commercial Service Land Uses**

### ***Automotive & Equipment Services***

Automotive Maintenance Shops: Establishments, not including tire shops, that provide only minor routine automotive maintenance services for passenger vehicle, such as oil & filter changes. Such businesses are not equipped to conduct minor or major repairs (8111).

Automotive Repair Shops: Establishments, including tire shops, that provide minor or major automotive repair services for passenger vehicles (8111).

Car Washes: Facilities used for cleaning, washing, waxing, or detailing of passenger vehicles (811192).

Commercial & Industrial Equipment Repair Shops: Establishments that repair or maintain commercial and industrial machinery/equipment, including sharpening or installing blades and saws or minor welding repairs (8113).

Construction & Heavy Equipment Repair Shops: Establishments that repair or maintain construction and heavy equipment, such as forklifts, backhoes, construction equipment, and mining machinery, dump trucks, and semi-trucks/trailers (81131).

Garden Equipment & Small Engine Repair Shops: Establishments that repair or maintain home and garden equipment, such as lawnmowers, trimmers, hand-held power tools, snow blowers, and similar equipment with small engines (811411).

RV, Camper & Trailer Repair Shops: Establishments that repair or maintain recreational vehicles, campers, and trailers (8111).

Semi-Truck/Trailer Washes: Establishments that wash semi-trucks/trailers or washout tank trailers (811192).

Tractor & Farm Implement Repair Shops: Establishments that repair or maintain farm tractors, combines, and similar agricultural machinery and equipment (81131).

### ***Business Support Services***

Business Service Centers: Establishments that provide mailbox rental and other postal and mailing services (except direct mail advertising); photocopying, duplicating, blueprinting, and other document copying services (but not bulk commercial printing services); and office support services, such as facsimile services, word processing services, on-site personal computer rental services, and office supply sales (56143).

Call Centers & Telemarketing Agencies: Establishments that conduct business, either for themselves or others, solely over the telephone on an incoming or outgoing basis including: call answering services; telemarketing; taking client orders; servicing customer accounts; soliciting contributions; providing information for products or services; and conducting surveys or polls (561422, 4541, 4543).

Credit Bureaus & Collection Agencies: Establishments that compile information on individuals or businesses, such as credit and employment histories, and provide that information to financial institutions, retailers, and others who evaluate creditworthiness; collecting payments for claims and remitting collected payments to clients (56145, 56144).

Data Processing Centers: Establishments that provide infrastructure for data processing/distribution services including web hosting, streaming services or application hosting, application service provisioning, mainframe facilities, automated data processing, and data entry services (5182).

Office Equipment Repair & Maintenance: Establishments that repair and maintain office electronics including computers, printers, copiers, and other similar equipment (811).

**Personal Care Services**

**Barber Shops & Beauty Salons:** Establishments that provide hair care services including cutting, trimming, styling, shampooing, coloring, or waving hair or shaving and trimming mens beards; providing facials; or applying makeup, not including permanent makeup (812111, 812112).

**Day Spas:** Establishments that provide health, beauty, and relaxation services; therapeutic or holistic treatments; any combination of personal care services (812199).

**Massage Therapists:** Establishments that provide body massage services offered by individuals with a appropriate documented education and credentials; and duly authorized by the Butler County Health Department to practice massage therapy (812199).

**Nail Salons:** Establishments that provide nail care services such as manicures, pedicures, painting, polishing, trimming, and similar services (812113).

**Tanning Salons:** Establishments that provide body tanning services and UV or spray equipment (812199).

**Personal & Household Services**

**Coin-Operated Laundries:** Establishments that provide coin-operated or similar self-service laundry equipment for customer use on the premises (81231).

**Dry Cleaning and Laundry Services:** Establishments that provide dry-cleaning, laundry, or other textile or garment cleaning services, typically with drop-off and pickup operations (81232).

**Household Items or Furnishings Repair & Maintenance:** Establishments that provide repair and service of household-type goods without retailing new goods (81149).

**Locksmith Shops:** Establishments that sell and service mechanical or electronic locking devices, safes, and security vaults including installation, repair, rebuilding, or adjusting services (561622).

**Personal Goods Repair & Maintenance:** Establishments that repair and service small personal goods not included in other personal and household services definitions, without retailing new goods (81149).

**Picture Framing Shops:** Establishments that provide cutting, assembling, and crafting of picture frames or providing picture framing services for customers (N/A).

**Tailors & Dressmakers:** Establishments that create custom-made clothing and apparel from patterns by cutting and sewing fabric; and make alterations to clothing and apparel owned by others (31521).

**Video Rental:** Establishments that rent prerecorded video media to individuals to view elsewhere (53223).

**Transient Lodging**

**Bed & Breakfast Inns:** Establishments that provide short-term (daily or weekly) lodging in a private home or accessory structure, typically located in a residential zoning district. Owners of the principal structure may or may not occupy the premises at the same time as guests. Meals may be included in the room rate. This includes using Airbnb, VRBO and similar services for rental/booking arrangements (721191).

**Campgrounds & RV Parks:** Establishments that operating sites to accommodate campers and their equipment, including tents, tent trailers, and recreational vehicles; and includes recreational vehicle parks and campgrounds and recreational and vacation camps (7212).

**Extended Stay Hotels:** Establishments that provide lodging for a fee on a per night, per week, or per month basis. Individual units are not intended for permanent residency, but may have kitchens/kitchenettes and separate living and sleeping areas (7211).

**Group Shelters:** Establishments that provide temporary or emergency shelter for individuals or families, in either private rooms or shared common spaces intended for temporary occupancy. This may include incidental social services, such as meals or counseling, provided to temporary occupants (624221).

**Hotels & Motels:** Establishments that provide short-term (daily or weekly) lodging in facilities known as hotels, motor hotels, resort hotels, and motels (72111).

**Misc. Commercial Services**

Auction Houses: Establishments that sell used merchandise by auction, not including vehicle and equipment auctions (453998).

Bail Bond Services: Establishments that provide bail bonding or bondsperson services (81299).

Banking Services: Establishments that accept deposits, lend funds from said deposits, provide extensions of credit, and the custody, loan, or exchange of money. Includes only establishments chartered by the State of Kansas or federal government as a bank, credit union, or similar financial institution (5221).

Boarding Kennels: Establishments that provide temporary short-term lodging for house pets owned by others and limited pet care services as allowed by City Code (81291).

Day Care Centers: Commercial day care establishments appropriately licensed by the Kansas Department of Health and Environment (KDHE) that provides care for more than ten (10) unrelated individuals for up to twelve (12) hours per day (62441).

Event Centers: Establishments that provide facilities on a rental basis for hosting private events, such as weddings, birthdays, and social gatherings. Such establishments may serve, or allow to be served by patrons, cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (72232).

Funeral Homes & Mortuaries: Establishments that prepare the dead for burial/interment and conduct funerals (81221).

Non-Banking Financial Services: Establishments that provide banking-type services or other financial services, but do not hold deposits and are not chartered by the State of Kansas or federal government. Typical services include check cashing, payday loans, car title loans, and money wiring (52232, 523, 525).

Pet Grooming Services: Establishments that provide pet grooming services (81291).

Taxidermy Studios: Establishments that provide taxidermy services (71151).

**Retail Land Uses****Automotive & Equipment Sales, Rental or Leasing**

Auto Rental Offices: Establishments that provide short-term vehicle rental/leasing without drivers, including passenger cars, motorcycles, scooters and pick-up trucks (53211, 53212).

Auto & Personal Vehicle Sales: Establishments that provide retail sales of new and used automobiles, motorcycles, light trucks, and passenger and cargo vans (4411, 4412).

Construction & Heavy Equipment Sales/Rental: Establishments that provide retail sales, rentals, and leasing of new and used construction equipment and other heavy equipment (44421).

Lawn & Garden Equipment Sales: Establishments that provide retail sales of new and used lawn and garden equipment and supplies (4442).

Tool & Equipment Rentals: Establishments that provide short-term rental of home and garden, construction, and similar equipment such as hand tools, power tools, and lawn care equipment (5323).

Tractor & Farm Implement Sales/Rental: Establishments that provide retail sales, rentals, and leasing of new and used tractors and farm implements and machinery (5323).

Truck, Trailer & RV Sales/Rental: Establishments that provide retail sales, rentals, and leasing of heavy trucks, box trucks, truck trailers, semi-trailers, utility trailers, or recreational vehicles (4412, 53212).

Vehicle & Equipment Auctions: Establishments that provide auction services for vehicles and other equipment that are typically owned by others (N/A).

**Building Material & Supply Sales**

Electrical, Heating or Plumbing Contractor Supply: Establishments that provide retail sales of specialized lines of new electrical, heating, and plumbing appliances, equipment, and materials (44419).

Flooring, Paint & Home Decor Stores: Establishments that provide retail sales of paint, wallpaper, building flooring materials, home decor items, and related supplies (44412, 442).

Hardware & Tool Stores: Establishments that provide retail sales of new hardware items, such as tools, fasteners, and builders' hardware. These may offer the incidental retail sale of general merchandise, construction materials, home, lawn and garden supplies. This may include temporary outdoor storage and display of goods for immediate sale (44413).

Home & Garden Centers: Establishments, typically associated with a national "big-box" retail chain, that provide retail sales of a variety of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include permanent outdoor storage and display of goods for immediate sale (44422, 44411).

Lumber Yards: Establishments that provide retail sales of lumber, which may be stored indoors or outdoors (44419).

**General & Specialty Retail**

Adult Retail Store: A sexually oriented establishment considered an adult bookstore, adult novelty store, or adult video store as defined in KSA 12-770, et seq. (N/A).

Antique Shops: Establishments that provide retail sales of used goods known as antiques, which were made earlier than the present period of time and have value because of considerable age (4533).

Book & Music Stores: Establishments that provide retail sales of new books and other reading material or music recordings (4533, 4512).

Cable or Satellite TV & Telecommunication Retail Stores: Establishments that provide retail sales of cable, satellite, or telecommunication services and associated merchandise (5171, 5174, 5179).

Cigar & Tobacco Product Shops: Establishments that provide retail sales of cigarettes, cigars, tobacco, pipes, e-cigarettes and other supplies for smoking or nicotine delivery (453991).

Clothing, Shoe & Apparel Stores: Establishments that provide retail sales of new clothing, clothing accessories, shoes, or apparel (4481, 4482, 4533).

Cosmetics & Beauty Supply Stores: Establishments that provide retail sales of cosmetics, perfumes, toiletries, and personal grooming products (44612).

Farm & Home Stores: Establishments that provide retail sales of new building materials and supplies, new lawn and garden equipment, or new general farm equipment, not including heavy machinery. This may include the outdoor storage and display of goods for immediate sale (4441, 4442).

Florists: Establishments that provide retail sales of cut flowers, floral arrangements, and potted plants purchased from others (4531).

Furniture & Home Appliance Stores: Establishment that provide retail sales of new furniture and home furnishings (442).

General Merchandise & Department Stores: Establishments that provide retail sales of new general merchandise, with a wide variety of goods available and no single line of merchandise line being predominant (452).

Gift, Novelty & Souvenir Shops: Establishments that provide retail sales of new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, or curios (45322).

Health Care & Medical Equipment Stores: Establishments that provide retail sales of health, personal, and medical equipment (446).

**Hobby Supply Shops:** Establishments that provide retail sales of new toys, games, hobby and craft supplies and materials (45112).

**Musical Instrument Stores:** Establishments that provide retail sales of new musical instruments, sheet music, and related supplies (45114).

**Office Supply & Stationary Stores:** Establishments that provide retail sales of new stationary, school supplies, office supplies, office equipment, office furniture, or office supplies (45321).

**Pawnshops:** Establishments that provide retail sales of general items and providing non-depository credit, pawn brokering, lending money upon personal property, pawns of pledges, or purchasing items at prices agreed upon at or before the time of such purchase (522298).

**Pet & Pet Supply Stores:** Establishments that provide retail sales of pets, pet food, and pet supplies (45391).

**Pharmacies & Drug Stores:** Establishments that provide retail sales of prescription and non-prescription drugs and medicines (44611).

**Resale & Thrift Shops:** Establishments, not including antique shops or pawnshops, that provide retail sales of a variety of used items, clothing or small household goods. Consignment sales may be offered. These may be operated by non-profit organizations, which gather, sort, and sell donated items on-site (4533).

**Sporting & Recreational Goods Stores:** Establishments that provide retail sales of new sporting goods and recreational equipment (45111).

**Supercenters & Warehouse Clubs:** Establishments, typically associated with a national "big-box" retail chain, that provide retail sales of a general line of groceries in combinations with general lines of new merchandise (45291).

### **Grocery, Food & Beverage Sales**

**Bakeries & Pastry Shops:** Establishments that provide retail sales of bread and other bakery products not for immediate consumptions made on the premises from flour, not prepared dough: or baked goods (44529, 311811).

**Beer, Wine & Liquor Stores:** Establishments that provide retail sales of packaged alcoholic beverages (4453).

**Convenience Stores:** Establishments that provide retail sales of a limited line of goods that generally includes milk, bread, soda, and snacks (44512).

**Grocery Stores & Supermarkets:** Establishments that provide retail sales of a general line of food products and miscellaneous general merchandise (44511).

**Health Food & Supplement Stores:** Establishments that provide retail sales of food supplement products such as vitamins, nutrition supplements, and body enhancing supplements (446191).

**Specialty Food Markets:** Establishments that provide retail sales of specialized lines of food (4452).

### **Restaurants & Drinking Establishments**

**Bars & Taverns:** Establishments that generate fifty percent (50%) or more of its income from preparing and serving cereal malt or alcoholic beverages for immediate consumption; and classified as a Class A or Class B club in KSA 41-2601, et seq., as amended (7224).

**Brewpubs:** Establishments that generate fifty percent (50%) or more of its income from cereal malt or alcoholic beverages brewed on-premise; and classified as a Class B club under KSA 41-2601, et seq., as amended (722511).

**Cafeterias & Buffets:** Establishments primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment (722513).



**Drive-In Restaurants:** Establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating and which provides primary service to people parked in their vehicles. Such establishments may not sell cereal malt or alcoholic beverages (722513).

**Full Service Restaurants:** Establishments that generate at least fifty percent (50%) of their income from food prepared on-premise, which is served to patrons who order while seated and pay after eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722511).

**Limited Service Restaurants:** Establishments that generate at least seventy-five percent (75%) of their income from food prepared on-premise, which is ordered and served to patrons who must pay before eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722513).

### **Misc. Retail Sales**

**Grain & Feed Stores:** Establishment that provide retail sales of farm supplies, such as crop seed, livestock supplies, and animal (non-pet) feed (44422).

**Manufactured Home Dealers:** Establishment that provide retail sales of new or used manufactured homes, parts, and equipment (45393).

**Multi-Tenant Lifestyle Centers:** Specialized shopping centers with a compatible mix of national chain specialty stores, dining, entertainment, and smaller retail, service, and office uses. Individual tenant units may be adjoined or detached, with entrances and circulation between units provided along the exterior of buildings (N/A).

**Multi-Tenant Shopping Malls:** Specialized shopping centers with a compatible mix of national chain specialty stores, dining, entertainment, and smaller retail, service, and office uses. Structures have interior common space providing circulation and direct access to individual tenant units (N/A).

**Multi-Tenant Strip Centers:** Shopping centers with street frontage having multiple tenants set side-by-side with adjoining walls and circulation between units provided along the exterior of the building. These typically include a compatible mix of retail, dining, entertainment, service, and office uses (N/A).

**Outdoor Markets:** Outdoor establishments that provide retail sales of a variety of merchandise and products. Some typical examples include farmer's markets and flea markets (44, 45).

**Swimming Pool Supply Stores:** Establishments that provide retail sales of swimming pool supplies, accessories, and chemicals (453998).

**Truck Stops:** Establishments that support the trucking industry, limited to on-premise fuel, accessory and convenience item sales; truck repair and washes; and restaurants (44512, 447190).

**Vehicle Fueling Stations:** Establishments primarily engaged in retail sales of automotive fuels (4471).

## **Industrial Land Uses**

### **Industrial Scale Non-Manufacturing**

**Commercial Laundry Operations:** Establishments that supply, on a rental or contract basis, laundered industrial work uniforms and related work clothing, treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels; or laundering services for such items (812332).

**Commercial Printing Operations:** Establishments that offer printing on apparel and textile products, paper, metal, glass, plastics, and other materials (323111, 323).

**Concrete & Asphalt Pavement Mixing Plants:** Establishments that measure, combine, and mix materials to create concrete or asphalt, but do not provide finished concrete or asphalt products (327, 32412).

**Liquid Waste Processing & Recycling:** Establishments that collect, treat, and dispose of liquid waste materials; operate materials recovery facilities; provide remediation services; and provide septic pumping and other miscellaneous waste management services (562).



Mulching & Composting Operations: Establishments that collect, store, and manage mulching and composting operations (325314).

Solid Recyclables Sorting & Processing: Establishments that operate facilities for separating and sorting nonhazardous recyclable materials or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories (562).

### **General Manufacturing & Assembly**

Aviation & Related Component Assembly: Establishments that manufacture or assemble aviation instruments, equipment, and related components (336).

Breweries, Wineries or Distilleries: Establishments that brew beer, ale, malt liquors, and nonalcoholic beer; manufacture or blend wines and brandies; or distill, blend, or mix potable liquors, spirits, and other alcoholic beverages. Such are typically produced for wholesale distribution with limited retail sales allowed on-premise (31212, 31213, 31214).

Clothing & Apparel Manufacturing: Establishments that manufacture or assemble clothing and other apparel from basic fiber (313, 314, 315).

Computer, Appliance & Electronic Products: Establishments that manufacture or assemble products that generate, distribute, or use electrical power. These include lighting; electrical appliances and parts; electric motors and components; electric generators and storage devices; computers; computer peripherals; communications equipment; and similar electronic products (334, 335).

Concrete, Clay & Glass Products: Establishments that manufacture or assemble products using concrete, clay, glass, or similar products (327).

Food Products & Non-Alcoholic Beverages: Establishments that transform livestock and agricultural products into products for intermediate or final consumption or the manufacturing of soft drinks, juices, or other nonalcoholic beverages (311, 3121).

Furnishings: Establishments that manufacture or assemble furniture from mass produced materials. Does not include craft workshops that produce custom furniture or refurbish furnishings one at a time (337).

Household & Personal Goods Manufacturing: Establishments that manufacture or assemble household goods, excluding furniture and electronics, or personal goods (32, 33).

Ice Manufacturing: Establishments that manufacture ice for wholesale distribution (312113).

Mechanical Component Manufacturing: Establishments that manufacture or assemble end products that apply mechanical force to perform work (333).

Medical Equipment & Supplies Manufacturing: Establishments that manufacture or assemble medical, dental, and surgical equipment, supplies, instruments, and appliances (33911).

Metal Products Assembly: Establishments that treat metal products or assemble them into intermediate or end products from metals fabricated elsewhere (332).

Metal Working, Tool & Dye or Welding Shops: Establishments that fabricate metal products, tool and dye items, or weld metals into intermediate or end products (332).

Plastic & Rubber Products Manufacturing: Establishments that manufacture or assemble new or spent plastics resins; or process natural, synthetic, or reclaimed rubber materials into intermediate or final products (3261, 3262).

Sign Fabrication & Manufacturing: Establishments that manufacture signs and related displays of all materials, except paper signs (33995).

Toy, Recreation & Sporting Goods Manufacturing: Establishments that manufacture items such as dolls, doll parts, doll clothes, action figures, toys, games, hobby kits, children's vehicles, sporting and athletic goods. This category does not include the manufacture of metal bicycles and tricycles or athletic apparel and footwear (33993, 33992).

Wood Product Manufacturing: Establishments that manufacture or assemble wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes, and prefabricated wood buildings (321).

### **Heavy Industries & Raw Materials Processing**

Chemical & Explosives Manufacturing: Establishments that produce basic chemicals, creating products by chemical processes, or manufacturing explosives (3259, 32592).

Concrete & Gypsum Manufacturing: Establishments that produce concrete building block, brick, and all types of precast and prefab concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, such as plasterboard (327).

Motor Vehicle & Heavy Equipment Manufacturing: Establishments that produce equipment for transporting people and goods or heavy-duty vehicles or other equipment designed for executing construction tasks (336).

Paper & Paper Products Manufacturing: Establishments that produce wood pulp, paper, paperboard, or converted paper products (322).

Petroleum & Natural Gas Extraction: Resource extraction establishments primarily engaged in the removal of petroleum and natural gas from the earth for economic use (211).

Petroleum, Coal & Asphalt Products Manufacturing: Establishments that transform crude petroleum and coal into usable products; manufacture asphalt and tar paving mixtures; produce roofing cements and coatings from asphaltic materials; or saturate mats and felts with asphalt or tar (324, 32412).

Pharmaceutical & Medicine Manufacturing: Establishments that manufacture biological and medicinal products; process botanical drugs and herbs; isolate active medicinal principals from botanical drugs and herbs; or manufacture pharmaceutical products intended for consumption/use (3254).

Plastic & Rubber Manufacturing: Establishments that process new or spent plastics or rubbers into intermediate or final products (3261, 32621).

Quarries & Mines: Resource extraction establishments engaged in mining, developing mines, or exploring for metallic minerals (ores) or coal and nonmetallic minerals (except fuels) for economic use (212).

Sand, Rock & Mineral Extraction Pits: Resource extraction establishments engaged in surface mining for the removal of sand, rock, and naturally occurring minerals from the earth for economic use (2123).

Sawmills: Establishments engaged in storage, sales, and milling of forest products, not including the cutting of firewood (321113).

Slaughterhouses and Animal Products Processing: Establishments that slaughter animals; prepare processed meats and meat byproducts; or render or refine animal fat, bones, and meat scraps (3116).

Textile & Carpet Mills: Establishments that transform basic fibers into products that are further manufactured into usable textile products, not including clothing or apparel (313, 314).

### **Wholesale Trade**

Importing, Exporting & Wholesale Trade: Establishments that import or export wholesale products; sell merchandise to retailers, industrial, commercial, institutional, farm, professional business users, or other wholesalers; or act as agents or brokers in buying or selling merchandise for others (42).

Wholesale Trade with Showroom: Establishments that import wholesale products; and sell imported wholesale merchandise to others directly or acting as agents; and offer a showroom for displaying or selling products (42).

Vending Machine Suppliers & Distributors: Establishments that supply or distribute machines that mechanically dispense consumer items; or supply or distribute items sold by vending machines (4542).

**Warehousing & Storage**

**Agricultural Product & Fertilizer Warehousing/Storage:** Establishments that store products, materials, or chemicals that used in livestock or agricultural production (N/A).

**Bulk Chemical, Explosives & Petroleum Storage:** Establishments that store chemicals, explosives, petroleum products or similar components (49319).

**Cold Storage & Refrigerated Warehousing:** Establishments that store commercial goods and materials requiring refrigeration or temperature control (49312).

**Commercial Livestock Feedlots:** Establishments that raise livestock or feed livestock for fattening (11211).

**Construction Contractor Yards:** Establishments that provide general contracting or subcontracting in the building construction trades. These include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles (2382).

**General Indoor Warehousing:** Establishments that store general commercial goods and materials inside of a building (49311).

**General Outdoor Storage:** Establishments that store general commercial goods and materials outside of a building (49311).

**Junk, Scrap & Salvage Yards:** Establishments that store, recycle, dismantle, or sell cast-off, used, scrap, or salvage materials, metals, automobiles, or similar items (562).

**Livestock Auction Barns:** Establishments that consign livestock for auction, which is open to public bidding or sold on a commission basis (42452).

**Self-Storage Units:** Establishments that rent/lease, separate secured units to individuals who self-store and retrieve personal items (53113).

**Vehicle & Equipment Storage Yards:** Establishments that store vehicles and other equipment for a fee, within a secured area enclosed and screened by a fence (49319).

**Transportation & Freight Uses**

**Airstrips, Airports & Heliports:** Establishments that provide landing and take-off facilities for aircraft, with t related support facilities and buildings (481).

**Commercial Parking Lots & Garages:** Establishments that provide offstreet parking stalls for motor vehicles, usually on an hourly, daily, or monthly basis, and may offer valet parking services. (81293).

**Couriers, Messengers & Local Delivery Services:** Establishments that provide intercity, local, or international delivery of parcels and documents (including express delivery services) without operating under a universal service obligation (492).

**Motor Vehicle Towing & Wrecker Services:** Establishments that provide towing services for light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services (48841).

**Public Transit & Charter Bus Terminals:** Establishments primarily used as terminals or major hubs for operating passenger ground transportation service, including fixed route service and on-demand service, for profit or by a public agency (485).

**Rail & Intermodal Freight & Transfer Yards:** Establishments used to transfer goods between different freight modes including trains and trucks, ships, or aircraft (482, 484).

**Taxi, Limousine & Shuttle Services:** Establishments that provide passenger transportation by automobile, van, limousine, or shuttle bus, which are not operated over regular routes and on regular schedules (4853).

**Trucking & Freight Terminals:** Establishments used to transfer freight from trucks or trains on a broad distribution network to vehicles that deliver directly to the final recipients (484).

### **Communication & Utility Land Uses**

**Broadcast Towers:** A freestanding monopole, lattice framework or guyed structure with equipment that transmits/ receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in 47 USC § 332 (c) and (d) (5151, 5179).

**Natural Gas & Petroleum Distribution:** Infrastructure, tanks, and aboveground equipment that support the underground transportation or delivery of natural gas or petroleum products (2212).

**Radio & Television Broadcasting Stations:** Establishments that operate broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs (5151).

**Utility Support Facilities & Substations:** Infrastructure, equipment, structures or land owned by a public agency or private utility that support the provision of organizational services or utilities, except managerial/ administrative functions; or facilities that connect utility transmission infrastructure to the distribution or collection network of a specific service area within the utility system. These are the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#). (22).

**Wireless Communications Towers:** Freestanding monopoles, self-supported structures or guyed structures capable of supporting transmission equipment for personal wireless communications, such as cellular voice/ data or other similar services as defined in 47 USC § 332 (c) - (d) (5172). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#).

### **Public & Institutional Land Uses**

**Arenas & Stadiums:** Facilities primarily for spectator-oriented gatherings including sporting events, attractions, performing arts, or similar assemblies. Includes stadiums, coliseums, arenas, field houses, race tracks (auto and animals), motorcycle racing and drag strips, and other sports considered commercial (7112).

**Cemeteries & Mausoleums:** Interment establishments that subdivide property into lots and offer burial plots for sale. Includes animal cemeteries; cemetery, mausoleum, and related facilities; and funeral parlors accessory to a cemetery or mausoleum (81222).

**Civic, Religious & Organizational Meeting Places:** Permanent venues designed for hosting gatherings or meetings of groups, congregations, institutions, or organizations (8131, 8132, 8133, 8134, 8139).

**Correctional Institutions:** Facilities generally designed and operated for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court (92214).

**Crematories:** Establishments that operate facilities where the dead are cremated (81222).

**Hospitals:** Establishments that provide medical, diagnostic, and treatment services that include physician, nursing, and other health services provided on an inpatient basis; and the specialized accommodation services required by inpatients (622).

**Outpatient Surgery & Treatment Centers:** Establishments that provide general and specialized outpatient services and care related to a treatment of a variety of medical and mental health issues including disorders, substance abuse, family planning, and HMOs (6214).

**Schools & Educational Campuses:** Individual buildings or groups of structures used to deliver educational services. Includes preschools, kindergartens, elementary schools, secondary schools, junior colleges, colleges, universities, professional schools, and military academies (6111, 6112, 6113).

**Technical Schools & Job Training Centers:** Establishments that provide vocational and technical training in a variety of technical subjects and trades (6115, 6114, 6116, 6117).

## 05.03. Table of Primary Uses by Zoning District

## Table Legend

"A" ALLOWED by-right in zoning district.

"C" Permitted by CONDITIONAL USE in zoning district.

"--" Use NOT ALLOWED in zoning district.

"X" NO APPLICABLE specific use standards.

p. # Page number where the use definition or applicable specific use standards are found.

Defined Primary Uses	Definition Page #	Zoning District							Specific Use Standards Page #
		A-1	R-1	R-2	R-3	B-1	C-1	I-1	
Agricultural Land Uses									
General Agricultural Uses									
Animal & Livestock Production	p. 21	A	--	--	--	--	--	--	X
Crop Production		A	--	--	--	--	--	--	X
Breeding Kennel		A	--	--	--	--	--	--	X
Greenhouses & Hoop Houses		A	--	--	--	--	A	A	X
Nurseries & Orchards		A	--	--	--	--	--	--	X
Undefined Agricultural Uses		Zoning Administrator written determination per Section 04.06.G.2							
Residential Land Uses									
Single-Family Dwellings									
Duplexes (SF Attached)	p. 21	--	C	A	A	--	--	--	p. 85
Earth Sheltered Homes (SF Detached)		A	C	--	--	--	--	--	
Garden Homes (SF Attached)		--	--	A	--	--	--	--	
Manufactured or Mobile Homes (SF Detached)	p. 22	C	--	--	--	--	--	--	X
Modular Homes (Construction Method)		A	A	A	A	--	--	--	X
Patio Home (SF Detached)		--	--	A	--	--	--	--	X
Residential-design Manufactured Homes (SF Detached)		A	A	A	A	--	--	--	X
Site-Built Homes (Construction Method)		A	A	A	A	--	--	--	X
Multi-Family Dwellings									
Apartments	p. 22	--	--	--	A	--	--	--	X
Boarding Houses		--	--	--	A	--	--	--	X
Group Homes		A	A	A	A	--	--	--	X
Townhomes		--	--	--	A	--	--	--	X
Triplexes & Quadplexes		--	--	--	A	--	--	--	X
Nursing & Residential Care Facilities									
Assisted Living Facilities	p. 22	--	--	--	A	A	A	--	X
Continuing Care Facilities		--	--	--	C	C	A	--	X
Nursing Care Facilities		--	--	--	C	C	A	--	X
Residential Mixed Uses									
Live/Work Offices or Studios	p. 23	--	--	--	A	A	--	--	X
Loft or Apartment in Commercial Building		--	--	--	--	A	--	--	X
Undefined Residential Uses		Zoning Administrator written determination per Section 04.06.G.2							
Office Land Uses									
Administration & Management Offices									
Business or Corporate Offices	p. 23	--	--	--	--	A	A	A	X
Governmental or Institutional Offices		--	--	--	--	A	A	A	X
Medical & Health Offices									
Medical & Diagnostic Laboratories	p. 23	--	--	--	--	--	A	--	X
Medical Clinics		--	--	--	--	C	A	--	X
Medical Offices		--	--	--	--	A	A	--	X
Professional & Technical Offices									
Accounting, Finance & Investment Services	p. 23	--	--	--	--	A	A	--	X
Attorneys & Law Offices		--	--	--	--	A	A	--	X
Business Support & Consulting Services		--	--	--	--	A	A	--	X
Design & Technical Professions		--	--	--	--	A	A	--	X
Information Technologies		--	--	--	--	A	A	--	X
Insurance & Real Estate		--	--	--	--	A	A	--	X
Travel Agencies		--	--	--	--	A	A	--	X

Defined Primary Uses	Definition Page #	Zoning District							Specific Use Standards Page #
		A-1	R-1	R-2	R-3	B-1	C-1	I-1	
<b>Other Office-Based Uses</b>									
Corporate, Scientific & Government Campuses	p. 23	--	--	--	--	--	A	A	X
Multi-Tenant Office Buildings	p. 24	--	--	--	--	A	A	--	X
Research & Development Laboratories		--	--	--	--	--	A	A	X
Veterinary Clinics (house pets)		--	--	--	--	A	A	--	X
Veterinary Clinics (large animal/livestock)		C	--	--	--	--	--	A	X
<b>Undefined Office Uses</b>	Zoning Administrator written determination per Section 04.06.G.2								
<b>Arts, Culture &amp; Recreation Land Uses</b>									
<b>Arts &amp; Culture Uses</b>									
Arts or Crafts Studios & Galleries	p. 24	--	--	--	--	A	A	--	X
Libraries		--	--	--	--	A	A	--	X
Motion Picture Studios		--	--	--	--	--	--	A	X
Museums		--	--	--	--	A	A	--	X
Sound Recording Studios		--	--	--	--	A	A	A	X
Tattoo & Body Piercing Studios		--	--	--	--	C	A	--	p. 85
Theaters, Motion Picture		--	--	--	--	--	A	--	X
Theaters, Performing Arts		--	--	--	--	--	A	--	X
<b>Recreation &amp; Sports Uses</b>									
Amusement Arcades	p. 24	--	--	--	--	A	A	--	X
Fitness Centers & Health Clubs		--	--	--	--	A	A	--	X
Golf Courses & Country Clubs		A	A	--	--	--	--	--	p. 85
Horse Riding Stables		A	--	--	--	--	--	--	X
Recreation, Sport & Amusement Centers	p. 25	--	--	--	--	A	A	A	p. 86
Shooting Ranges, Indoor		C	--	--	--	--	C	C	
Shooting Ranges, Outdoor		C	--	--	--	--	--	--	
<b>Undefined Arts, Culture &amp; Recreation Uses</b>	Zoning Administrator written determination per Section 04.06.G.2								
<b>Commercial Service Land Uses</b>									
<b>Automotive &amp; Equipment Services</b>									
Automotive Maintenance Shops	p. 25	--	--	--	--	A	A	A	X
Automotive Repair Shops		--	--	--	--	--	A	A	p. 87
Car Washes		--	--	--	--	A	A	A	
Commercial & Industrial Equipment Repair Shops		--	--	--	--	--	C	A	
Construction & Heavy Equipment Repair Shops		--	--	--	--	--	--	A	X
Garden Equipment & Small Engine Repair Shops		--	--	--	--	C	A	A	X
RV, Camper & Trailer Repair Shops		--	--	--	--	--	--	A	X
Semi-Truck/Trailer Washes		--	--	--	--	--	--	A	X
Tractor & Farm Implement Repair Shops		--	--	--	--	--	--	A	X
<b>Business Support Services</b>									
Business Service Centers	p. 25	--	--	--	--	A	A	--	X
Call Centers & Telemarketing Agencies		--	--	--	--	C	A	--	X
Credit Bureaus & Collection Agencies		--	--	--	--	C	A	--	X
Data Processing Centers		--	--	--	--	C	A	--	X
Office Equipment Repair & Maintenance		--	--	--	--	A	A	A	X
<b>Personal Care Services</b>									
Barber Shops & Beauty Salons	p. 26	--	--	--	--	A	A	--	X
Day Spas		--	--	--	--	A	A	--	X
Massage Therapists		--	--	--	--	A	A	--	X
Nail Salons		--	--	--	--	A	A	--	X
Tanning Salons		--	--	--	--	A	A	--	X
<b>Personal &amp; Household Services</b>									
Coin-Operated Laundries	p. 26	--	--	--	--	A	A	--	X
Dry Cleaning and Laundry Services		--	--	--	--	A	A	--	X
Household Items or Furnishings Repair & Maintenance		--	--	--	--	A	A	--	X
Locksmith Shops		--	--	--	--	A	A	--	X
Personal Goods Repair & Maintenance		--	--	--	--	A	A	--	X
Picture Framing Shops		--	--	--	--	A	A	--	X
Tailors & Dressmakers		--	--	--	--	A	A	--	X
Video Rental		--	--	--	--	A	A	--	X

Defined Primary Uses	Definition Page #	Zoning District							Specific Use Standards Page #	
		A-1	R-1	R-2	R-3	B-1	C-1	I-1		
<b>Transient Lodging</b>										
Bed & Breakfast Inns	p. 26	C	C	--	A	A	A	--	X	
Campgrounds & RV Parks		C	--	--	--	--	--	--	X	
Extended Stay Hotels		--	--	--	--	A	A	--	X	
Group Shelters		--	--	--	--	C	A	--	X	
Hotels & Motels		--	--	--	--	A	A	--	X	
<b>Misc. Commercial Services</b>										
Auction Houses	p. 27	--	--	--	--	--	A	A	X	
Bail Bond Services		--	--	--	--	A	A	A	X	
Banks & Credit Unions		--	--	--	--	A	A	--	X	
Boarding Kennels		A	--	--	--	--	C	A	p. 87	
Day Care Centers		--	--	--	--	A	A	--	X	
Event Centers		--	--	--	--	C	A	--	X	
Funeral Homes & Mortuaries		--	--	--	--	A	A	--	X	
Non-Banking Financial Services		--	--	--	--	C	A	--	X	
Pet Grooming Services		--	--	--	--	A	A	--	X	
Taxidermy Studios		--	--	--	--	A	A	--	X	
<b>Undefined Commercial Services</b>		Zoning Administrator written determination per Section 04.06.G.2								
<b>Retail Land Uses</b>										
<b>Automotive &amp; Equipment Sales, Rental or Leasing</b>										
Auto Rental Offices	p. 27	--	--	--	--	A	A	A	p. 87	
Auto & Personal Vehicle Sales		--	--	--	--	--	A	A		
Construction & Heavy Equipment Sales/Rentals		--	--	--	--	--	--	A		
Lawn & Garden Equipment Sales		--	--	--	--	--	A	A		
Tool & General Equipment Rentals		--	--	--	--	--	A	A		
Tractor & Farm Implement Sales/Rentals		C	--	--	--	--	--	A		
Truck, Trailer & Recreational Vehicle Sales/Rentals		--	--	--	--	--	C	A		
Vehicle & Equipment Auctions		--	--	--	--	--	--	A		
<b>Building Material &amp; Supply Sales</b>										
Electrical, Heating or Plumbing Contractor Supply	p. 28	--	--	--	--	--	A	A	X	
Flooring, Paint & Home Decor Stores		--	--	--	--	A	A	A	X	
Hardware & Tool Stores		--	--	--	--	A	A	A	X	
Home & Garden Centers		--	--	--	--	--	A	A	p. 88	
Lumber Yards		--	--	--	--	--	A	A	X	
<b>General &amp; Specialty Retail Sales</b>										
Adult Retail Store	p. 28	--	--	--	--	--	C	A	p. 88	
Antique Shops		--	--	--	--	A	A	--	X	
Book & Music Stores		--	--	--	--	A	A	--	X	
Cable or Satellite TV & Telecommunication Retail Stores		--	--	--	--	A	A	--	X	
Cigar & Tobacco Product Shops		--	--	--	--	A	A	--	X	
Clothing, Shoe & Apparel Stores		--	--	--	--	A	A	--	X	
Cosmetics & Beauty Supply Stores		--	--	--	--	A	A	--	X	
Farm & Home Stores		C	--	--	--	--	A	A	X	
Florists		--	--	--	--	A	A	--	X	
Furniture & Home Appliance Stores		--	--	--	--	--	A	--	X	
General Merchandise & Department Stores		--	--	--	--	C	A	--	X	
Gift, Novelty & Souvenir Shops		--	--	--	--	A	A	--	X	
Health Care & Medical Equipment Stores		--	--	--	--	A	A	--	X	
Hobby Supply Shops		p. 29	--	--	--	--	A	A	--	X
Musical Instrument Stores			--	--	--	--	A	A	--	X
Office Supply & Stationary Stores	--		--	--	--	A	A	--	X	
Pawnshops	--		--	--	--	--	A	A	X	
Pet & Pet Supply Stores	--		--	--	--	A	A	A	X	
Pharmacies & Drug Stores	--		--	--	--	A	A	--	X	
Resale & Thrift Shops	--		--	--	--	A	A	--	X	
Sporting & Recreational Goods Stores	--		--	--	--	A	A	--	X	
Supercenters & Warehouse Clubs	--	--	--	--	--	A	A	X		



Defined Primary Uses	Definition Page #	Zoning District							Specific Use Standards Page #
		A-1	R-1	R-2	R-3	B-1	C-1	I-1	
<b>Grocery, Food &amp; Beverage Sales</b>									
Bakeries & Pastry Shops	p. 29	--	--	--	--	A	A	--	X
Beer, Wine & Liquor Stores		--	--	--	--	A	A	--	X
Convenience Stores		--	--	--	--	A	A	--	X
Grocery Stores & Supermarkets		--	--	--	--	A	A	--	X
Health Food & Supplement Stores		--	--	--	--	A	A	--	X
Specialty Food Markets		--	--	--	--	A	A	--	X
<b>Restaurants &amp; Drinking Establishments</b>									
Bars & Taverns	p. 29	--	--	--	--	A	A	--	p. 88
Brewpubs		--	--	--	--	C	A	--	
Cafeterias & Buffets		--	--	--	--	A	A	--	
Drive-In Restaurants	p. 30	--	--	--	--	C	A	--	X
Full Service Restaurants		--	--	--	--	A	A	--	X
Limited Service Restaurants		--	--	--	--	A	A	--	X
<b>Misc. Retail Uses</b>									
Grain & Feed Stores	p. 30	--	--	--	--	--	C	A	X
Manufactured Home Dealers		--	--	--	--	--	C	A	X
Multi-Tenant Lifestyle Center		--	--	--	--	--	A	--	p. 89
Multi-Tenant Shopping Mall		--	--	--	--	--	A	--	
Multi-Tenant Strip Center		--	--	--	--	A	A	--	
Outdoor Markets		C	--	--	--	C	C	A	X
Swimming Pool Supply Stores		--	--	--	--	A	A	--	
Truck Stops		--	--	--	--	--	C	A	
Vehicle Fueling Stations		--	--	--	--	A	A	A	p. 90
<b>Undefined Retail Uses</b>									
Zoning Administrator written determination per Section 04.06.G.2									
<b>Industrial Land Uses</b>									
<b>Industrial Scale Non-Manufacturing</b>									
Commercial Laundry Operations	p. 30	--	--	--	--	--	--	A	X
Commercial Printing Operations		--	--	--	--	--	--	A	X
Concrete & Asphalt Pavement Mixing Plants		--	--	--	--	--	--	C	X
Liquid Waste Processing & Recycling		--	--	--	--	--	--	C	X
Mulching & Composting Operations	p. 31	--	--	--	--	--	--	A	X
Solid Recyclables Sorting & Processing		--	--	--	--	--	--	C	X
<b>General Manufacturing &amp; Assembly</b>									
Aviation & Related Component Assembly	p. 31	--	--	--	--	--	--	A	X
Breweries, Wineries or Distilleries		--	--	--	--	--	--	A	X
Clothing & Apparel Manufacturing		--	--	--	--	--	--	A	X
Computer, Appliance & Electronic Products		--	--	--	--	--	--	A	X
Concrete, Clay & Glass Products		--	--	--	--	--	--	A	X
Food Products & Non-Alcoholic Beverages		--	--	--	--	--	--	A	X
Furnishings		--	--	--	--	--	--	A	X
Household & Personal Goods Manufacturing		--	--	--	--	--	--	A	X
Ice Manufacturing		--	--	--	--	--	--	A	X
Mechanical Component Manufacturing		--	--	--	--	--	--	A	X
Medical Equipment & Supplies Manufacturing		--	--	--	--	--	--	A	X
Metal Products Assembly		--	--	--	--	--	--	A	X
Metal Working, Tool & Dye or Welding Shops		--	--	--	--	--	--	A	X
Plastic & Rubber Products Manufacturing		--	--	--	--	--	--	A	X
Sign Fabrication & Manufacturing		--	--	--	--	--	--	A	X
Toy, Recreation & Sporting Goods Manufacturing		--	--	--	--	--	--	A	X
Wood Product Manufacturing	p. 32	--	--	--	--	--	--	A	X
<b>Heavy Industries &amp; Raw Materials Processing</b>									
Chemical & Explosives Manufacturing	p. 32	--	--	--	--	--	--	C	X
Concrete & Gypsum Manufacturing		--	--	--	--	--	--	C	X
Motor Vehicle & Heavy Equipment Manufacturing		--	--	--	--	--	--	A	X
Paper & Paper Products Manufacturing		--	--	--	--	--	--	C	X
Petroleum & Natural Gas Extraction		--	--	--	--	--	--	C	p. 91
Petroleum, Coal & Asphalt Products Manufacturing		--	--	--	--	--	--	C	X



Defined Primary Uses	Definition Page #	Zoning District							Specific Use Standards Page #	
		A-1	R-1	R-2	R-3	B-1	C-1	I-1		
Heavy Industries & Raw Materials Processing (continued)										
Pharmaceutical & Medicine Manufacturing	p. 32	--	--	--	--	--	--	C	X	
Plastic & Rubber Manufacturing		--	--	--	--	--	--	C	X	
Quarries & Mines		--	--	--	--	--	--	C	p. 92	
Sand, Rock & Mineral Extraction Pits		--	--	--	--	--	--	C		
Sawmills		--	--	--	--	--	--	C	p. 93	
Slaughterhouses and Animal Products Processing		--	--	--	--	--	--	C	X	
Textile & Carpet Mills		--	--	--	--	--	--	C	X	
Wholesale Trade										
Importing, Exporting & Wholesale Trade	p. 32	--	--	--	--	--	--	A	X	
Wholesale Trade with Showroom		--	--	--	--	C	A	A	X	
Vending Machine Suppliers & Distributors		--	--	--	--	--	C	A	X	
Warehousing & Storage										
Agricultural Product & Fertilizer Warehousing/Storage	p. 33	C	--	--	--	--	--	C	X	
Bulk Chemical, Explosives & Petroleum Storage		--	--	--	--	--	--	C	X	
Cold Storage & Refrigerated Warehousing		--	--	--	--	--	--	A	X	
Commercial Livestock Feedlots		--	--	--	--	--	--	--	X	
Construction Contractor Yards		--	--	--	--	--	C	A	X	
General Indoor Warehousing		--	--	--	--	--	--	A	X	
General Outdoor Storage		--	--	--	--	--	--	A	X	
Junk, Scrap & Salvage Yards		--	--	--	--	--	--	C	p. 93	
Livestock Auction Barns		C	--	--	--	--	--	A	X	
Self-Storage Units		--	--	--	--	--	C	A	A	p. 93
Vehicle & Equipment Storage Yards		--	--	--	--	--	--	A		
Transportation & Freight Uses										
Airstrips, Airports & Heliports	p. 33	C	--	--	--	--	--	C	X	
Commercial Parking Lots & Garages		--	--	--	--	--	A	A	A	X
Couriers, Messengers & Local Delivery Services		--	--	--	--	--	--	C	A	X
Motor Vehicle Towing & Wrecker Services		--	--	--	--	--	--	--	A	X
Public Transit & Charter Bus Terminals		--	--	--	--	--	--	A	A	X
Rail & Intermodal Freight & Transfer Yards		--	--	--	--	--	--	--	C	X
Taxi, Limousine & Shuttle Services		--	--	--	--	--	C	A	A	X
Trucking & Freight Terminals		--	--	--	--	--	--	--	A	X
Undefined Industrial Uses										
Zoning Administrator written determination per Section 04.06.G.2										
Communication & Utility Land Uses										
Broadcast Towers	p. 34	C	--	--	--	--	C	C	A	p. 94
Natural Gas & Petroleum Distribution		C	--	--	--	--	--	--	A	X
Radio & Television Broadcasting Stations		C	--	--	--	--	C	A	A	X
Utility Support Facilities & Substations		C	C	C	C	C	C	C	A	X
Wireless Communication Towers		C	C	C	C	C	C	C	A	p. 94
Undefined Communication & Utility Uses										
Zoning Administrator written determination per Section 04.06.G.2										
Public & Institutional Land Uses										
Arenas & Stadiums	p. 34	C	--	--	--	--	--	C	C	p. 95
Cemeteries & Mausoleums		C	--	--	--	--	--	--	--	X
Civic, Religious & Organizational Meeting Places		C	C	--	--	C	A	A	--	X
Correctional Institutions		--	--	--	--	--	--	--	C	X
Crematories		--	--	--	--	--	C	C	A	X
Hospitals		--	--	--	--	--	--	A	--	X
Outpatient Surgery & Treatment Centers		--	--	--	--	--	--	A	--	X
Schools & Educational Campuses		C	C	--	--	C	C	A	--	p. 95
Technical Schools & Job Training Centers		C	--	--	--	--	C	A	A	
Undefined Public & Institutional Uses										
Zoning Administrator written determination per Section 04.06.G.2										

#### 05.04. Secondary Land Uses

Secondary land uses or structures are clearly subordinate to the primary land use or structure, and located on the same zoning lot as the primary land use or structure. Wireless facilities as defined in [Section 03.03](#) are regulated as secondary uses when located within the public right-of-way. This section defines secondary land uses, after which is provided a table identifying allowed secondary land uses in each zoning district.

**Accessory Apartments:** Accessory use residential units that are detached from a principal single-family residential unit that includes living and sleeping spaces, kitchen(s), and bathroom(s) and may be rented separately from the primary building.

**Adult Entertainment:** Any sexually oriented business activity defined in KSA 12-770, which occurs in a motion picture theater, bar, tavern, or full service restaurant as defined in [Section 05.02](#). Such an establishment wherein a sexually oriented activity occurs shall be regulated as an adult entertainment use according to [Section 05.05](#) and subject to all applicable requirements. No sexually oriented business activity defined in KSA 12-770 shall be allowed in conjunction with any use not defined herein.

**Broadcast Towers:** A freestanding monopole, lattice framework or guyed structure with equipment that transmits/ receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in 47 USC § 332 (c) and (d).

**Car Washes:** Structures or use for cleaning or detailing motor vehicles, whether self-service or automated, where the car wash is not the primary use on the zoning lot.

**Collocated Wireless Facilities:** Wireless facilities installed on or attached to an existing structure as defined in [Section 03.03](#).

**Concrete & Asphalt Pavement Mixing Plants:** Temporary structures at a construction site used for the mixing of concrete or asphalt, which is intended to be used at the site.

**Construction Administration Trailers:** Temporary structures located at a construction site for the administration of activities associated with the construction activities at the site.

**Detached Residential Carports & Garages:** Structures considered either a carport or garage as defined in [Section 03.03](#) that are unattached to a principal residential structure.

**Detached Structures for Home Occupations:** A detached structure used for conducting business activities associated with a home occupation.

**Distributed Antenna Systems:** Infrastructure networks that distribute radio frequency signals from transceivers at a central hub site to remote antenna nodes deployed throughout a specific coverage area to personal wireless communication devices.

**Drive-Thru Banking Services & ATMs:** Facilities that are part of a banking-type establishment, which are designed to allow drivers to remain in their vehicles when obtaining service from the establishment, or a machine that provides banking-type transaction services in or outside of a building.

**Drive-Thru Windows, Services & Retail Sales:** Facilities that are part of a retail or service establishment, not including restaurants, which are designed to allow drivers to remain in their vehicles when obtaining service or goods from the establishment.

**Drive-Thru Windows, Restaurants:** Facilities that are part of a restaurant, which are designed to allow drivers to remain in their vehicles when obtaining service or goods from a restaurant.

**Fuel Pumps:** Structures or use for the retail sale automotive fuel, where the sale of fuel is not the primary use of the zoning lot.

**Garbage Dumpsters & Liquid Waste Containers:** Dumpsters or containers for the temporary storage of solid or liquid waste, or recyclable materials.

**Guard & Security Booths:** Structure that are used for operations related to controlling access, or which houses persons who control access, to a property or development.

**Guest Homes & Pool Houses:** Accessory structures that supplement the living space of a primary single-family residence. They may contain temporary living and sleeping spaces, including bathrooms, but shall not contain kitchens (rooms for preparing and cooking meals with ranges, stoves, ovens). These structures shall not be rented separately from the main building or otherwise used for permanent residential purposes.

**Institutional Day Care:** Any day care appropriately licensed by KDHE located on the campus of a legally recognized educational institution or religious organization, which is operated by that same organization.

**Neighborhood Clubhouses & Swimming Pools:** Structures or swimming pools that are provided, owned, and maintained by an organization of the residents of subdivision or group of subdivisions; and are solely for the recreational use of organization members and their guests.

**Non-Commercial Farm Animal Keeping:** Raising or keeping of farm animals for personal use, which are for personal use and not intended to be commercially sold or distributed.

**Non-Commercial Greenhouses:** Structures primarily used for growing crops, trees, flowers, or other vegetation, which are for personal use and not intended to be commercially sold or distributed.

**Onsite Wind Energy Conversion Systems:** Equipment that uses a turbine or rotor to convert wind into usable electric energy distributed non-commercially to structures within the same lot or subdivision.

**Outdoor Display of Retail Merchandise for Sale:** The temporary display of goods ready for immediate sale, typically arranged in an orderly and attractive manner to induce purchase.

**Outdoor Festivals, Carnivals & Gatherings:** Temporary festivals, carnivals, social gatherings, or similar activities, which are not within a structure.

**Outdoor Kennel Runs & Play Yards:** Fenced or enclosed outdoor areas associated with a dog breeding or boarding kennel primary use, which provide space for animal exercise and play. Runs are typically attached to an indoor space housing an individual animal, whereas play yards are typically unattached and enclose an area large enough for multiple animals.

**Outdoor Markets:** Temporary retail sale of goods, which is not within a structure.

**Outdoor Storage of Retail Merchandise Stock:** Temporary or seasonal on-premise storage of retail stock that is not displayed for immediate sale.

**Shared & Off-Premise Parking:** Offstreet parking facilities located on a zoning lot other than the primary use it serves. Shared or off-premise parking shall only be allowed as provided in [Article 07](#).

**Small Cell Facilities:** Wireless facilities having: (A) antennas that occupy no more than six (6) cubic feet in volume, whether enclosed or exposed to the elements, and (B) having primary equipment enclosures no larger than seventeen (17) cubic feet in volume or a larger enclosure excluded from such limitations pursuant to 54 USC § 306108. Accessory equipment as defined in [Section 03.03](#) may be located outside primary equipment enclosures and shall be excluded from the from the size limit calculation.

**Storage Sheds:** Permanent or temporary structures used for general storage, not including vehicle storage.

**Unattended Donation Boxes:** Boxes or containers used to collect donated clothing and household goods, which do not require on-premise human operation.

**Utility Support Facilities:** Structures that shelter equipment or infrastructure associated with a public or private utility, which are not the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#).

**Vehicle Maintenance & Repair Garages:** Structures used for the maintenance and repair of motor vehicles.

**Wireless Communication Towers:** Freestanding monopoles, self-supported structures or guyed structures capable of supporting transmission equipment for personal wireless communications, such as cellular voice/data or other similar services as defined in 47 USC § 332 (c) - (d) (5172). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#).

**05.05. Table of Secondary Uses & Structures by Zoning District****Table Legend**

"A" Use/structure ALLOWED by-right in zoning district.

"X" NO APPLICABLE specific use standards.

"C" Use/structure permitted by CONDITIONAL USE in zoning district.

p. # Page number where the use/structure definition or applicable specific use standards are found.

"--" Use/structure is NOT ALLOWED in zoning district.

"T" May be permitted as a TEMPORARY use/structure in zoning district.

Defined Secondary Uses/Structures		Definition Page #	Zoning District							Specific Use Standards Page #
			A-1	R-1	R-2	R-3	B-1	C-1	I-1	
	Adult Entertainment	p. 40	--	--	--	--	--	C	A	p. 95
	Accessory Apartments		C	C	C	A	--	--	--	X
	Broadcast Towers		C	--	--	--	C	C	C	p. 93
	Car Washes		C	--	--	--	C	C	A	p. 87
	Collocated Wireless Facilities		A	A	A	A	A	A	A	X
T	Concrete & Asphalt Pavement Mixing Plants		--	--	--	--	--	--	C	p. 96
T	Construction Administration Trailers		--	--	--	--	--	C	C	X
	Detached Residential Carports & Garages		A	A	A	A	--	--	--	p. 97
	Detached Structures for Home Occupations		--	--	--	--	--	--	--	
	Distributed Antenna Systems		C	C	C	C	C	C	C	p. 98
	Drive-Thru Banking Services & ATMs		--	--	--	--	A	A	--	
	Drive-Thru Windows, Services & Retail Sales		--	--	--	--	A	A	--	
	Drive-Thru Windows, Restaurants		--	--	--	--	A	A	--	p. 90
	Fuel Pumps		--	--	--	--	A	A	A	
	Garbage Dumpsters & Liquid Waste Containers		C	--	--	A	A	A	A	p. 98
	Guard & Security Booths		--	C	C	C	--	A	A	
	Guest Homes & Pool Houses		C	C	--	--	--	--	--	X
	Institutional Day Care		C	C	--	C	A	A	--	
	Neighborhood Clubhouses & Swimming Pools		--	C	C	C	--	--	--	p. 99
	Non-Commercial Farm Animal Keeping		A	--	--	--	--	--	--	X
	Non-Commercial Greenhouses & Hoop Houses		A	C	--	C	--	--	--	p. 99
	Onsite Wind Energy Conversion Systems		C	C	C	C	C	C	C	
	Outdoor Display of Retail Merchandise for Sale	--	--	--	--	A	A	A	p. 100	
T	Outdoor Festivals, Carnivals & Gatherings	C	C	C	C	C	C	C	p. 101	
	Outdoor Kennel Runs & Play Yards	A	--	--	--	--	--	C		
T	Outdoor Markets	C	--	--	--	C	C	C	p. 89	
T	Outdoor Storage of Retail Merchandise Stock	--	--	--	--	--	C	C	p. 102	
	Shared & Off-Premise Parking	--	--	--	--	C	C	C	p. 53*	
	Small Cell Facilities	C	C	C	C	C	C	C	p. 97	
T	Storage Sheds	A	A	A	--	C	C	A	p. 102	
T	Unattended Donation Boxes	--	--	--	--	A	A	A		
	Utility Support Facilities	A	A	A	A	A	A	A		
	Vehicle Maintenance & Repair Garages	--	--	--	--	C	A	A	p. 87	
	Wireless Communication Towers	C	C	C	C	C	C	C	p. 94	
	Accessory Uses Not Otherwise Listed	p. 5	A	A	A	A	A	A	p. 102	
Undefined Secondary Uses/Structures		Zoning Administrator written determination per Section 04.06.G.2								

\* Applicable standards for this use are defined in [Article 07](#) Offstreet Parking & Loading. In addition to conditional use, shared and off-premise parking may be allowed in conjunction with an approved PDO zoning district.

## Article 06      Zoning District Regulations

### 06.01. Purpose

The purpose of this article is to describe the applicable regulations and requirements for property development within each zoning district, allowed by-right or permitted by conditional use, as specified in [Section 05.03](#) Table of Primary Uses by Zoning District and [Section 05.05](#) Table of Secondary Uses & Structures by Zoning District.

### 06.02. “A-1” Agricultural District

It is the intent of this district to protect existing agricultural and low density residential land uses while preserving opportunities for future growth by controlling land uses and development density.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Minimum Lot Area: Three (3) acres
  - 2. Minimum Lot Width: Three-hundred (300) feet
  - 3. Maximum Lot Depth: Three-hundred (300) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Thirty-five (35) feet for residential structures or fifty (50) feet for non-residential structures, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements:
    - a. Front Yards: Fifty (50) feet
    - b. Side Yards: Twenty-five (25) feet
    - c. Rear Yards: Seventy-five (75) feet
- E. Maximum Lot Coverage: Thirty percent (30%)
- F. Use Limitations: No outdoor storage shall be allowed, except for agricultural primary uses as provided in these regulations.

**06.03. “R-1” Single-Family Residential District**

It is the intent of this district to provide for suburban density single-family residential development and protect the character of residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Lot Area
    - a. Minimum Lot Area
      - i. Single-Family Residential Primary Uses: 8,000 square feet
      - ii. Non-Residential Primary Uses: 10,000 square feet
  - 2. Minimum Lot Width
    - a. Residential Primary Uses: Sixty-five (65) feet, except as follows:
      - i. Single-Family Detached Residences on a cul-de-sac: Sixty (60) feet
      - ii. Duplexes: Eighty (80) feet
    - b. Non-Residential Primary Uses: Ninety (90) feet
  - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements:
    - a. Front Yards: Thirty (30) feet, except that on corner lots one (1) front yard may be reduced to fifteen (15) feet, provided that the minimum driveway length is twenty (20) feet from a lot line.
    - b. Side Yards
      - i. Residential Primary Uses: Six (6) feet
      - ii. Non-Residential Primary Uses: Ten (10) feet
    - c. Rear Yards: Twenty-five (25) feet, except twenty (20) feet abutting a platted common area
- E. Maximum Lot Coverage: Thirty-five percent (35%)
- F. Use Limitations: No outdoor storage shall be allowed.
- G. Supplemental Provision: All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).

**06.04. "R-2" Single-Family/Zero Lot Line (ZLL) Residential District**

It is the intent of this district to provide flexible opportunities for small lot and ZLL single-family attached and detached development with the character of traditional residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Lot Area
    - a. Minimum Lot Area: 5,000 square feet, except 3,500 square feet for ZLL developments
    - b. Maximum Lot Area: 10,000 square feet, except 5,000 square feet for ZLL developments
  - 2. Minimum Lot Width: Fifty (50) feet, except thirty-five (35) feet for ZLL developments
  - 3. Minimum Lot Depth: Ninety (90) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements
    - a. Front Yards
      - i. Interior Lots: Fifteen (15) feet, except the driveway area must extend at least twenty (20) feet from the front lot line.
      - ii. Corner Lots: Twenty-five (25) feet, except fifteen (15) feet where adjacent to a ZLL lot.
    - b. Side Yards: A minimum of six (6) feet shall be required between structures.
    - c. Rear Yards: Ten (10) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Use Limitations: No outdoor storage shall be allowed.
- G. Supplemental Provisions

The following provisions shall apply to ZLL developments as defined in [Section 03.03](#).

  - 1. ZLL lots must be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
    - a. Around a cul-de-sac.
    - b. On a local street with R-2 zoning on the opposite street frontage.
    - c. On a street with multi-family or non-residential zoning on the opposite street frontage.
  - 2. Restrictive covenants shall be required, which shall guarantee:
    - a. Maintenance provision of fencing/screening materials and common ownership areas.
    - b. Access provisions for maintenance of closely-spaced structures.
    - c. Other restrictions necessary to implement the overall design concept.
  - 3. No doors, windows or other openings shall be allowed on the wall of the building facing the yard with the least depth. Such walls shall have the same exterior construction materials as the other exterior walls.
  - 4. All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).

**06.05. “R-3” Multi-Family Residential District**

It is the intent of this district to provide for various types of single- and multi-family housing and promote opportunities for affordable moderate density residential development.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Minimum Lot Area
    - a. Single-Family Residential Primary Uses: 6,500 square feet
    - b. Multi-Family Residential Primary Uses: 3,000 square feet per dwelling unit or 10,000 square feet total lot area, whichever is greater.
    - c. Non-Residential Primary Uses: 10,000 square feet
  - 2. Minimum Lot Width
    - a. Single-Family Detached Primary Uses: Sixty (60) feet
    - b. Single-Family Attached Primary Uses: Seventy (70) feet
    - c. Multi-Family Primary Uses: Ninety (90) feet
    - d. Non-Residential Primary Uses: Eighty (80) feet
  - 3. Minimum Lot Depth: Eighty (80) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements
    - a. Front Yards: Twenty (20) feet on all street frontages
    - b. Side Yards
      - i. Single-Family Residential Primary Uses: Six (6) feet
      - ii. Multi-Family Residential Primary Uses: Eight (8) feet
      - iii. Non-Residential Primary Uses: Ten (10) feet
    - c. Rear Yards: Fifteen (15) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Use Limitations: No outdoor storage shall be allowed.
- G. Supplemental Provision: All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).



**06.06. “B-1” Local Business District**

It is the intent of this district to provide for low to moderate intensity commercial uses and businesses generally having a localized market area.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Minimum Lot Area: 5,000 square feet
  - 2. Minimum Lot Width: Fifty (50) feet
  - 3. Minimum Lot Depth: Ninety (90) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements
    - a. Front Yards: Thirty-five (35) feet along all street frontages
    - b. Side Yards: Zero, except five (5) feet where one is provided
    - c. Rear Yards: Twenty (20) feet
- E. Maximum Lot Coverage: One-hundred percent (100%), minus required yard and offstreet parking requirements.
- F. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- G. Supplemental Provision: All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).

**06.07. “C-1” General Commercial District**

It is the intent of this district to provide opportunities along arterial street corridors for moderate to heavy intensity commercial land uses and businesses with a regional market area.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Minimum Lot Area: 10,000 square feet
  - 2. Minimum Lot Width: Ninety (90) feet
  - 3. Minimum Lot Depth: One-hundred and twenty-five (125) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Forty (40) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements
    - a. Front Yards: Thirty-five (35) feet along all street frontages
    - b. Side Yards: Ten (10) feet
    - c. Rear Yards: Twenty (20) feet
- E. Maximum Lot Coverage: Fifty percent (50%)
- F. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- G. Supplemental Provision: All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).

**06.08. "I-1" Industrial District**

It is the intent of this district to provide opportunities primarily for small to moderate scale manufacturing, assembly, warehousing and freight businesses that are compatible with Rose Hill's character and its capacity to provide adequate municipal services.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
  - 1. Minimum Lot Area: 5,000 square feet
  - 2. Minimum Lot Width: Fifty (50) feet
  - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Bulk Regulations
  - 1. Maximum Structure Height: Forty-five (45) feet, except as these regulations allow for taller structures by: (A) exemption; (B) conditional use adjustment; (C) specific use standard ([Article 10](#)).
  - 2. Minimum Yard Requirements
    - a. Front Yards: Forty (40) feet along all street frontages
    - b. Side Yards: Ten (10) feet
    - c. Rear Yards: Twenty (20) feet
- E. Maximum Lot Coverage: Fifty percent (50%)
- F. Use Limitations:
  - 1. No individual shall permanently reside on-premise.
  - 2. Outdoor activities, storage or sales occurring on-premise must be associated with a legal primary or secondary use.
  - 3. No dust, noise, odor, vibration or other environmental impacts generated by any use shall be detectable off-premise.
- G. Supplemental Provision: All lots with primary uses other than single-family residential shall include applicable waste collection facilities defined as garbage dumpsters or liquid waste container per [Section 05.04](#), subject to applicable specific use standards of [Article 10](#).

**06.09. “PDO” Planned Development Overlay District**

It is the intent of this “floating” district to provide a flexible means of regulating mixed use developments, developing properties with atypical characteristics, maximizing compatibility between adjacent land uses or preserving the integrity of special areas using tailored land use, site design and aesthetic controls.

**A. Allowable PDO Utilization**

PDO zoning may be used by any property owner seeking to implement a particular development vision that a base zoning district lacks the flexibility to accommodate. This may include:

1. Encouraging a specific combination of mixed land uses.
2. Implementing a specific design aesthetic.
3. Improving compatibility with adjacent properties.
4. Developing properties with atypical physical characteristics.
5. Preserving and ensuring land use and design compatibility within corridors or districts containing historically significant or environmentally sensitive properties.

**B. Required PDO Utilization**

PDO District shall be required in the following circumstances:

1. Developments exceeding ten (10) acres in area on properties zoned B-1, C-1 or I-1; and that will be subdivided into multiple lots for individual ownership.
2. Development of business, governmental, institutional, and educational campuses exceeding ten (10) acres in area on one or more contiguous lots.
3. Development of business, office, or industrial parks exceeding ten (10) acres in area on one or more contiguous lots.

**C. PDO District Provisions****1. Regulation of Land Uses**

- a. As an overlay district, PDO zoning must be used in conjunction with an underlying zoning district, referred to as the base district.
  - i. PDO zoning may be used in conjunction with any base district.
  - ii. Requirements of the approved PDO zoning shall be in addition to the base district requirements, except as modified by the PDO zoning.
- b. PDO zoning may allow for land uses that differ from those allowed by the base district, provided:
  - i. Any use allowed by-right or by conditional use within the base district may be prohibited within the PDO district.
  - ii. No land use prohibited within the base district shall be allowed within the PDO district.
  - iii. PDO zoning shall not include conditional use provisions and shall only provide for land uses allowed by-right within the PDO district.

**2. Lot Size Requirements**

Base zoning district lot size requirements shall apply, except when PDO zoning specifies a maximum or minimum requirement other than required by the base district, subject to the following provisions:

- a. In no case shall the minimum lot size be reduced below 2,500 square feet; or the maximum lot size be increased more than fifty percent (50%) of applicable base district requirements.
- b. In no case shall the minimum lot width be reduced below twenty-five (25) feet.
- c. Changes to the base district lot depth requirements shall only be allowed in conjunction with a change to minimum lot width and shall be required in such cases.
- d. When lot width and depth requirements are modified by PDO zoning, the base district width to depth ratio shall be maintained.

### 3. Maximum Height Regulations

Base zoning district requirement shall apply, except when PDO zoning specifies a maximum height greater than required by the base district. In such cases, increases shall be limited to an additional fifteen (15) feet of structure height.

### 4. Setback & Lot Coverage Requirements

Base zoning district setback, yard, and lot coverage requirements shall apply, except as modified by PDO zoning, subject to the following provisions.

- a. Minimum setback requirements shall not be increased above the base district requirements, except in conjunction with B-1, C-1, or I-1 base zoning for PDO districts associated with:
  - i. Business, governmental, institutional, and educational campuses.
  - ii. Business, office, or industrial parks.
- b. Front yard setbacks may be reduced to zero, except that no reduction shall be allowed in conjunction with A-1 base zoning. If front yard setbacks are reduced, such reduction shall be required within the entire PDO district.
- c. Except as otherwise provided above, PDO zoning shall not adjust base district side yard or rear yard setback requirements.
- d. Lot coverage requirements shall not be increased above the base district maximum requirement, but the maximum coverage requirement may be decreased.

### D. Access & Circulation

1. Applicants may be required to submit a traffic study to identify possible traffic impacts, subject to review and acceptance by the City Engineer.
2. Proposed streets shall be designed and laid out consistent with the principles of functional classification hierarchy; and shall meet applicable City design standards.
3. Proposed streets, sidewalks, and pathways shall connect to the City's transportation network.
4. Offsite transportation improvements may be required as a condition of approval, but only in direct relationship to anticipated impacts of the proposed development.

### E. Parking

Parking shall be provided in accordance with the provisions of [Article 07](#).

### F. Specific Use Standards

PDO zoning shall not exempt any land use from applicable specific use standards of [Article 10](#). In no case shall PDO zoning reduce requirements for any land use below applicable specific use standards.

### G. PDO Zoning Approval

Applications for rezoning to PDO zoning district shall be reviewed and approved by the same process as other zoning applications. This shall include:

1. A rezoning application and filing fee are submitted to the Zoning Administrator. No application shall be accepted as complete without an attached zoning site plan and other required documentation.
2. In addition to typical considerations, enhanced standards shall be utilized in the review of PDO zoning applications. In no case, shall PDO zoning be approved without the Planning Commission and City Council finding that:
  - a. The proposed PDO district is consistent with the community vision and desired character as expressed in the comprehensive plan.
  - b. The proposed PDO district, in consideration of the allowable land uses, regulations, limitations, and applicable design requirements, will not adversely affect the value or utility of adjacent properties.

### 3. Time Limits

The following time limits shall apply to PDO approvals, subject to applicable time extensions granted in accordance with these regulations.

- a. A PDO district zoning approval shall automatically expire twelve (12) months after the approval date if a development site plan has not been approved within that time.
- b. A PDO development site plan approval shall automatically expire twelve (12) months after the approval date if a building permit has not been issued within that time.

## Article 07 Offstreet Parking & Loading

### 07.01. Applicability

The minimum offstreet parking and loading space provisions of this article shall be required as follows.

- A. All lots and structures occupied or designed for occupancy.
- B. Approval or establishment of new land uses.
- C. Modifications to existing land uses including:
  - 1. Changing to a higher intensity land use type or zoning district.
  - 2. Increasing the density of development or number of units on a site.
  - 3. Enlarging the size or area of a land use.
- D. Approval or construction of new structures.
- E. Changes or alterations to existing structures including:
  - 1. Interior reconfigurations that:
    - a. Add rooms or units without increasing the existing gross floor area.
    - b. Expand the size of existing rooms or units without adding gross floor area.
    - c. Increase occupancy or seating capacity of existing rooms or units.
  - 2. Adding gross floor area by:
    - a. Expanding existing rooms or units.
    - b. Constructing new rooms or units.
    - c. Constructing new stories (floors) or other vertical additions.
- F. Offstreet loading areas shall be required for all primary, secondary, and accessory uses according to these regulations, except for agricultural uses, residential uses, or as otherwise exempted.

### 07.02. General Parking Provisions

- A. Offstreet parking is considered an accessory use and shall be located on the same zoning lot as the use for which it is required, except as otherwise provided in this article.
- B. Offstreet parking facilities shall be used only by the owners, residents, guests, occupants, patrons, service providers, vendors, and employees of the uses for which they are required.
- C. Except as otherwise allowed by these regulations, offstreet parking facilities shall not be used for:
  - 1. Motor vehicle repairs or maintenance work.
  - 2. Storage of non-operational motor vehicles.
  - 3. Storage of recreational vehicles, boats, or utility trailers
  - 4. Display of vehicles or trailers for sale, except:
    - a. Incidental parking on a zoning lot where the vehicle owner is visiting or conducting business.
    - b. Temporary display when parked on the zoning lot where the vehicle owner resides.
  - 5. Commercial vehicles below 26,000 pounds gross vehicle weight rating, except:
    - a. Temporary parking on the zoning lot where an employee of the business to which the vehicle is registered resides.
    - b. Temporary parking on a zoning lot where an employee of the business to which the vehicle is registered is performing related job duties.
  - 6. Trucks with gross vehicle weight rating of 26,000 pounds or greater on property zoned R-1, R-2, or R-3 with residential primary uses.

- D. Applicants may be required to submit a parking study that demonstrates proposed offstreet parking facilities provide sufficient capacity for the proposed use. Such studies shall be subject to review and acceptance by the City Engineer.
- E. Setbacks for Offstreet Parking
  - 1. Uncovered and unenclosed offstreet parking stalls may be located in any required yard, except within the front yard setback of property zoned R-1 or R-2; and property zoned R-3 with single-family residential primary uses.
  - 2. Principal structures with attached garages or carports containing offstreet parking stalls shall meet the setback requirements for the zoning district in which they are located.
  - 3. Detached garages and carports shall not be allowed within any required yard.
- F. Offstreet parking shall be required for accessory and secondary uses/structures in addition to that required for the primary use, as applicable.
- G. The basis of calculating required parking for each land use is listed in [Section 07.03](#). Minimum parking requirements shall be calculated as follows.
  - 1. Identify the required number of stalls per unit of measure for the applicable use.
  - 2. Determine the size of the use/structure in terms of the listed unit of measure.
  - 3. Multiply the size by the number of required parking stalls per unit, which results in the required number of parking stalls.
  - 4. In situations where the listed method of calculation does not account for all uses on a zoning lot, the minimum requirement shall be calculated as the sum total of the number of parking stalls required for each individual use located on the zoning lot.
  - 5. Offstreet parking calculations that result in a fractional stall requirement shall be rounded up to the next whole number.
  - 6. As applicable, existing offstreet parking stalls may be counted toward minimum parking requirements; except that no case shall parking be reduced below the number of existing stalls.
- H. Shared Parking
  - 1. One or more adjacent zoning lots may share offstreet parking facilities to meet parking requirements, subject to the following provisions:
    - a. Shall be allowed by conditional use for property zoned B-1 or C-1 with non-residential primary uses; and property zoned I-1 with office, commercial service, retail, or public and institutional primary uses.
    - b. Shall be allowed in approved PDO zoning districts in conjunction with any base district other than A-1.
  - 2. The minimum number of shared parking stalls provided shall be seventy-five percent (75%) of the total amount otherwise required for each use individually. In no case shall shared parking be approved if, in the judgment of the City Engineer, there would be insufficient capacity to meet the peak parking demand of all uses for which it is provided.
  - 3. All shared parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
  - 4. Shared offstreet parking facilities must meet all applicable provisions of this article, including configuration and design requirements. In addition:
    - a. Seamless vehicular access shall be provided across lot lines with no physical barriers delineating ownership boundaries.
    - b. Shared parking facilities approved by conditional use shall not be exempted from any applicable requirements or adjusted below the minimum requirements.
    - c. Shared parking facilities approved by PDO shall not be exempted from any applicable requirements of the base district or adjusted below such minimum requirements.



5. A shared parking agreement shall be executed and filed with the Butler County Register of Deeds for all affected parcels. This shall apply to all shared offstreet parking facilities approved in accordance with these regulations.
  - a. Such agreements shall:
    - i. Be signed by the owner(s) of all affected parcels.
    - ii. Run with the land and be legally binding without regard to future ownership.
    - iii. Guarantee access in perpetuity to all parcels served by the shared parking facilities, including all uses and structures located upon the parcels.
    - iv. Provide for the dissolution of the shared parking agreement upon termination of either the served uses or the minimum offstreet parking requirements.
    - v. Guarantee that the shared parking facilities will be maintained in accordance with these regulations and other City codes.
    - vi. Stipulate how costs shall be distributed between property owners for the upkeep, cleaning, maintenance, repair, and replacement of shared parking facilities.
  - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the agreement.

I. Off-Premise Parking

1. In cases where the minimum offstreet parking requirements cannot be met on-premise, required parking may be provided off-premise on a separate zoning lot owned by the applicant, subject to the following provisions:
  - a. Shall be allowed by conditional use for property zoned B-1 or C-1 with non-residential primary uses; and property zoned I-1 with office, commercial service, retail, or public and institutional primary uses.
  - b. Shall be allowed in approved PDO zoning districts in conjunction with any base district other than A-1.
2. All off-premise parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
3. Off-premise parking facilities must be configured and designed according to the provisions of this article. In addition:
  - a. Off-premise parking facilities approved by conditional use shall not be exempted from any applicable requirements or adjusted below the minimum requirements.
  - b. Off-premise parking facilities approved by PDO shall not be exempted from any applicable requirements of the base district or adjusted below such minimum requirements.
4. A deed restriction shall be executed and filed with the Butler County Register of Deeds for the affected parcels. This shall apply to all off-premise parking facilities approved in accordance with these regulations.
  - a. Such agreements shall:
    - i. Be signed by the owner(s) of all affected parcels.
    - ii. Run with the land and be legally binding without regard to future ownership.
    - iii. Restrict the use of the property bounded by the facilities to off-premise parking for the zoning lot where the served use is located; and guarantee such access in perpetuity.
    - iv. Provide for the dissolution of the deed restriction upon termination of either the served use(s) or the minimum offstreet parking requirements.
  - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the deed restriction.

**07.03. Table of Required Offstreet Parking by Land Use**

## Table Legend/Notes

"# of Stalls"	The number of parking stalls required to be provided for each indicated unit of measure.		
"Unit of Measure"	The base unit for calculating required parking. Expressed in terms of: area occupied by the defined land use; area occupied by a secondary or accessory use/structure; area occupied by a type of room; quantity of rooms, seats or other.		
"Modifiers"	Notes on circumstances that modify the basis of calculation; comments that clarify the requirement or its applicability.		
"SF"	Means SQUARE FEET (Indoor = Gross floor area; Outdoor = Occupied Surface Area)		"--" Means NO INPUT

Defined Land Uses (per Article 05)	Basis of Calculation		Modifiers
	# of Stalls	Unit of Measure	
Agricultural Land Uses			
General Agricultural Uses	no minimum parking requirement		EXCEPT for
	1 per	300 SF indoor sales areas	where present
Residential Land Uses			
Single-Family Dwellings (attached & detached)	2 per	dwelling unit	pavement markings not required
Multi-Family Dwellings	1 ½ per	dwelling unit	EXCEPT for the following uses
Boarding Houses	1 ½ per	bedroom/sleeping room	--
Group Homes	2 per	group home	PLUS
	1 per	2 bedrooms/sleeping rooms	--
Nursing & Residential Care Facilities			
Assisted Living Facilities	1 per	2 dwelling units/patient rooms	--
Continuing Care Facilities	1 per	3 patient or resident beds	based on max. design capacity
Nursing Care Facilities	1 per	2½ patient or resident beds	based on max. design capacity
Residential Mixed Uses	1 ½ per	dwelling unit	PLUS parking required for other uses in the structure
Office Land Uses			
Administration & Management Offices	1 per	300 SF	MINUS total floor area of conference/meeting rooms
Medical & Health Offices	1 per	300 SF	EXCEPT for the following use
Medical & Diagnostic Laboratories	1 per	500 SF lab & storage areas	PLUS
	1 per	300 SF all other areas	--
Professional & Technical Offices	1 per	300 SF	MINUS total floor area of conference/meeting rooms
Other Office-Based Uses	1 per	300 SF	all uses
Arts, Culture & Recreation Land Uses			
Arts & Culture Uses	1 per	300 SF	EXCEPT for the following uses
Arts or Crafts Studios & Galleries	1 per	300 SF gallery/display areas	PLUS
	1 per	500 SF studio & other areas	--
Libraries	1 per	400 SF	--
Theaters, Motion Picture	1 per	3 seats	based on max. design capacity
Theaters, Performing Arts	1 per	3 seats	based on max. design capacity
Recreation & Sports Uses	1 per	150 SF	EXCEPT for the following uses
Golf Courses & Country Clubs	4 per	golf hole & sports court	PLUS
	1 per	driving range position	PLUS
	1 per	400 SF indoor areas	--
Horse Riding Stables	minimum parking per parking study, subject to City Engineer's approval		
Recreation, Sport & Amusement Centers	minimum parking per parking study, subject to City Engineer's approval		
Shooting Ranges, Indoor	1 per	2 shooting positions	PLUS
	1 per	500 SF non--shooting areas	--
Shooting Ranges, Outdoor	1 per	2 shooting positions	PLUS
	1 per	300 SF indoor areas	--
Commercial Service Land Uses			
Automotive & Equipment Services	1 per	500 SF	PLUS
	1 per	2 service bays, as applicable	EXCEPT for the following use
Car Washes	1 per	self-service wash bay	PLUS
	5 per	automated wash bay	PLUS
	1 per	vacuum station	--

Defined Land Uses (per Article 05)	Basis of Calculation		Modifiers
	# of Stalls	Unit of Measure	
<b>Business Support Services</b>	1 per	300 SF	MINUS total floor area of conference/meeting rooms
<b>Personal Care Services</b>	1 per	300 SF	all uses
<b>Personal &amp; Household Services</b>	1 per	300 SF	all uses
<b>Transient Lodging</b>	1 per	guest room	PLUS
	1 per	300 SF other areas	EXCEPT for the following uses
Bed & Breakfast Inns	2 per	bed & breakfast inn	PLUS
	1 per	bedroom/sleeping room	--
Campgrounds & RV Parks	1 per	camping space	PLUS
	10 per	acre of open camping areas	PLUS
	1 per	300 SF retail sales areas	--
Group Shelters	1 per	500 SF non-sleeping areas	PLUS
	1 per	2 bedrooms/sleeping rooms	PLUS
	1 per	3 beds in open sleeping areas	based on max. design capacity
<b>Misc. Commercial Services</b>	1 per	300 SF	EXCEPT for the following uses
Boarding Kennels	1 per	5 stalls, runs or pens	--
Day Care Centers	5 per	day care center	PLUS
	1 per	500 SF	--
Event Centers	1 per	50 SF event venue areas	PLUS
	1 per	300 SF non-event venue areas	--
Funeral Homes & Mortuaries	5 per	funeral home or mortuary	PLUS
	1 per	4 seats	based on max. design capacity
Taxidermy Studios	1 per	500 SF	--
<b>Retail Land Uses</b>			
<b>Automotive &amp; Equipment Sales, Rental or Leasing</b>	1 per	500 SF indoor areas	PLUS
	1 per	3,000 SF outdoor display areas	all uses
<b>Building Material &amp; Supply Sales</b>	1 per	300 SF indoor areas	PLUS
	1 per	500 SF outdoor display areas	EXCEPT for the following use
Lumber Yards	1 per	300 SF indoor areas	PLUS
	1 per	3,000 SF outdoor display areas	--
<b>General &amp; Specialty Retail Sales</b>	1 per	300 SF	EXCEPT for the following uses
Farm & Home Stores	1 per	300 SF indoor areas	PLUS
	1 per	500 SF outdoor display areas	--
Furniture & Home Appliance Stores	1 per	500 SF	--
Supercenters & Warehouse Clubs	1 per	300 SF for the first 200,000 SF	PLUS
	1 per	250 SF area over 200,000 SF	--
<b>Grocery, Food &amp; Beverage Sales</b>	1 per	300 SF	all uses
<b>Restaurants &amp; Drinking Establishments</b>	1 per	2½ seats	based on max. design capacity, with the following use provision
Drive-In Restaurants	10 per	each restaurant	minimum requirement
<b>Misc. Retail Uses</b>	1 per	300 SF	EXCEPT for the following uses
Manufactured Home Dealers	1 per	500 SF indoor areas	PLUS
	1 per	3,000 SF outdoor display areas	--
Multi-Tenant Lifestyle Center	1 per	200 SF	--
Multi-Tenant Shopping Mall	1 per	500 SF common indoor areas	PLUS
	1 per	200 SF retail areas	--
Multi-Tenant Strip Center	1 per	200 SF	--
Outdoor Markets	1 per	500 SF outdoor sales area	--
Truck Stops	1 per	300 SF retail areas	PLUS
	1 per	500 SF indoor accessory uses	PLUS
	2 per	fuel pump	--
Vehicle Fueling Stations	2 per	fuel pump	--
<b>Industrial Land Uses</b>			
<b>Industrial Scale Non-Manufacturing</b>	1 per	500 SF	EXCEPT for the following uses
Concrete & Asphalt Pavement Mixing Plants	1 per	300 SF office areas	PLUS
	1 per	5,000 SF outdoor area	--
Liquid Waste Processing & Recycling	minimum parking per parking study, subject to City Engineer's approval		

Defined Land Uses (per Article 05)	Basis of Calculation		Modifiers
	# of Stalls	Unit of Measure	
Industrial Scale Non-Manufacturing (continued)			
Mulching & Composting Operations	minimum parking per parking study, subject to City Engineer's approval		
Solid Recyclables Sorting & Processing	1 per	300 SF office areas	PLUS
	1 per	5,000 SF outdoor area	--
General Manufacturing & Assembly	1 per	500 SF	all uses
Heavy Industries & Raw Materials Processing	1 per	300 SF office areas	PLUS
	1 per	500 SF non-office areas	EXCEPT for the following uses
Petroleum & Natural Gas Extraction	no minimum parking requirement		
Quarries & Mines	1 per	300 SF office areas	PLUS
	1 per	acre of quarried/mined area	--
Sand, Rock & Mineral Extraction Pits	1 per	300 SF office areas	PLUS
	1 per	acre of excavated area	--
Sawmills	minimum parking per parking study, subject to City Engineer's approval		
Wholesale Trade	1 per	2,500 SF	EXCEPT for the following use
Wholesale Trade with Showroom	1 per	2,500 SF warehouse areas	PLUS
	1 per	300 SF retail areas	--
Warehousing & Storage	1 per	2,500 SF	EXCEPT for the following uses
Bulk Chemical, Explosives & Petroleum Storage	minimum parking per parking study, subject to City Engineer's approval		
Commercial Livestock Feedlots	minimum parking per parking study, subject to City Engineer's approval		
Construction Contractor Yards	1 per	300 SF office areas	PLUS
	1 per	2,000 SF non-office areas	PLUS
	1 per	10,000 SF outdoor storage areas	--
General Outdoor Storage	1 per	10,000 SF	--
Junk, Scrap & Salvage Yards	1 per	300 SF office areas	PLUS
	1 per	2,000 SF non-office areas	PLUS
	1 per	acre of outdoor storage	--
Livestock Auction Barns	minimum parking per parking study, subject to City Engineer's approval		
Self-Storage Units	1 per	300 SF office areas	PLUS
	1 per	5,000 SF indoor storage areas	subject to 5 stall minimum
Vehicle & Equipment Storage Yards	1 per	10,000 SF	--
Transportation & Freight Uses	minimum parking per parking study, subject to City Engineer's approval, EXCEPT for the following uses		
Commercial Parking Lots & Garages	No minimum parking requirement		
Couriers, Messengers & Local Delivery Services	1 per	300 SF office areas	PLUS
	1 per	2,500 SF non-office areas	--
Motor Vehicle Towing & Wrecker Services	1 per	300 SF	--
Trucking & Freight Transfer Terminals	1 per	300 SF office areas	PLUS
	1 per	2,500 SF non-office areas	--
Communication & Utility Land Uses			
Communication & Utility Land Uses	no minimum parking requirement		EXCEPT for the following uses
Radio & Television Broadcasting Stations	1 per	300 SF	--
Utility Support Facilities & Substations	1 per	2,500 SF indoor areas	subject to 2 stall minimum
Public & Institutional Land Uses			
Public & Institutional Land Uses	minimum parking per parking study, subject to City Engineer's approval, EXCEPT for the following uses		
Civic, Religious & Organizational Meeting Places	1 per	3 seats in assembly rooms	based on max. design capacity
Correctional Institutions	minimum parking per parking study, subject to City Engineer's approval		
Crematories	1 per	500 SF	--
Hospitals	1 per	500 SF non-patient room areas	PLUS
	1 per	2 patient beds	based on max. design capacity
Outpatient Surgery & Treatment Centers	1 per	500 SF non-patient room areas	PLUS
	1 per	2 patient beds	based on max. design capacity

Defined Land Uses (per Article 05)	Basis of Calculation		Modifiers
	# of Stalls	Unit of Measure	
Accessory & Secondary Uses			
Accessory & Secondary Uses with Parking Requirements not Previously Listed			
Accessory Apartments	1 per	dwelling unit	--
Adult Entertainment		Minimum parking per primary use	
Construction Administration Trailers	1 per	300 SF	shall be counted as office area
Detached Structures for Home Occupations		minimum parking per applicable home occupation, see <a href="#">Section 11</a>	
Guard & Security Booths	2 per	booth structure	--
Home Occupations		minimum parking per applicable home occupation, see <a href="#">Section 11</a>	
Institutional Day Care	5 per	day care	IN ADDITION to primary use
Neighborhood Clubhouses & Swimming Pools	1 per	110 SF pool area	PLUS
	1 per	200 SF clubhouse area	--
Outdoor Festivals, Carnivals & Gatherings	1 per	50 SF assembly, gathering areas	PLUS
	1 per	300 SF non-circulation areas	other than assembly, gathering
Unattended Donation Boxes	2 per	donation box	IN ADDITION to primary use
Vehicle Maintenance & Repair Garages	2 per	service bay	IN ADDITION to primary use

**07.04. Required Offstreet Parking for Persons with Disabilities**

- A. Offstreet parking for persons with disabilities shall be provided in accordance with the Americans with Disabilities Act (ADA) of 1990 and guidance published by the U.S. Department of Justice in the 2004 ADA Accessibility Guidelines (36 CFR part 1191) and the 2010 ADA Standards for Accessible Design (28 CFR part 36). The requirements of this article shall:
1. Be superseded by any federal laws, Kansas statutes, or related regulations enacted after the effective date of these regulations, which are more restrictive than these provisions.
  2. Apply to all land uses defined in [Article 05](#), except for:
    - a. Any use with no minimum parking requirement defined in [Section 07.03](#).
    - b. Owner occupied attached and detached single-family dwellings.
  3. Apply to all properties that become subject to ADA requirements due to enactment of superseding regulations, changes in ownership or occupancy status, and alterations or modifications. Property owners shall be solely responsible for ADA compliance.
- B. Table of Required Offstreet Parking for Persons with Disabilities

Minimum Number of Accessible Parking Stalls			
Total # of Parking Stalls Provided in Offstreet Parking Facility	COLUMN A Required # of Accessible Parking Stalls (60" & 96" access aisles)	Minimum # of Van Accessible Parking Stalls (96" min. access aisle width)	Minimum # of Car Accessible Parking Stalls (60" min. access aisle width)
1 to 25 stalls	1	1	0
26 to 50 stalls	2	1	1
51 to 75 stalls	3	1	2
76 to 100 stalls	4	1	3
101 to 150 stalls	5	1	4
151 to 200 stalls	6	1	5
201 to 300 stalls	7	1	6
301 to 400 stalls	8	1	7
401 to 500 stalls	9	2	7
501 to 1,000 stalls	2% of total stalls shall be accessible stalls	1 / 8 of Column A*	7 / 8 of Column A**
Over 1,000 stalls	20 accessible stalls, PLUS 1 additional for each 100 stalls over 1,000 total stalls	1 / 8 of Column A*	7 / 8 of Column A**
* at least 1 out of every 8 accessible stalls must meet the ADA van accessible minimum 96" access aisle width		** up to 7 out of every 8 accessible stalls may meet the ADA car accessible minimum 60" access aisle width	
Note: All calculations for ADA accessible stall requirements that result in a fractional stall, shall be rounded up to the next whole number			

SOURCE: 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

**07.05. Offstreet Parking & Loading General Design Provisions**

- A. All offstreet parking and loading facilities shall meet applicable design and engineering standards for curb cuts, curb length, curb return/turning radii, parking stall depth, driveway/drive aisle width, island dimensions, and parking barriers/bumper blocks.
- B. Locational Provisions
  - 1. Parking Stalls & Facilities
    - a. All parking stalls must be provided in designated locations that are readily distinguished as areas intended for parking.
    - b. Such designated parking areas may be enclosed in a garage, located under a canopy or carport, or on an unenclosed parking lot or other open surface, subject to applicable setback provisions of these regulations.
  - 2. Loading Areas & Facilities
    - a. Required offstreet loading shall be provided on the same zoning lot as the use for which it is required and located in a clearly marked area designated and utilized for loading/unloading.
      - i. This shall not be construed to prohibit routine mail and small parcel deliveries or the temporary parking of such delivery vehicles in undesignated areas.
      - ii. Properties zoned C-1 are exempted, except when required by the Planning Commission or City Council for conditional use or PDO zoning approval.
    - b. Loading areas shall not be located along any side of a structure that faces street frontage, except as follows:
      - i. Along alleys.
      - ii. Corner lots having insufficient space elsewhere.
      - iii. Uses established and structures built prior to the enactment of these regulations.
    - c. Loading areas shall not be allowed along the front façade of a structure, described herein as meeting one or more of these conditions:
      - i. Facing the street to which the lot or structure is addressed.
      - ii. Facing the street with the higher functional classification or traffic volume.
      - iii. Containing the primary building entrance.
- C. Access & Circulation Standards
  - 1. Parking Stalls & Facilities
    - a. All offstreet parking stalls shall have direct access to a driveway or parking lot drive aisle. No parking stall shall have direct access to a public street or right-of-way, except as otherwise provided in these regulations.
    - b. Site circulation shall provide access to all parking stalls without entering a public right-of-way.
    - c. Driveways and entrances shall meet all applicable spacing/quantity requirements; driveways shall be provided in the minimum amount necessary for adequate access and circulation.
  - 2. Loading Areas & Facilities
    - a. Driveways shall be located and designed to avoid conflicts with motor vehicle, pedestrian, and bicycle traffic using transportation facilities within public rights-of-way.
    - b. To the extent practical, loading facilities shall include an apron area to allow safe and efficient vehicle maneuvers.
    - c. Dedicated access shall be provided to loading areas for all retail, industrial, and public and institutional land uses that are zoned C-1 and I-1; or zoned B-1 with sufficient street frontage to meet applicable driveway spacing/quantity requirements.

- d. For circumstances not defined in [Section 07.05.C.2.b](#) that do not allow for dedicated loading access, one driveway shall be clearly marked as the designated delivery/service entrance. Site designs shall minimize the mixing of delivery/service traffic and customer/employee traffic with a combination of the following techniques.
  - i. Install signs and pavement markings that identify the designated delivery/service route, which is the most direct path from the designated entrance to loading facilities.
  - ii. Provide one driveway with direct, straight-line access to loading facilities, which is designated as the delivery/service entrance.
  - iii. Provide one driveway near a side lot line that offers perimeter access to loading facilities, which is designated as the delivery/service entrance.
  - iv. Separate driveways by the maximum spacing achievable along available street frontage.
  - v. Avoid open access between offstreet parking and the designated delivery/service route. Instead, connect a few drive aisles that are separated with landscaped islands.
  - vi. Avoid designating a delivery/service route that travels through an offstreet parking facility.
- D. Paving & Surfacing Provisions
  - 1. All offstreet parking and loading facilities, including driveways and drive aisles, shall be graded for appropriate drainage and surfaced with asphalt, concrete, or comparable hard pavement.
    - a. Design, construction, materials, etc. must meet minimum applicable City of Rose Hill engineering standards and specifications.
    - b. Hard surfaces must be installed on a compacted subgrade.
    - c. Driveway approaches, curbs, gutters, and loading bay surfaces shall be constructed of concrete.
    - d. As approved by the City Engineer, pervious/permeable pavement, porous blocks/pavers, or similar paving systems may be used in lieu of asphalt or concrete surfacing.
    - e. Design and construction shall include all storm drainage infrastructure and similar appurtenances as required by the City Engineer.
  - 2. Exemptions to the hard surface paving requirement shall be allowed as follows:
    - a. Offstreet parkings and driveways for agricultural and residential uses zoned A-1.
    - b. Offstreet parking areas and loading facility access drives for industrial uses zoned I-1.
    - c. Required offstreet parking and loading facilities exempted from the hard surfacing requirement shall be covered with a dust-free gravel, aggregate, or other rock surface.
      - i. Design, construction, materials, etc. must meet minimum applicable City of Rose Hill engineering standards and specifications.
      - ii. In no case shall required parking or loading facilities be allowed on grass or dirt surfaces.
    - d. The following shall be constructed of concrete in all cases:
      - i. Driveway approaches to paved streets.
      - ii. Accessible parking stalls, access aisles, and other such ADA-required facilities.
      - iii. Loading bay surfaces.
- E. Maintenance Provisions
 

Required offstreet parking and loading facilities shall be maintained in safe, operable, and fully functional condition. Any improvement that is deemed a threat to the public health, safety or welfare; found to be in violation any other City of Rose Hill code or ordinance; or found to be ADA non-compliant, may be subject to the enforcement provisions of these regulations.



**F. Lighting Provisions**

1. Adequate lighting shall be provided for all offstreet parking facilities required for all uses except agricultural and single-family residential.
2. Lighting shall be designed to minimize "light trespass" onto adjacent properties and roadways by incorporating best practices such as:
  - a. Using light standards that do not exceed the height adjacent buildings.
  - b. Placing fixtures in locations where good lighting is most needed, such as pedestrian walkways and doorways.
  - c. Locating fixtures no closer to the property line than four (4) times the fixture height.
  - d. Installing "fully shielded" or "full cutoff" light fixtures that direct light downward.
  - e. Utilizing shut off controls such as sensors, timers, or motion detectors turn lights off when not needed.

**G. Landscape & Screening Provisions**

Offstreet parking and loading areas shall be screened and landscaped according to the applicable provisions of [Article 09](#).

**07.06. Offstreet Parking & Loading Minimum Design Standards****A. Parking Stalls: Must be delineated with four-inch wide (4") solid white or yellow painted stripes**

1. Standard Stalls: Eight feet six inches wide by nineteen feet long (8' 6" X 19')
2. ADA Accessible Parking Stalls: Eleven feet wide by nineteen feet long (11' X 19')
  - a. Access Aisles: Must be provided in addition to the minimum stall width
    - i. Car Accessible Stalls: Sixty inches wide (60")
    - ii. Van Accessible Stalls: Ninety-six inches wide (96")
    - iii. Access aisles may be shared by two adjacent stalls
  - b. Vertical Clearance: Ninety-eight inches (98") for van accessible parking stalls and access aisles
  - c. Pedestrian Access Width: Thirty-six inches (36") for paved routes from parking to buildings
  - d. Markings: Painted universal handicap symbol centered in each stall; Universal handicap sign (MUTCD Sign # R7-8) installed three feet (3') off the front stripe, centered between side stripes
3. Bumper Block Requirements: Six feet long by four inches wide by four inches tall (6' X 4" X 4")
  - a. Standard parking stalls adjacent to public property and rights-of-way
  - b. All ADA accessible parking stalls, except where a curb is present in front
  - c. Installed within one foot (1') of the front stripe, centered between side stripes

**B. Driveway Approaches & Drive Aisles: Approach widths do not include return radii**

1. Minimum Width: Thirteen feet (13') for one-way; twenty-six feet (26') for two-way
2. Maximum Approach Width: Thirty feet (30')
3. Markings: One-way signs shall be installed at all one-way entrances/exits; painted arrows shall be provided on one-way drive aisles to indicate the direction of traffic flow

**C. Loading/Unloading Facilities**

1. Loading Bays: Twelve feet wide by one-hundred feet long (12' X 100'); minimum vertical clearance of fourteen feet (14')
2. Paved Aprons: Shall be provided for multiple-dock loading facilities zoned C-1 or I-1; and any facility zoned B-1 that lacks a dedicated entrance and driveway
  - a. Apron Length: One-hundred and twenty feet (120') in addition to loading bays
  - b. Apron Width: Equal to the combined width of all loading bays



## Article 08 Sign Regulations

### 08.01. Intent and Purpose

- A. It is the intent of these sign regulations to define the allowable uses of signs within the zoning jurisdiction and to regulate the time, place, and manner of signs without regulating speech or content.
- B. This Article is to ensure that the constitutionally guaranteed right of free speech is protected.
- C. The purpose of regulating signs is to protect public health, safety, and general welfare as well as:
  - 1. Guide pedestrian, bicycle, and vehicle traffic
  - 2. Identify and minimize safety hazards to drivers, bicyclists, and pedestrians
  - 3. Eliminate excessive and confusing signs
  - 4. Prevent blight and clutter
  - 5. Encourage context-sensitive signs
  - 6. Protect public and private investments
  - 7. Support the desired quality aesthetics and development patterns in various zoning districts
  - 8. Provide, maintain, and enhance the aesthetics, safety, and welfare of neighborhoods and the community
  - 9. Provide adequate opportunity for signs
  - 10. Protect free speech

### 08.02. Applicability

- A. No sign shall be erected or altered until a sign permit has been issued by the Zoning Administrator, except as explicitly allowed by these regulations.
- B. Any sign shall, by definition, be a structure. No land, personal property, or structure shall be used for sign purposes except as specified in this article.
- C. Adherence to the regulations and provisions of this article are the responsibility of the property owner.
- D. The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of private property, except as otherwise exempt under this article.
- E. The Zoning Administrator is responsible for administering and enforcing all provisions of this article, other than those specifically reserved and assigned to other entities.
- F. The Zoning Administrator is responsible for determining the appropriate sign category or sign type based upon the definitions provided and using his or her professional judgment.
- G. The boundaries and locations of all zone and zoning district designations referenced in this article are shown on the City's Official Zoning Maps.
- H. Sign regulations are based upon the land use of a zoning lot or property as described in [Article 05](#).
- I. Regulations based upon zoning districts are intended to provide additional guidance to the general standards. If the zoning district standards conflict with general standards, the zoning district standards supersede the general standards. Where there are other conflicting regulations, the most restrictive applies.
- J. Proposals for signs where the code is silent or where rules of this chapter do not provide a basis for concluding that the sign is allowed, are prohibited.
- K. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

**08.03. Substitutions Clause**

The owner of any authorized or legal nonconforming sign may substitute sign copy in lieu of any other sign copy. Such changes affecting the copy only may be made at any time without additional approval or permitting. This provision prevails over any more specific provision to the contrary. This clause shall not be construed to include structural alterations, changes to required dimensions or other modifications.

**08.04. General Definitions**

**Abandoned Sign Structure:** A sign structure where no sign has been in place for a continuous period of at least one-hundred and eighty (180) days.

**Aggregate Sign Area:** The combined area of all sign faces on a single zoning lot.

**Awning:** An architectural projection that provides weather protection, identity or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight, rigid skeleton structure over which a covering is attached.

**Beacon:** A concentrated beam of light intended to attract or divert attention to its location but does not include any kind of lighting device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

**Decorative Cap:** An element of the sign structure that is distinguishable from the sign face and placed above the sign face and is not used for mounting or securing the sign. It is intended to plug the open end of a sign post with a cover having aesthetic appeal.

**Dilapidated Sign:** A sign that is structurally unsound or unsafe, is completely or partially defective, or is in need of maintenance.

**Festoons:** Strings of lighted devices, or strings of ribbons, tinsel, pennants, streamers, or similar devices designed to move in the wind.

**Marquee:** A permanent roof-like structure projecting over an entrance attached to and supported by the building for the purpose of supporting a marquee sign.

**Nit:** A unit of measurement referring to luminance. One (1) nit equals one (1) candela per square meter.

**Off-Premise Sign:** A sign that identifies a use or advertises products or services offered somewhere other than on the zoning lot where the sign is displayed.

**On-Premise Sign:** A sign that identifies the use or advertises products or services offered on the zoning lot where the sign is displayed.

**Parapet Wall:** A portion of a building wall that rises above the roof level.

**Primary Sign:** The main, most prominent or largest permanent freestanding or building sign on a property's street frontage or principal building, other than a project entrance sign.

**Prohibited Sign:** A sign, other than a legal non-conforming sign, that exists illegally or otherwise does not conform to this article.

**Roof Line:** The upper-most edge of the roof, or in the case of an extended facade or parapet, the upper-most height of said facade.

**Secondary Sign:** All signs not deemed to be primary signs, not including incidental signs.

**Sign:** A medium for visual communication that conveys a message or image and is used to inform or attract the attention of the public.

**Sign Base:** The portion of a sign structure attached to the ground that supports the sign.

**Sign Body:** The portion of a sign structure that is intended to display the sign face, exclusive of the sign base or decorative cap.

**Sign Copy:** The words, letters, logos, symbols, or other design elements that are used to convey the message, idea, or intent for which a sign has been placed.

**Sign Face:** The surface of a sign that includes or is intended to include sign copy and encloses or may enclose sign copy.

**Sign Panel:** Each portion or unit of a sign face that is clearly distinguishable and separable from other portions or units based on its individual or independent construction or framing.

**Sign Setback:** The minimum distance from the property line that a sign must be located, which may differ from the building setback.

**Sign Structure:** The structural support and bracing elements for a sign, including the post(s).

**Structural Alteration:** The modification of a sign or sign structure that affects the size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

## 08.05. Sign Category Definitions

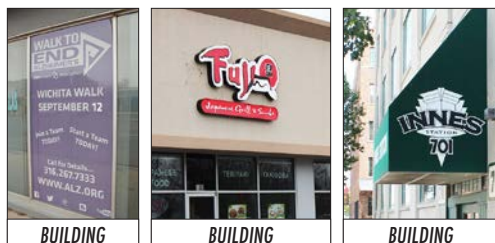
Signs are categorized by five (5) different aspects of the sign. The five (5) aspects are duration, portability, structure, lighting, movement. An individual sign will fit within one of the defined categories for each aspect (e.g. in terms of duration, a sign will either be a permanent sign or a temporary sign).

- A. **Duration:** The time for which the sign is designed to be displayed. A sign will be either a permanent sign or a temporary sign.
  1. **Permanent Sign:** A sign that is securely affixed to the ground or a building and not readily removable and not temporary.
  2. **Temporary Sign:** A sign that is affixed to or placed on the ground or a structure but is readily removable and not intended for permanent installation.
- B. **Portability:** The ability to move a sign. A sign will be either a fixed-location sign or a portable sign.
  1. **Fixed-Location Sign:** A sign structure that is designed to be in a fixed location, which is securely affixed to the ground or permanent structure.
  2. **Portable Sign:** A movable sign that is not attached to the ground, building, or other structure or that is attached to a movable structure such as a vehicle, trailer, or other conveyance.

### ILLUSTRATIVE EXAMPLES: SIGN CATEGORIES



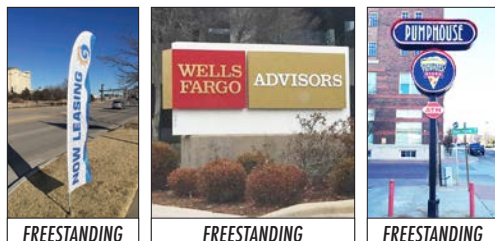
## ILLUSTRATIVE EXAMPLES: SIGN CATEGORIES



BUILDING

BUILDING

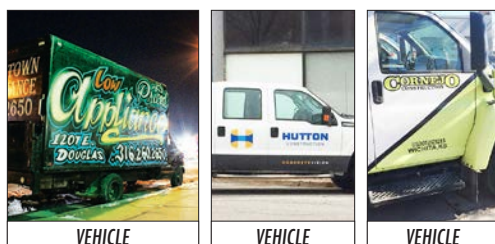
BUILDING



FREESTANDING

FREESTANDING

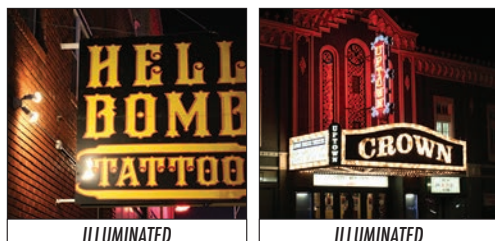
FREESTANDING



VEHICLE

VEHICLE

VEHICLE



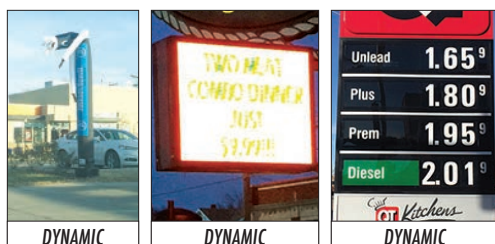
ILLUMINATED

ILLUMINATED



NON-ILLUMINATED

NON-ILLUMINATED



DYNAMIC

DYNAMIC

DYNAMIC



STATIC

STATIC

STATIC

C. **Structure:** The structure to which the sign is affixed or placed. A sign will be either a building sign, a freestanding sign, or a vehicle sign.

1. **Building Sign:** A sign mounted or painted on, or otherwise affixed to or projects from, or otherwise part of the exterior wall, roof, door, window, canopy, or other exterior part of a building or similar type structure such as a free-standing canopy, or to structures accessory to the building such as a fence, retaining wall, or similar type structure to which the sign is accessory. Building signs are classified based on the location on a building or structure to which they are affixed or placed. Building signs include, but are not limited to awning signs, canopy signs, marquee signs, projecting signs, roof signs, wall signs, and window signs.
2. **Freestanding Sign:** A sign mounted or painted on, or otherwise affixed to or projects from, or part of a completely self-supporting structure other than a building in which the main purpose of the structure is to support a sign. Freestanding signs include, but are not limited to column signs, hybrid monument signs, monument signs, and pole signs.
3. **Vehicle Sign:** A sign placed, mounted, painted on, or affixed to a motor vehicle or to a trailer or other conveyance, whether motorized or drawn.

D. **Lighting:** The illumination of a sign. A sign will be either an illuminated sign or a non-illuminated sign.

1. **Illuminated Sign:** A sign designed to give forth any artificial light or reflect light from an artificial source that is primarily intended to illuminate the sign. Illuminated signs include internally illuminated signs and externally illuminated signs.
2. **Non-Illuminated Sign:** A sign not designed to give forth any artificial light or reflect light from an artificial source that is primarily intended to illuminate the sign.

E. **Movement:** The actual or appearance of movement of the sign or sign elements. A sign will be either a dynamic sign or a static sign.

1. **Dynamic Sign:** A sign, or portions of a sign that, through its design has, or appears to have movement. Dynamic signs have one or more of the following characteristics more than once every twenty four (24) hours: moves or has moving parts; varying direct or indirect light intensity; varying color effects; blinking, rotating, spinning, flashing, fading, dissolving, or similar lighting effects; changing sign copy; or video screens.
2. **Static Sign:** A sign that does not include the actual, or illusion of, moving parts or action, varying lighting effects. Signs with changeable copy which do not change sign copy more than once in a twenty four (24) hour period are considered static signs.



## 08.06. Sign Type Definitions

This section defines specific sign types. Each of these sign types will fit within the broader categories defined in 01.03. An individual sign can and may fit within more than one (1) sign type definition presented in this section.

**Air-Activated Sign:** A dynamic sign that is designed to move and attract attention through movement caused by the wind or moving air or gas, such as an air blower.

**Awning Sign:** A building sign on or affixed to an awning.

**Balloon Sign:** A sign on any lighter than air or gas filled inflatable object attached by a tether to a fixed object.

**Banner Sign:** A sign composed of non-rigid material with no enclosing framework or electrical components that is supported or anchored to a building, pole, fence, or similar structure on two or more edges or at all four corners and not intended for movement in the wind.

**Blade Sign:** A sign composed of non-rigid material with no enclosing framework or electrical components that is mounted on a pole and may move in the wind or be stationary.

**Canopy Sign:** A building sign on or affixed to a canopy.

**Changeable Copy Sign:** A sign in which sign copy changes in position, format, display, or similar. Those which change by hand are manual and those which change by a control mechanism such as electronic or mechanical means are automatic. Those that change more than once in a twenty four (24) hour period are dynamic signs. Those that change less often are static signs.

**Column Sign:** A freestanding sign in which the sign face(s) is supported by at least one column or similar vertical support, where the sign body is elevated above the ground and each vertical support is more than ten (10) percent of the width of the sign body.

**Digital Video Sign:** An electronic message sign commonly using Light Emitting Diodes (LED) or related video technologies to transmit messages, animations or video clips.

**Electronic Message Sign:** A automatic changeable copy sign in which the sign copy can be electronically changed by remote or automatic means. Electronic message signs include digital video signs.

## ILLUSTRATIVE EXAMPLES: SIGN TYPES



AIR-ACTIVATED



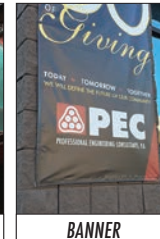
AIR-ACTIVATED



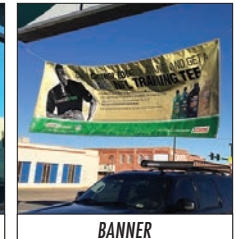
AWNING



AWNING



BANNER



BANNER



BANNER



BLADE



BLADE



CANOPY



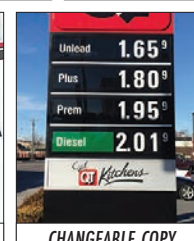
CANOPY



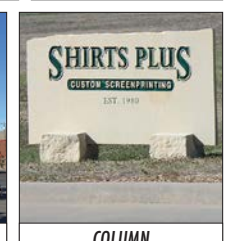
CHANGEABLE COPY



CHANGEABLE COPY



CHANGEABLE COPY



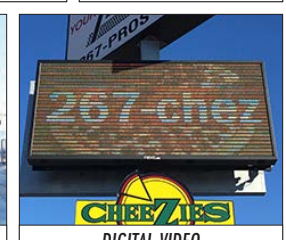
COLUMN



COLUMN



DIGITAL VIDEO



DIGITAL VIDEO

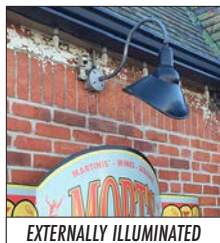


ELECTRONIC MESSAGE

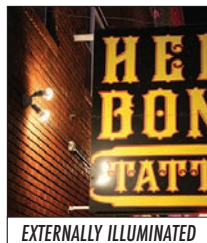


ELECTRONIC MESSAGE

## ILLUSTRATIVE EXAMPLES: SIGN TYPES



EXTERNALLY ILLUMINATED



EXTERNALLY ILLUMINATED



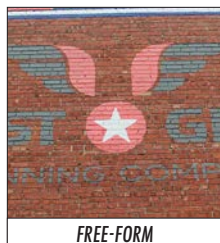
FLAG



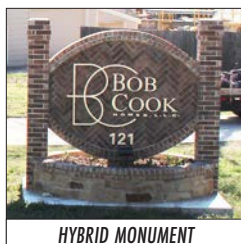
FLAG



FREE-FORM



FREE-FORM



HYBRID MONUMENT



INCIDENTAL



INCIDENTAL



INFLATABLE



INFLATABLE



INTERNALLY ILLUMINATED



INTERNALLY ILLUMINATED



MARQUEE



MONUMENT



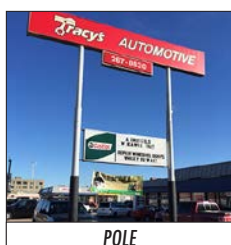
MONUMENT



MONUMENT



MONUMENT



POLE



POLE



POLE

**Externally Illuminated Sign:** An illuminated sign, other than a non-flashing sign, that is illuminated from an external artificial source, where the light source is primarily intended to illuminate the sign.

**Flag Sign:** A sign composed of a lightweight, non-rigid material supported or anchored along only one edge or at only two corners and moves in the wind. This does not include banner signs or blade signs as defined.

**Free-Form Sign:** A sign that has no identifiable frame or border.

**Hybrid Monument Sign:** A monument sign that does not have a solid and continuous background for the sign from the ground to the top of the sign structure.

**Incidental Sign:** A small emblem, decal, or similar with a sign area of less than or equal to one and one-half (1 ½) square feet. Incidental signs are static, non-illuminated and generally not intended to be viewed from any location beyond the site on which it is located.

**Inflatable Sign:** A sign that is expanded, activated, set in motion, or supported by air at pressures greater than the surrounding atmospheric pressure or gases within the sign. Inflatable signs include those supported by air from air blower.

**Internally Illuminated Sign:** An illuminated sign of which the sign face, or portions of the sign face, is designed to give forth any artificial light.

**Marquee Sign:** A building sign on or affixed to a marquee.

**Mechanical Movement Sign:** A dynamic sign that has physical movement through mechanical means.

**Monument Sign:** A freestanding sign in which the entire bottom of the base of the sign structure is in contact with the ground, the base of the sign structure is at least as wide as the total width of the sign body plus any vertical supports, and there is a solid and continuous background for the sign from the ground to the top of the sign structure.

**Pole Sign:** A freestanding sign in which the sign face(s) is supported by at least one pole or similar vertical support, where the sign body is elevated above the ground and each vertical support is less than ten (10) percent of the width of the sign body.

**Projecting Sign:** A building sign that is completely or partly supported by a building structure and extends more than twelve (12) inches from the face of the structure.

**Roof Sign:** A building sign completely supported by the roof of a building structure and does not extend more than twelve (12) inches beyond the face of the structure.



**Sidewalk Sign:** A portable, temporary sign placed on a public access walkway.

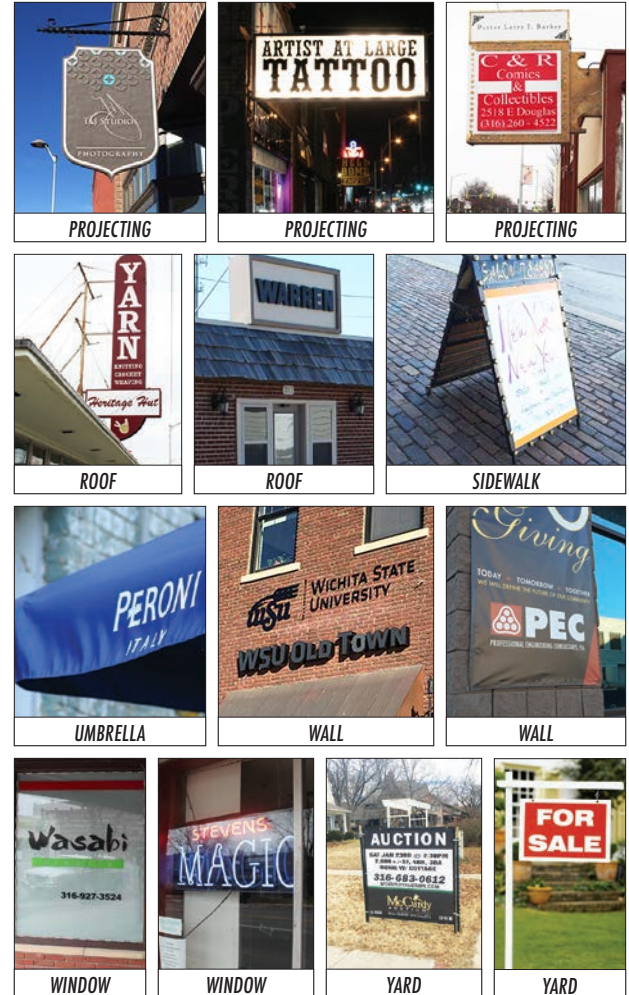
**Umbrella Sign:** A sign integrated into the body of an umbrella.

**Wall Sign:** A building sign supported by a wall of a structure or where the wall forms the background surface, and does not project more than twelve (12) inches from such structure.

**Window Sign:** A building sign on, within, or behind a window pain or glass door intended to be viewed from the exterior of the building.

**Yard Sign:** A temporary, freestanding sign placed on a lot of residential use.

# ILLUSTRATIVE EXAMPLES: SIGN TYPES



## 08.07. Measurements and Calculations

### A. Primary Building Elevation

1. The primary building elevation shall be any elevation that faces onto a street right-of-way to which the parcel has street frontage and has the principal entrance to the building or has an entry used primarily for customers or clients.
2. The wall area of the primary building elevation shall be determined as follows:
  - a. When scaled architectural elevations are provided to depict the elevation of the structure, the vertical wall area of the elevation shall be the wall surface of the building elevation exclusive of roofs, parapets and false fascia, except that a parapet on the primary building elevation, that is part of a parapet of a uniform height and building material on three sides of a structure may be included in the elevation area, but decorative parapet extensions of irregular height on one or two sides of a structure are excluded from the calculation.
  - b. When architectural plans are not provided, it shall be assumed that the height of the elevation of the first floor is twelve (12) feet and that the height of the elevation of all floors above the first floor is ten (10) feet per floor. The area of the elevation is then calculated based on the formula:  

$$(\text{building length} \times 12 \text{ feet}) + (\text{building length} \times (\text{number of additional floors} \times 10 \text{ feet}))$$

### B. Setbacks for Signs

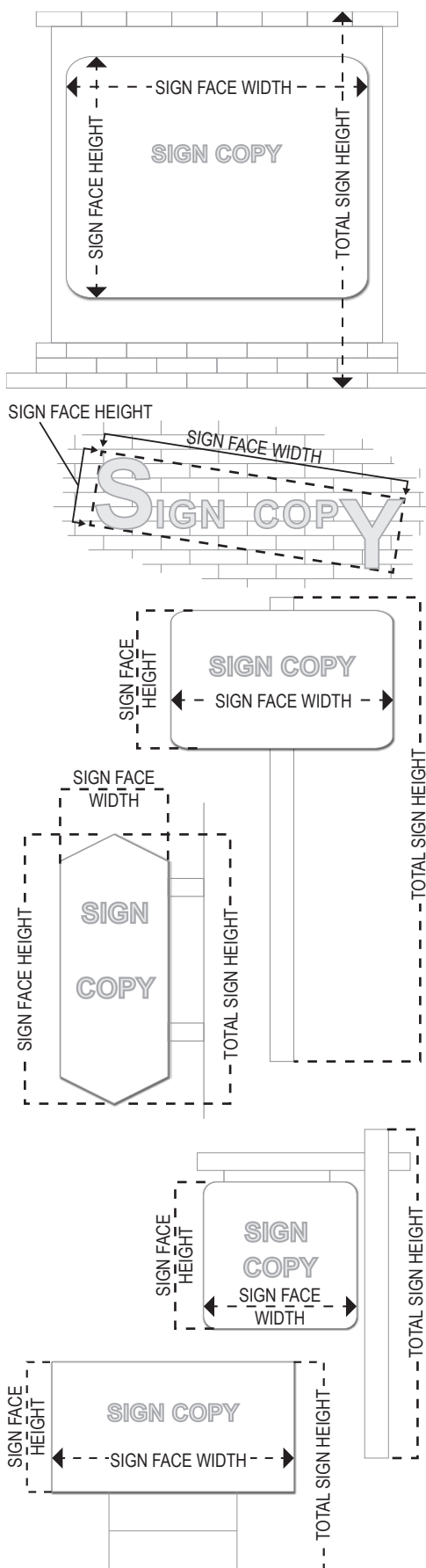
Setbacks for freestanding signs shall be measured from the farthest most protrusion of the sign or sign structure to the nearest point along the property line.

### C. Street Frontage

Street frontage shall be measured parallel to the centerline of the public street. Where a zoning lot has more than one public street frontage, street frontage shall be the combined linear street frontage.

### D. Sign Clearance

The sign clearance shall be measured from the highest point of the ground directly below the sign to the lowest point of the sign structure.



**E. Total Sign Height (also referred to as sign height)**

1. The total sign height of freestanding signs shall be measured from the ground elevation at the base of the sign structure to the highest element of the sign structure. For signs that may vary in height, such as inflatable signs, the total sign height shall be measured from the ground elevation at the base of the sign structure to the highest element of the sign structure at its peak elevation.
2. For building signs, the total sign height shall equal the sign face height.

**F. Sign Area**

1. The sign area shall include the entire area of the sign face. The area of a sign face shall be calculated by multiplying the sign face width by the sign face height using a rectangular shape that completely encloses the sign face.
2. The sign area of a free-form sign shall include the entire area within a single rectangle enclosing the extreme limits of the sign copy and other graphic element used to portray the sign's message.
3. The sign area of electronic message signs shall include the entire area within a single rectangle enclosing the extreme limits of possible locations for sign copy and other electronic message elements.
4. A sign designed to be viewed from two (2) or more directions shall be considered one (1) sign, provided that the sign faces are parallel or form an angle of no more than ten (10) degrees. If one sign face is larger, the larger of the two sign faces shall be used to determine the sign area.
5. For cylindrical sign structures, the sign area shall be area of the largest flat plane rectangle that would bisect the sign structure and be completely contained within the outer bounds of the sign structure.
6. The aggregate sign area shall be the sum of all sign area for signs on a zoning lot, not including incidental signs.

**08.08. Sign Permitting Process**

**A. As required by this article, a sign permit application shall be considered incomplete, unless accompanied by:**

1. Plans and specifications of the proposed sign, which may include relevant drawings with items such as location, dimensions, construction, structural design, electrical design, and illumination specifications.
2. A certificate of Accident Public Liability Insurance issued to the person or firm installing a sign or sign structure over public property; with minimum coverages of providing \$50,000 per person, \$100,000 per accident and \$25,000 property damage.



**B. Review and Action**

1. The Zoning Administrator shall review the sign permit application in detail for the purpose of determining whether the proposed sign complies with all the applicable sign regulations of this article, if applicable. Within 15 days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:
  - a. Issue the sign permit, if the sign complies in every respect with the standards of this article, if applicable; or
  - b. Deny the sign permit if the sign fails in any way to comply with the standards of this article. The Zoning Administrator shall specify all reasons for the denial.
2. A sign permit issued under the provisions of this chapter shall expire and become null and void if the work authorized by the sign permit is not commenced within one-hundred and eighty (180) days from the date of issuance of such permit, or if the work authorized by the sign permit is suspended or abandoned for one-hundred and twenty (120) days or more at any time after work has commenced. After such time, a new sign permit is required.

**C. Permit Fees**

Every application before being granted a permit hereunder, shall pay to the Office of the Zoning Administrator. Permit fees for each such sign or other advertising structure are based upon the value of the project. A schedule of fees is available from the Zoning Administrator. The fees may be modified by resolution of the City Council and shall be effective upon approval.

**D. Inspection**

Once the sign has been erected or installed, the permit holder shall notify the Zoning Administrator who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. The Zoning Administrator may, from time to time, as he or she deems necessary, inspect all signs or sign structures regulated by this article for the purpose of ascertaining whether the same is secure or insecure or whether it is in need of removal or repair.

**E. Permit Revocable at Any Time**

All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the Zoning Administrator; and all such permits shall contain this provision.

**F. Variances**

The Board of Zoning Appeals has the authority to authorize a variance from the specific terms of this article in specific cases. Variances shall not be contrary to the public interest and where, under special circumstances, enforcement of the provisions of this article will result in unnecessary hardship. The purpose and intent of this article shall be observed.

**08.09. Signs Not Requiring a Sign Permit**

- A. Any sign exempt from these regulations.
- B. Temporary signs on a zoning lot within an A-1, R-1, or R-2 zoning district with a single-family residential primary use that meet all of the following provisions.
  1. No more than two (2) shall be displayed on a zoning lot at any given time.
  2. No single temporary sign shall exceed six (6) square feet in sign area.
  3. Sign height shall not exceed five (5) feet.
  4. No single temporary sign shall be displayed for a period exceeding ninety (90) days.
  5. Signs shall not be portable, illuminated, or dynamic, as defined in this article.
- C. Temporary signs on a zoning lot within any zoning district with a primary use other than single-family residential that meet all of the following provisions.
  1. No more than two (2) shall be displayed on a zoning lot at any given time.
  2. No single temporary sign shall exceed twelve (12) square feet in sign area.

3. Sign height shall not exceed ten (10) feet.
4. No single temporary sign shall be displayed for a period exceeding ninety (90) days.
5. Signs shall not be illuminated or dynamic, as defined in this article.

#### **08.10. Signs Exempt from Regulation**

- A. Signs placed by, at the direction of, or by requirement of the City of Rose Hill or any other government entity in the right-of-way or on any government owned parcel.
- B. Signs required by federal, state, or local statute or order with a sign area of thirty-two (32) square feet or less.
- C. Signs identifying historic events, buildings, or other aspects of Rose Hill and authorized by the City.
- D. Signs not visible and distinguishable beyond the zoning lot where the sign is located.
- E. Incidental signs up to a maximum aggregate sign area of nine (9) square feet for all incidental signs on a zoning lot.
- F. Flag signs that adhere to the following regulations.
  1. Sign area of a single flag sign does not exceed forty (40) square feet.
  2. Sign height does not exceed twenty five (25) feet.
  3. Aggregate sign area of all flag signs on a zoning lot does not exceed fifty five (55) square feet.
  4. Flag signs that meet the above regulations shall not count towards the allowable aggregate sign area for temporary signs.
- G. Antique or collectible signs that are part of a museum exhibit, painted on a wall or architectural element of a historic building or displayed outdoors as merchandise for sale in a manner consistent with these regulations.
- H. A display of goods in a window.
- I. Signs carried by a person.
- J. Scoreboards and off-premise signs on athletic fields which are oriented towards the field of play.
- K. Signs affixed to or incorporated into machines or equipment by the manufacturer or distributor.
- L. Vehicle signs are exempt unless one or more of the following applies.
  1. The vehicle on which the sign is displayed does not have a current, lawful license plate affixed to such vehicle;
  2. The vehicle on which the sign is displayed is inoperable; or
  3. The vehicle on which the sign is displayed is not parked in a lawful or authorized location, or is on blocks or other supports, or is parked in a manner that is distinct or different from the per-determined parking area design.

#### **08.11. Prohibited Signs**

- A. All signs that are not in compliance with this article, other than legal non-conforming signs.
- B. Signs which by location, color, or design element conflict with traffic control signs or signals or that may interfere with, mislead, or confuse traffic.
- C. Privately owned signs on or above public property other than the government entity responsible for such property or other private entity occupying or working on public property pursuant to government contract or franchise, unless explicitly allowed by this article.
- D. Vehicle signs visible from the public right-of-way that are not otherwise exempt.
- E. New signs located on property without the permission of the property owner except those authorized or required by federal, state, or local government.
- F. Signs incorporating beacon lighting or strobe lights.

- G. Signs which emit smoke, particulate matter, sound, odor, or other visible vapors.
- H. Signs which prevent free ingress or egress from any door, window, or fire escape.
- I. Festoons.
- J. Abandoned sign structures.

#### 08.12. General Sign Standards

##### A. Construction Materials

- 1. All signs shall be constructed of non-combustible materials.
- 2. Permanent signs shall be constructed of permanent all-weather materials.

##### B. Sign Placement

- 1. All signs and sign structures shall be completely within the zoning lot except when otherwise allowed to encroach into the right-of-way under this article.
- 2. Signs shall not be placed on or otherwise attached to any tree, utility pole, or light pole.
- 3. All signs and sign structures shall not obstruct pedestrian access along a sidewalk or to building entrances and exits, disabled access ramps, or designated disabled parking spaces or otherwise block access or violate Americans with Disabilities (ADA) requirement or any other federal, state, or local access requirements or regulations.
- 4. All signs and sign structures shall not obstruct vehicular access of a driveway, alley, parking area, or other designated vehicular access area.
- 5. Signs extending into or placed within the right-of-way.
  - a. Projecting signs that extend into the right-of-way shall meet the following standards.
    - i. Where allowed, the sign shall not extend more than six (6) feet into the right-of-way. However, a sign shall not extend closer than two (2) feet from the curb if a curb is provided. If a curb is not provided, the sign shall not extend closer than two (2) feet from the edge of the street pavement.
    - ii. No more than thirty (30) square feet of the sign face may extend into the right-of-way.
    - iii. There shall be a minimum sign clearance of eight (8) feet, except that signs projecting into a sight triangle shall have a minimum clearance of ten (10) feet.
  - b. Awnings, canopies, and marquees that extend into the right-of-way may contain signs.
  - c. Portable temporary signs may be placed in the right-of-way, subject to these regulations.
  - d. Signs extending into the right-of-way may be required by the City Engineer to be modified or removed due to improvement projects in the right-of-way. Modification or moving will be at the expense of the owner. Non-conforming signs that are required to be moved or modified under this provision may be replaced without being brought into conformance.
- 6. Setbacks and Sight Triangles
  - a. All freestanding signs shall have a setback of no less than five (5) feet from the property line or ten (10) feet from the edge of the street pavement, whichever distance is greater.
  - b. Any freestanding sign placed in the sight triangle shall not exceed three (3) feet in total sign height.
  - c. Further guidance on sight triangles is provided in [Section 04](#).

##### C. Landscaping

Freestanding signs shall be landscaped in order to make the signage a more integral element of the overall site design. The landscaping shall be within a defined planting area and shall extend no less than three feet from the base of the sign. In general, a combination of ornamental deciduous trees, evergreen trees, shrubbery, ground cover, perennials and bulbs covering twenty-five percent (25%) of the area surrounding the sign base is appropriate. This material is intended to accent the signage, minimize its impact on surrounding development, and separate the sign from traffic and parking.

**D. Portability**

1. Vehicular signs are subject to applicable regulations for the appropriate vehicular code when in use on public roadways.
2. Portable signs shall not be illuminated or dynamic.
3. Portable signs may be placed in public right-of-way, subject to the provisions of this article and the following.
  - a. This shall only apply to public rights-of-way immediately adjacent to commercial lots zoned B-1 or C-1 and having a commercial primary land use.
  - b. Each commercial establishment located on the adjacent zoning lot shall be allowed to display one (1) on-premise portable sign in the right-of-way during its operating hours only.
  - c. The sign structure shall be placed completely outside of the street or roadway.
  - d. The sign area shall be no greater than eight (8) square feet and shall be counted against the aggregate allowed sign area of the zoning lot.
  - e. The maximum height of the sign structure shall be four (4) feet, except that those placed in a sight triangle shall not exceed three (3) feet in height.

**E. Building Signs**

1. Awning, Canopy, and Marquee Signs
  - a. Shall not extend beyond the highest point of the awning, canopy, or marquee to which it is affixed.
2. Projecting Signs
  - a. Shall only be affixed to a building.
  - b. Shall not extend higher than the highest point of the building to which it is affixed.
  - c. The edge of the sign nearest the building wall to which it is affixed shall not be more than twelve (12) inches from such wall.
3. Roof Signs
  - a. Shall not extend beyond the highest point of the building to which it is affixed.
  - b. Signs on pitched roofs shall be parallel to the building wall and shall not extend beyond the building wall.
  - c. Support structures shall not be visible above the sign.
4. Wall Signs
  - a. Shall not extend higher than the highest point of the wall or structure to which it is affixed.
  - b. Shall not extend more than twelve (12) inches from the building to which it is affixed.
5. Window Signs
  - a. The aggregate sign area of all sign faces displayed on or through an individual window shall not cover more than fifty percent (50%) of the area of said window.

**F. Freestanding Signs**

Permanent freestanding signs shall not be located within twenty (20) feet from another freestanding sign or projecting sign on the same zoning lot or on another zoning lot.

**G. Illuminated Signs**

1. Shall conform to all applicable illumination regulations in this article and the current edition of the building code adopted by the City of Rose Hill.
2. Glare from any illuminated sign shall not directly or indirectly illuminate beyond the zoning lot on which the sign is located, or the ground under those allowed to extend into public right-of-way, in excess of a measurement of one-half ( $\frac{1}{2}$ ) foot candle of light above ambient light conditions.

3. Shall be equipped with a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken.
4. The light source, including fixture, of any sign utilizing external illumination shall be shielded from view from any public right-of-way and from any residential dwelling unit.
5. All electrical wiring to freestanding signs shall be placed underground. All electrical wiring to building signs shall be concealed from public view.
6. Prior to approval of a sign permit for any illuminated sign, the applicant shall certify in writing that such signs meet all of the illumination requirements.

#### H. Changeable Copy Signs

1. Shall display each individual message for a minimum of eight (8) seconds.
2. Individual messages displayed shall be static.
3. Automatic changeable copy signs.
  - a. If illuminated, shall adhere to these regulations.
  - b. Shall not be located in A-1, R-1, R-2, or R-3 zoning districts.
  - c. Shall be equipped with a light sensing device that automatically adjusts the brightness of the sign as ambient light conditions change.
  - d. The transition from one static display to another shall be instantaneous to the human eye without any transition effects. Transition effects include wipes, fades, or other special effects, however, scrolling is allowed.
  - e. Shall be operated with monitoring and methods in place that shall either turn off the display, or show a full black image on the display, in the event of a malfunction that affects more than fifty percent (50%) of the sign face.
  - f. All automatic changeable copy signs lawfully in existence prior to the effective date of this article shall conform to the requirements in [Section 08.12.G](#) and [Section 08.12.H](#) within one (1) year of official adoption of this article. Exception: An automatic changeable copy sign, which was lawfully established with no dimming capability, shall be considered legal nonconforming regarding the requirement for dimming control technology.

#### I. Dynamic Signs: That are also illuminated signs shall comply with applicable provisions.

### 08.13. Permanent Sign Regulations by Zoning District

Permanent signs shall conform to the following provisions based upon the zoning district in which the property exists, unless otherwise specified elsewhere in this article. Each sign or sign type referenced in this section is assumed to be a permanent sign unless otherwise specified.

#### A. A-1, R-1, and R-2 zoning districts

1. Lots with Single-Family Residential Primary Uses
  - a. Aggregate sign area shall not exceed four (4) square feet.
  - b. Sign area for a single sign shall not exceed four (4) square feet.
  - c. Sign height shall not exceed five (5) feet.
  - d. No more than one (1) sign per zoning lot shall be externally illuminated.
  - e. Signs shall not be off-premise, portable, projecting, roof, internally illuminated, or dynamic.
2. Residential Subdivisions of Twenty (20) Lots or More
  - a. Shall be permitted one freestanding sign per vehicular entrance but shall be a minimum of five hundred (500) feet apart.
  - b. Sign area for a single sign shall not exceed thirty-two (32) square feet.
  - c. Sign height shall not exceed ten (10) feet.

- d. Signs shall be monument, hybrid monument, or column signs.
  - e. Internally illuminated signs shall not be allowed.
  - f. Signs shall not be off-premise, portable, or dynamic signs.
3. Non-Residential Primary Uses
- a. Aggregate sign area shall not exceed one (1) square foot per two (2) feet of street frontage with a minimum guaranteed aggregate sign area per zoning lot of sixteen (16) square feet.
  - b. Sign area for a single sign shall not exceed thirty-two (32) square feet.
  - c. Sign height shall not exceed ten (10) feet.
  - d. No more than two (2) signs per zoning lot shall be externally illuminated.
  - e. Signs shall not be off-premise, portable, internally illuminated, or dynamic signs.
- B. R-3 zoning district
1. Lots with Single-Family Residential Primary Uses
- Shall have the same regulations as single-family residential zoning lots in an A-1, R-1, or R-2 zoning district.
2. Lots with Primary Uses Other than Single-Family Residential
- a. Aggregate sign area shall not exceed one (1) square foot per two (2) feet of street frontage with a minimum guaranteed aggregate sign area per zoning lot of twenty (20) square feet.
  - b. Sign area for a single sign shall not exceed thirty two (32) square feet.
  - c. Sign height shall not exceed ten (10) feet.
  - d. No more than two (2) signs per zoning lot shall be externally illuminated.
  - e. Signs shall not be off-premise, portable, internally illuminated, or dynamic signs.
- C. B-1, C-1, and I-1 zoning districts
1. Primary On-Premise Freestanding Signs
- a. One (1) primary on-premise freestanding sign is allowed per zoning lot based upon the street classification to which the zoning lot is addressed.
    - i. Zoning lots addressed to an arterial street shall have a sign height less than or equal to twenty (20) feet and shall have a sign area less than or equal to sixty four (64) square feet.
    - ii. Zoning lots addressed to a collector street shall have a sign height less than or equal to fifteen (15) feet and shall have a sign area less than or equal to thirty-six (36) square feet.
    - iii. Zoning lots addressed to a local street shall have a sign height less than or equal to ten (10) feet and shall have a sign area less than or equal to twenty-four (24) square feet.
  - b. Multi-Tenant Zoning Lots
- For multi-tenant zoning lots sharing the same freestanding sign structure, the sign area allowed for a primary freestanding sign for each tenant may be placed on one (1) zoning lot. Sign height shall be regulated by the street classification for which the zoning lot, on which the sign is located, is addressed.
2. Additional On-Premise Freestanding Signs
- a. One (1) on-premise freestanding sign per vehicle entrance to a zoning lot shall be allowed an entrance location, sign area shall not exceed eight (8) square feet, and sign height shall not exceed four (4) feet, and not within twenty (20) feet of another freestanding sign.
  - b. Additional freestanding signs may be placed on a zoning lot based upon the amount of street frontage. An additional one (1) square foot of aggregate sign area for on-premise freestanding signs per four (4) linear feet of street frontage is allowed. For each additional sign, the sign height shall not exceed eight (8) feet, and the sign area for a single sign shall not exceed four (4) square feet. Signs allowed under this provision shall not be located within twenty (20) feet of another freestanding sign. This additional aggregate area shall not increase the allowed sign area for single signs.

### 3. High-Speed Roadway Frontage Freestanding Signs

Due to sign visibility concerns at high travel speeds, one (1) additional on- or off-premise freestanding sign is allowed on zoning lots frontages of roadways having a posted speed limit of 60 mph or greater, only when such a freestanding sign is located within one-hundred (100) feet of the street right-of-way and the sign face is oriented towards traffic on said streets. The sign height shall not exceed thirty (30) feet, the sign area shall not exceed two-hundred (200) square feet, and such signs shall not be placed within one-thousand (1,000) of another such sign. Such signs shall not be within one-hundred (100) feet of any other permanent freestanding sign.

### 4. Building Signs

- a. The aggregate area of all permanent building signs shall not exceed ten (10) percent of the wall area of the primary building elevation(s).
  - b. Signs may be placed on any elevation of the building and shall not extend beyond the highest point of the building.
5. No more than one (1) sign on a zoning lot shall a dynamic sign.
  6. No more than two (2) signs per zoning lot shall be illuminated.
  7. No more than one (1) sign on a zoning lot may be an automatic changeable copy sign, including electronic message sign, or portions of a sign that include similar characteristics, shall not exceed fifty percent (50%) of the maximum sign area for an individual sign, shall be limited to two (2) signs per zoning lot, a single electronic message sign shall not exceed thirty two (32) square feet, and shall only be located along freeway, arterial, or collector street frontage.

## 08.14. Temporary Sign Regulations by Zoning District

Temporary signs, as defined in this article, shall conform to the following provisions based upon the zoning district in which the property exists.

### A. General Provisions

1. A temporary sign permit is required for all temporary signs except as exempted.
2. Any temporary sign not requiring a sign permit and not specifically exempt shall count towards the maximum aggregate sign area for temporary signs.
3. Temporary signs are allowed in addition to allowed permanent signs.
4. If a primary sign is removed due to a project by a government agency or at the direction of a government agency, a temporary sign(s) of comparable size, height, number and aggregate area allowed for permanent sign(s) is allowed, provided it is removed within ten (10) days after construction is complete.
5. Portable temporary signs are allowed in the B-1, and C-1 zoning districts, shall be counted towards the limits on temporary sign size and number.

### B. A-1, R-1, R-2 and R-3 zoning districts

#### 1. Lots with Single-Family Residential Primary Uses

- a. Aggregate sign area shall not exceed twenty (20) square feet.
- b. Signs per zoning lot shall not exceed three (3) signs.
- c. Sign area for a single sign shall not exceed sixteen (16) square feet.
- d. Sign height shall not exceed five (5) feet.
- e. Signs shall not be displayed for more than ninety (90) days. However, one (1) sign is allowed to be displayed for up to one-hundred and eighty (180) days.
- f. Signs shall be constructed of non-rigid or semi-rigid materials and designed so as to not be permanent. The one (1) sign allowed to be displayed for up to one-hundred and eighty (180) days shall be constructed of a rigid frame and be resistant to rot, decay, and deterioration.
- g. Signs shall not be portable, building, dynamic (except flag signs), or illuminated signs.



2. Lots with Primary Uses Other than Single-Family Residential
  - a. Aggregate sign area shall not exceed thirty (30) square feet.
  - b. Signs per zoning lot shall not exceed three (3) signs.
  - c. Sign area for a single sign shall not exceed twenty (20) square feet.
  - d. Sign height shall not exceed five (5) feet.
  - e. Signs shall not be displayed for more than ninety (90) days. However, one (1) sign is allowed to be displayed for up to one hundred and eighty (180) days.
  - f. Signs shall be constructed of non-rigid or semi-rigid materials and shall be designed so as to not be permanently installed or displayed. The one (1) allowable sign to be displayed for up to one-hundred and eighty (180) days shall be constructed of a rigid frame and be resistant to rot, decay, and deterioration by the elements.
  - g. Signs shall not be portable, building, dynamic (except flag signs), or illuminated signs.
- C. R-3, B-1, C-1, and I-1 zoning districts
  1. Aggregate sign area shall not exceed sixty-four (64) square feet.
  2. Signs per zoning lot shall not exceed five (5) signs.
  3. Sign area for a single sign shall not exceed thirty-two (32) square feet.
  4. Sign height shall not exceed ten (10) feet.
  5. Signs shall not be displayed for more than ninety (90) days. However, one (1) sign is allowed to be displayed for up to one hundred and eighty (180) days.
  6. Signs shall be constructed of non-rigid or semi-rigid materials and shall be designed so as to not be permanently installed or displayed. The one (1) allowable sign to be displayed for up to one-hundred and eighty (180) days shall be constructed of a rigid frame and be resistant to rot, decay, and deterioration by the elements.
  7. Signs shall not be internally illuminated.
  8. Signs shall not be dynamic signs (except air-activated signs).

#### 08.15. Maintenance

##### A. Existing Sign Maintenance

All signs shall be designed, constructed, and maintained in compliance with applicable provisions of the building code and other City codes.

##### B. Removal of Unsafe or Illegal Signs

If the City shall find that any sign regulated by this article is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this regulation, it shall give written notice to the permit holder thereof. If the permit holder fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign may be removed or altered to comply by the City at the expense of the permit holder or owner of the property upon which it is located. The City shall not approve a permit to any permit holder or owner who refuses to pay costs so assessed. The enforcement agency may cause any sign that is an immediate peril to persons or property to be removed summarily and without notice.

##### C. Sign Maintenance Enforcement

1. All signs within the City shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The designated official shall be charged with the responsibility and authority to inspect all signs within the City and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, letters and other sign components in the equivalent condition as on the sign permit or as approved.



2. Should the City find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.
3. Should the owner fail to exhibit evidence of compliance within thirty (30) days after the mailing of the letter of notification, the City shall cause the owner to be cited for violation of this regulation.

D. Painted Sign Maintenance

All painted sign components shall be maintained in good condition and free of rust or corrosion. Paint shall not be allowed to peel, flake, crack or chip. Sign supports and structural components shall be painted, unless the same are galvanized, non-ferrous, or otherwise treated to prevent rust.

- E. The City may, whenever it is necessary to enforce any provisions of the Article, inspect signs to ensure compliance with the requirements of this article or whenever there is reasonable cause to believe there exists a violation of this article. No person may refuse entry or access to a site of a permitted or registered sign to any authorized representative of the City who provides proper credentials and requires entry for the purpose of conducting an inspection. In addition, no person may obstruct, hamper, or interfere with representatives of the City while in the process of carrying out their official duties.

**08.16. Nonconforming Signs**

- A. All permanent signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal non-conformance. Sign maintenance, sign repair, and changing of permanent sign faces is allowed so long as no structural alterations are made.
- B. All temporary signs legally existing at the time of passage of these regulations that are non-conforming due to the passage of these regulations shall be removed within sixty (60) days from the approval of these regulations.

**08.17. Removal of Nonconforming Signs**

- A. All nonconforming signs not otherwise prohibited by the provisions of this article shall be removed or shall be altered to conform to the provisions of this regulation when:
  1. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend;
  2. The name of the business changes and the sign is changed or modified either in shape, size, or legend;
  3. A principal structure is destroyed or removed due to natural or man-made circumstances, unless a building permit has been issued to replace the structure within ninety (90) days;
  4. The sign is damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage; or
  5. The building or use to which the sign applies is vacated, abandoned, or otherwise dormant for a period of more than twelve (12) months.
- B. All nonconforming signs required to be removed by these regulations shall be removed within ninety (90) days of notification by the City.

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## Article 09 Compatibility Buffers

### 09.01. Purpose

This article is intended to enhance the compatibility of adjacent land uses, provide an orderly transition between developments of varying intensity, and encourage development consistent with the community's character. This article establishes minimum buffering requirements and applicable standards.

### 09.02. Applicability

- A. The provisions of this article shall apply as follows.
  1. New land uses and structures approved or established.
  2. Existing land uses and structures that are altered or modified, and:
    - a. Expand the size of the use or structure.
    - b. Change the type of use or structure.
    - c. Change the intensity or density of the use or structure.
- B. Specific exemptions from these requirements are:
  1. Minor repairs and routine maintenance to existing structures or properties.
  2. Any alteration, modification, or establishment of a use or structure that is otherwise exempted.
- C. Visual and aesthetic compatibility between land uses shall be maintained by using an acceptable visual buffer, which shall include screening fences/walls, landscape screen, and earthen berms.
- D. Compatibility buffers shall be required for all structures and uses meeting the above applicability criteria, which are of higher intensity (**subject use/lot**) than those of a lower intensity adjacent property (**trigger use/lot**). Requirements shall apply based on the following scenarios.
  1. **Case 1:** Agricultural and single-family residential uses shall have no buffer requirement.
  2. **Case 2:** Screening fence/wall or landscape screen REQUIRED
    - a. Subject: Multi-family residential and non-residential uses; AND lots zoned B-1, C-1, or I-1
    - b. Trigger: Single-family residential uses; AND lots zoned R-1 or R-2
  3. **Case 3:** Screening fence/wall or landscape screen REQUIRED
    - a. Subject: Lots zoned B-1, C-1, or I-1
    - b. Trigger: Lots zoned R-3
  4. **Case 4:** Screening fence/wall or landscape screen REQUIRED
    - a. Subject: Lots zoned I-1
    - b. Trigger: Lots zoned B-1 or C-1
  5. **Case 5:** Earthen berms MAY BE USED as a visual buffer
    - a. Subject: Subject lots ten (10) acres or larger; OR five (5) acres or larger AND zoned I-1
    - b. Trigger: Any trigger under Cases 1-4
  6. Case scenarios shall apply to PDO overlay zoning, according to the base zoning district (i.e. applied as if no PDO existed).
- E. When deemed necessary to enhance land use compatibility, the Planning Commission or City Council may impose a visual buffer requirement as a condition of approval for any zoning action.
- F. The Planning Commission or City Council may defer any visual buffer requirement for any subject structure or use if the trigger lot is vacant at the time of approval. All such deferments shall expire within one-hundred and eighty (180) days after a building permit is issued on the vacant trigger lot. Failure to install a visual buffer by the deferment expiration date may be subject to enforcement.

**09.03. General Provisions**

The following general provisions shall apply to all subject lots per [Section 09.02.D](#).

- A. All offstreet parking facilities and outdoor storage areas shall have a screening fence/wall installed around the perimeter on all sides facing a trigger lot line, designed per applicable standards.
- B. Visual buffers shall only be required along subject lot lines shared with trigger lots; provided subject lot lines shall be buffered along the full length, not just the shared length.
- C. The following provisions shall apply to visual buffer requirements along street frontages.
  - 1. Alleys shall be treated as property lines. Visual buffers shall be required along alley frontage of all subject lots where the opposite frontage has a trigger use or zoning.
  - 2. Visual buffers shall be provided along local street and collector street frontage of a subject lot only when the opposite frontage has a single-family residential trigger use or zoning.
  - 3. In no case shall a visual buffer be required for a subject lot along the frontage of an arterial street, state highway, US highway, or interstate highway.
- D. Visual buffers shall not be required along natural barriers that are at least fifty (50) feet wide, such as rivers and wooded areas.
- E. No visual buffer shall be allowed to cross a driveway or obstruct the sight triangle of a street, alley, or driveway intersection.
- F. All visual buffers shall be installed according to the approved development site plan and found in good condition when inspected for occupancy. When inspecting planted vegetation during winter months, a temporary certificate of occupancy may be issued with an expiration deadline no later than six (6) months from the inspection date. If landscaping is found to be non-compliant or unhealthy at that time, the temporary certificate may be revoked by the Zoning Administrator or Building Inspector.

**09.04. Visual Buffer Design Standards**

- A. Screening fences and walls shall meet applicable provisions of the building code with regard to design, construction materials and methods, and foundations. In addition, the following shall apply.
  - 1. Design and construction shall minimize the visual impact of subject uses and structures from outside of that lot. The vertical faces of each horizontal section between posts/columns shall have a minimum ten percent (10%) open space, with consistent spacing between vertical pickets/slats.
  - 2. Construction materials and colors shall complement the architecture of the primary structure on the lot and adjacent structures.
    - a. Fence posts and rails shall be sufficient strength to support the horizontal rails and vertical facing materials. Pickets/slats shall be wood, metal, vinyl/PVC, or composite materials.
    - b. Walls shall be constructed of masonry such as concrete panels, brick, stone, or cinder blocks. Aesthetic finishes such as stucco may be used, as appropriate to the environment.
    - c. Alternate materials may be used provided they are comparably durable and the finished look approximates that of a required material.
  - 3. Along lot lines, shall be between six (6) feet and eight (8) feet in height. Perimeter screening around offstreet parking, loading, and outdoor storage areas, when not located on lot line, shall measure between three (3) feet and four (4) feet in height. Height shall be measured from the adjacent ground elevation to the top of the vertical face.
  - 4. Reasonable modifications to these standards may be allowed to avoid hazards to animals or people; preserve safe traffic operations; or minimize negative impacts to surrounding properties.
- B. Landscape screens shall be planted with a variety of trees, bushes, or shrubs, which shall be designed to meet standards within thirty-six (36) months of occupancy. In addition, the following shall apply.
  - 1. Shall have a height of at least six (6) feet above grade along the entire length. No six (6) linear foot segment shall contain more than thirty percent (30%) open space or offer a direct view through the screen at any point higher than two (2) feet above grade.

2. Shall be provided along subject lot lines within a depth of ten (10) feet. No other uses except approved driveways and signs shall be allowed in a required landscape screening area.
  3. Plant selection shall consider drought tolerance, species nativity, mature growth, and other such characteristics. Vegetation shall not overhang the public right-of-way such that it obstructs vehicular, pedestrian, or bicycle traffic or restricts access to any property.
- C. Earthen berms used per [Section 09.02.D.6](#) shall be designed to avoid flooding and other storm water drainage impacts both on- and off-premise. In addition, the following shall apply.
1. Shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured perpendicular to grade level at any point along its length.
  2. Side slopes shall have a gradient no steeper than three to one (3:1) and shall be sodded to prevent erosion. Bank stabilization materials and devices shall be used as necessary.
  3. The top of berms shall be planted with landscaping meeting the standards of [Section 09.04.B](#), except that the minimum height shall be three (3) feet at mature growth height.

#### 09.05. Supplemental Landscape Buffer Provisions

To encourage compatible aesthetics and character, supplemental landscape provisions shall be provided in addition to other compatibility provisions as follows.

- A. All paved offstreet parking areas shall include curbed landscaped islands equivalent to at least ten percent (10%) and in addition to the area occupied by required parking stalls, driveways, and drive aisles. Such islands shall:
1. Be distributed throughout parking areas such that no single island exceeds twenty-five percent (25%) of the requirement.
  2. Shall meet all other provisions applicable to landscape screens, with the exception of [Section 09.04.B.1 and 2](#), which are related to screening height, density, and location.
- B. In addition, street trees shall be planted in required yards along street frontages as follows:
1. Shall only apply:
    - a. Along all street frontages of lots zoned R-1, R-2, or R-3 having a primary use other than single-family residential.
    - b. Along arterial street and highway frontages of lots zoned B-1, C-1, or I-1.
  2. Street trees shall meet the following standards:
    - a. Species shall be selected according to the considerations in [Section 09.04.B.3](#).
    - b. Shall have expected mature growth height and width between twenty (20) and thirty (30) feet.
    - c. Shall have a minimum three (3) inch caliper diameter at the time of planting.
    - d. Shall be spaced at thirty (30) feet on-center.
    - e. Shall be placed no closer than eight (8) feet from any underground utilities or paving; and shall not be placed beneath overhead utility lines.
- C. The provisions of [Section 09.03.F](#) shall apply to all plantings required by this section, with regard to inspection of planted materials.

#### 09.06. Visual & Landscape Buffer Plans

- A. A buffer and landscape plan shall be submitted with the development site plan. Such plans shall be designed by an appropriately credentialed professional.
1. Screening fences/walls must be designed by a licensed architect or engineer only when required by the building code or other applicable regulations.
  2. All landscaped areas must be designed by a licensed landscape architect or certified landscape designer, including those located on berms.
  3. Earthen berms shall be designed by a licensed engineer or landscape architect.

- B. Such plans shall include sufficient detail and information to determine compliance with buffer requirements. At a minimum, this shall include:
  - 1. Fences/Walls: Location, type, height, and materials.
  - 2. Landscaped Areas: Location, planting specifications and details, mature size, and plant identification (common and botanical names).
  - 3. Berms: Location, dimensions, cross-section, and materials (list and quantities).

#### 09.07. Visual & Landscape Buffer Maintenance

It shall be the responsibility of the property owner to maintain all buffers and plantings in good condition. Any required buffers determined by the Zoning Administrator, Building Inspector, or City Engineer to be in poor condition, substandard, or non-compliant with the approval, these regulations, or any applicable City code, may be subject to code enforcement action.

#### 09.08. Height Compatibility Standards

To enhance height compatibility, the following provisions shall apply to structures exempted from zoning district maximum height restrictions per [Section 04.06.M](#), and any building that exceeds the maximum height its zoning district by virtue of any other allowance provided by these regulations.

- A. These standards shall not apply to integrated or attached structures per [Section 04.06.M](#).
- B. All other structures that exceed, or are proposed to exceed applicable maximum height restrictions, shall be subject to the following height compatibility standards.
  - 1. No structure in the I-1 zoning district shall exceed three (3) times the maximum height restriction; no structure in any other zoning district shall exceed two (2) times the maximum height restriction.
  - 2. A height compatibility setback adjustment shall be required in order to mitigate the negative aesthetic impacts of substantial height differential between adjacent properties.
  - 3. No structure shall be allowed to exceed the applicable zoning district maximum height without also being setback from every lot line the adjusted setback distance for height compatibility. This shall apply regardless of the means by which the height exception is approved or allowed.
- C. The height compatibility setback shall be calculated as follows:
  - (A) Proposed structure height
  - (B) Zoning district maximum height
  - (C) Height compatibility multiplier = (A) ÷ (B); Round to nearest hundredth, down < 0.05, up ≥ 0.05  
Check against exempt restrictions: 3 or less for I-1 zoning; 2 or less for other zoning districts
  - (D) Zoning district maximum required setback (any yard or use)
  - (E) Height compatibility setback = (C) X (D); Round to nearest foot, down < 0.5, up ≥ 0.5

#### **Example Height Compatibility Setback Calculation**

Scenario: The owner of a property zoned B-1 submits an application for a 50-foot flag pole.

- (A) Proposed structure height = 50 feet
- (B) Zoning district maximum height = 35 feet (non-residential structures)
- (C)  $50 \div 35 = 1.428$ ; Rounded up, height compatibility multiplier = 1.43  
1.43 is less than 2 times the maximum height for B-1 zoning
- (D) Zoning district maximum required setback = 35 feet (front yard setback)
- (E)  $1.43 \times 35 = 50.05$ ; Rounded down, height compatibility setback requirement = 50 feet

***The flag pole must be built at least 50 feet away from all property lot lines.***

## Article 10 Specific Use Standards

### 10.01. Purpose

The purpose of this article is to provide limitations, conditions, adjustments, or design requirements for a limited number of defined uses. Such standards are intended to enhance compatibility between those and other land uses or specify exceptions to minimum/maximum requirements under certain conditions. As provided in this article, specific use standards shall be required either in addition to or in lieu of otherwise applicable requirements.

### 10.02. Duplexes, Single-Family Attached

In addition to other applicable requirements, the following provisions shall apply when permitted by conditional use within single-family subdivisions zoned R-1.

- A. Shall not be interspersed amongst individual lots occupied by single-family detached dwellings.
- B. Shall be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
  - 1. Around a cul-de-sac.
  - 2. On a street with duplexes or R-2 zoning on the opposite street frontage.
  - 3. On a street with multi-family or non-residential zoning on the opposite street frontage.
- C. Architectural style and exterior siding materials shall be consistent with single-family detached dwellings in same subdivision or immediate vicinity.

### 10.03. Earth Sheltered Homes

In addition to other applicable requirements, the following provisions shall apply.

- A. Such shall be fully complete and fully functional residential structures. In no case shall a partially completed structure, foundation or substructure intended to support a completed structure, be considered an earth sheltered home.
- B. Shall include any single-family structure having fifty percent (50%) or more of the exterior surface area of the building covered with earth, excluding garages and other accessory or attached structures. Bulk regulations shall be measured from the exterior structure, not the earth covering.
- C. Architectural style and exterior siding materials of uncovered structure shall be consistent with other single-family detached dwellings in same subdivision or immediate vicinity.

### 10.04. Tattoo & Body Piercing Studios

In addition to other applicable requirements, the following provisions shall apply.

- A. No body art activities (tattooing, body piercings, etc.) shall be viewable from waiting/reception areas or outside the primary structure.
- B. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; bars, taverns, or night clubs.
- C. These standards shall not apply to establishments that offer only facial tattooing or piercing.

### 10.05. Golf Courses & Country Clubs

In addition to other applicable requirements, the following provisions shall apply.

- A. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by pro shops, club houses, retail/commercial structures, offstreet parking or loading, outdoor storage, swimming pools, golf driving ranges, and non-golf sport courts.

1. Such areas shall be:
  - a. Located in a contiguous grouping, to the extent practical.
  - b. Platted as a separate lot or lots, or specifically designated on site plans.
- B. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
  1. Fixtures are installed at a height no greater than twelve (12) feet.
  2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
  3. Fixtures shall be equipped with motion detector shut off controls.
- C. All on-premise structures shall be of consistent architectural style and exterior siding materials.

#### 10.06. Recreation, Sport & Amusement Centers

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be located adjacent to and have direct access to an arterial street or highway.
- B. Shall not be located within one-thousand (1,000) feet of property zoned R-1, R-2 or R-3.
- C. The Planning Commission or City Council may place reasonable limits on operating hours as a condition of approval.
- D. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by retail/commercial structures; outdoor recreation, sport or amusement facilities and equipment; offstreet parking or loading; and outdoor storage. Such areas shall be:
  1. Located in a contiguous grouping, to the extent practical.
  2. Platted as a separate lot or lots, or specifically designated on site plans.
- E. Outdoor lighting installations shall not be located outside of the developed areas described in [Section 10.06.D](#). Lighting in such areas shall be "fully shielded" or "full cutoff" light fixtures. Provided that expansive open areas, such as golf driving ranges, may be illuminated with flood lights:
  1. Aimed down and inward toward the area.
  2. Equipped with shut off controls that turn lights off during non-operational hours.

#### 10.07. Shooting Ranges, Indoor

In addition to other applicable requirements, indoor shooting ranges shall be sited, designed, and operated according to applicable provisions of Kansas state law (KSA 58-3221 to 3225) and published industry best practices including, but not limited to noise attenuation.

- A. Exterior lights shall be shielded to reflect or direct light away from adjacent properties.
- B. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt.

#### 10.08. Shooting Ranges, Outdoor

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be sited, designed, and operated according to applicable provisions of Kansas state law (KSA 58-3221 to 3225) and published industry best practices including, but not limited to noise attenuation.
- B. Shall not be located within 2,500 feet of property zoned R-1, R-2 or R-3.
- C. The Planning Commission or City Council may place reasonable limits on operating hours as a condition of approval.
- D. Flood light installations in outdoor shooting range areas shall be aimed down and inward toward the area and equipped with shut off controls that turn lights off during non-operational hours.
- E. Shall be exempted from hard surface paving requirements, as regulated per [Section 07.05.D.2](#).



**10.09. Automotive Repair Shops**

In addition to other applicable requirements, the following provisions shall apply.

- A. Outdoor storage shall not be allowed. This includes inoperable vehicles and vehicle fluid containers that are not stored within a garbage dumpster or liquid waste enclosure.
- B. Automotive repairs shall be conducted inside the principal building.
- C. Service bays shall not face local or collector street frontages.

**10.10. Car Washes**

In addition to other applicable requirements, the following provisions shall apply to all car washes as a primary use or as a secondary use.

- A. Sites shall meet the hard surface paving requirements of [Article 07](#).
- B. In addition to offstreet parking and loading requirements, all wash bays shall have adjacent paved vehicle queuing lanes, at least the width of the bay openings, as follows:
  - 1. Automated Wash Bays: One-hundred (100) feet at entrances, at least fifty (50) feet of which must be provided in straight alignment with the entrance; twenty-five (25) feet at exits.
  - 2. Self-Service Wash Bays: Twenty-five (25) feet at entrances and exits.
- C. Exterior lighting shall be "fully shielded" or "full cutoff" light fixtures. As a primary use, sites and facilities that are unattended shall be equipped with motion detector shut off controls, except when entrances are gated to restrict access to facilities that close by 11:00 p.m.
- D. When adjacent to residential land uses or zoning districts ( R-1, R-2, or R-3), the following shall also apply:
  - 1. Shall provide a minimum setback of fifty (50) feet along lot lines subject to a compatibility buffer.
  - 2. Vacuum cleaning apparatus shall not be located within any required setback area.
  - 3. Visual buffers shall meet the requirements of [Section 09.04](#), except that maximum vertical open space for any fence/wall section shall be five percent (5%).

**10.11. Boarding Kennels**

In addition to other applicable requirements, the following provisions shall apply.

- A. Minimum lot size shall be five (5) acres for any boarding kennel having outdoor runs.
- B. Outdoor runs, play yards, and open-air enclosures shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- C. Areas developed with any boarding kennel structure, outdoor run, play yard, or open-air enclosure that are located within six-hundred (600) feet of a lot line, as measured from any exterior point of any such facility, shall be:
  - 1. Buffered along a perimeter spaced no further than thirty (30) feet from any such facility, with a screening fence or landscaped screen consistent with the standards of [Section 09.04](#) or [Section 09.05](#) respectively.
  - 2. Located in a contiguous grouping, to the extent practical; and specifically designated on site plans.

**10.12. Automotive & Equipment Sales, Rental or Leasing; Manufactured Home Dealers**

In addition to other applicable requirements, the following provisions shall apply.

- A. All such areas having outdoor storage or display related to one of these uses shall be located on a lot of at least one (1) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than two (2) secondary driveways may access a local or collector street.

- C. All offstreet parking, and outdoor vehicle/equipment storage or display areas shall be subject to hard surface pavement requirements of [Article 07](#), except that manufactured home and heavy equipment sales shall be exempt, subject to other applicable paving requirements.

#### 10.13. Home and Garden Centers

In addition to other applicable requirements, the following provisions shall apply.

- A. Storage of merchandise available for sale shall be allowed outside of the principal structure as a Secondary Use subject to the following standards.
  - 1. Shall be immediately adjacent, have direct access, and be attached to the principal structure.
  - 2. Shall be enclosed by a screening fence or wall. The covering material may be semi-transparent to allow natural lighting, but must be sufficiently opaque to fully screen the area from view.
  - 3. Shall have no more than two (2) openings equipped with gates of similar screening material. Individual openings shall not exceed ten (10) feet in width.
  - 4. Shall not exceed ten percent (10%) of the principal structure's gross floor area and shall comply with all yard requirements as if it were part of the principal structure.
  - 5. Shall be counted as part of the principal structure for required offstreet parking calculations.
- B. Additional outdoor display of merchandise for sale is allowed by-right on a temporary basis for seasonal merchandise, such as holiday tree sales. Such areas are subject to the following provisions:
  - 1. Shall be limited to four (4) annual display periods, each lasting no longer than thirty (30) days.
  - 2. Shall be identified on approved site plans.
  - 3. Shall not utilize any required amount of offstreet parking or loading area.
  - 4. Shall not exceed ten percent (10%) of the principal structure's gross floor area.
  - 5. No additional outdoor merchandise displays shall be approved by any other means.

#### 10.14. Adult Retail Stores

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply in addition to other applicable requirements.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within five-hundred (500) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; residential land uses or zoning districts ( R-1, R-2 or R-3); bars, taverns, night clubs, or liquor stores; other sexually oriented businesses as defined in KSA 12-770.
- D. Permitted signs shall be allowed on-premise only; no permitted sign shall be temporary, portable, freestanding, vehicle, or illuminated as defined in [Article 07](#).
- E. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

#### 10.15. Bars & Taverns; Brewpubs

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; residential land uses or zoning districts ( R-1, R-2 or R-3).

- B. Outdoor seating areas shall be allowed as an accessory use when located in B-1 or C-1 zoning, and as a conditional use when located in C-1 zoning, subject to the following:
  - 1. Shall be required as a separate conditional use in C-1 zoning, in cases where the original conditional use approval did not include outdoor seating.
  - 2. Shall have a fence or barrier, which measures at least four (4) feet in height around the entire perimeter, the purpose of which is to delineate the area. Such barriers shall not be subject to screening design provisions of these regulations, but shall be required to meet all applicable provisions of any other federal, state, and local regulations.
  - 3. Lighting in such areas shall be “fully shielded” or “full cutoff” light fixtures equipped with shut off controls to turn off lights during non-operational hours.

#### 10.16. Multi-Tenant Lifestyle Centers; Shopping Malls; Strip Centers

In addition to other applicable requirements, the following shall only be allowed when developed in conjunction with an approved PDO zoning district.

- A. All multi-tenant lifestyle centers and multi-tenant shopping malls.
- B. All multi-tenant strip centers exceeding two (2) acres in area.

#### 10.17. Outdoor Markets

In addition to other applicable requirements, the following provisions shall apply to outdoor markets allowed by-right or permitted by conditional use in any zoning district.

- A. Shall not be conducted more frequently than once per week, for a period lasting longer than two (2) consecutive days, for a maximum twelve (12) consecutive hours in a day.
- B. Shall not conduct activities or install facilities considered to be an amusement ride, ride device, circus, carnival, or similar without receiving the appropriate licenses and permits as required by City Code and other applicable state and federal agencies.
- C. Shall only be allowed with an approved site plan that clearly identifies the following:
  - 1. Approximate boundary locations and dimensions of the area being used.
  - 2. Proximity to buildings, parking lots, right-of-ways, ingress/egress, and onsite circulation patterns.
  - 3. Locations and descriptions of all signs, lighting, electrical and utility connections, and temporary structures or tents.
- D. Outdoor markets that are secondary uses shall not:
  - 1. Occupy any offstreet parking stalls that are required for the primary use.
  - 2. Be permitted any permanent signs, but shall be allowed temporary signs as provided for the applicable zoning district, subject to issuance of a sign permit.
  - 3. Install lighting in addition to that approved for the primary use.

#### 10.18. Truck Stops

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be allowed only in conjunction with an approved PDO zoning district.
- B. Shall be located on a lot of at least five (5) acres in area, which has a minimum of three-hundred (300) feet provided in both depth and width.
- C. Shall not be located within one-thousand (1,000) feet, as measured between the closest points on any property line, of a lot zoned R-1, R-2 or R-3.
- D. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures.
- E. Sites shall meet the hard surface paving requirements of [Article 07](#), with the exception the required supplemental truck parking area, which may be surfaced in accordance with [Section 07.05.D.2\(c\)](#).

- F. Storage tanks shall be underground and meet applicable state and federal regulations. In addition:
  - 1. One (1) dedicated loading bay shall be provided on-premise adjacent to filling valve equipment in each storage tank area, subject to [Article 07](#) design standards.
  - 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- G. All on-premise areas intended only for passenger vehicle traffic shall meet applicable offstreet parking design standards of [Article 07](#) and other applicable provisions of this article.
- H. Minimum offstreet parking design standards of [Article 07](#) shall be adjusted within all areas intended for heavy truck traffic as follows:
  - 1. Truck fuel pump islands shall be setback a minimum of fifty (50) feet along all street frontages in zoning districts with lesser yard requirements. In addition, the following standards shall apply:
    - a. Minimum spacing between truck fuel pump islands, measured between the closest points at finished grade, shall be:
      - i. Thirty-two (32) feet between uncovered pump islands.
      - ii. Thirty-four (34) feet between pump islands under a shared canopy.
      - iii. Thirty-six (36) feet between pump islands under separate canopies.
    - b. Bollard protection shall be provided at the end of each island. Minimum bollard height is six (6) feet above grade. One or more bollards and a minimum width equal to that of the fuel pumps. Bollards shall not be required where canopy support columns offer the same degree of protection.
  - 2. Truck fuel pump islands are not required to be located under a canopy; however, where provided, canopies shall be designed to the following standards:
    - a. Minimum Vertical Clearance: Fifteen (15) feet
    - b. Minimum Overhang (underside of canopy perimeter)
      - i. Fifteen (15) feet from the outer edge of pumps on sides parallel to pump islands
      - ii. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
- I. Allowable secondary/accessory uses are limited to those of the truck stop definition in [Section 05.02](#) and the following, which shall be subject to all applicable standards of this article:
  - 1. Passenger vehicle fuel pumps
  - 2. One (1) restaurant of any type, which may include a drive-thru window
  - 3. One (1) garbage dumpster and liquid waste container enclosure
  - 4. One (1) automated car wash bay
  - 5. One (1) truck wash facility
  - 6. One (1) truck maintenance or repair facility
  - 7. Other related uses as may be allowed within the approved PDO zoning district

#### 10.19. Vehicle Fueling Stations; Fuel Pumps

In addition to other applicable requirements, the following provisions shall apply to all vehicle fueling stations (primary use) and fuel pumps (secondary use).

- A. Shall be located on a lot of at least one-half ( $\frac{1}{2}$ ) acre in area, which has a minimum of one-hundred and fifty (150) feet provided in either depth or width, regardless of zoning district regulations.
- B. Exterior lighting shall be "fully shielded" or "full cutoff" light fixtures.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#).

- D. Storage tanks shall be underground and meet applicable state and federal regulations. In addition:
  - 1. One (1) dedicated loading bay shall be provided on-premise adjacent to filling valve equipment, subject to [Article 07](#) design standards.
  - 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- E. Minimum offstreet parking design standards of [Article 07](#) shall apply, except that the minimum spacing between fuel pump islands, measured between the closest points at finished grade, shall be:
  - 1. Twenty-two (22) feet between pump islands under separate canopies.
  - 2. Twenty (20) feet between pump islands under a shared canopy.
- F. Fuel pump islands shall be located under a canopy designed and shall meet the following standards:
  - 1. Minimum Vertical Clearance: Thirteen feet six inches (13'6")
  - 2. Minimum Overhang (underside of canopy perimeter)
    - a. Ten (10) feet from the outer edge of pumps on sides parallel to pump islands
    - b. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
  - 3. Minimum Pump Island Setback: Thirty-five (35) feet along all street frontages in zoning districts with lesser yard requirements.
  - 4. Bollard protection shall be provided at the end of each island. Minimum bollard height is five (5) feet above grade. One or more bollards and a minimum width equal to that of the fuel pumps. Bollards shall not be required where canopy support columns offer the same degree of protection.
  - 5. Drive aisles and vehicle queuing areas provided for fuel pump islands shall not be allowed to satisfy offstreet parking requirements.
- G. Vehicle fueling stations as a primary use shall be limited to the following allowable secondary uses:
  - 1. One (1) garbage dumpster and liquid waste container enclosure
  - 2. One (1) automated car wash bay
- H. Fuel pumps as a secondary use, shall also be subject to the following provisions:
  - 1. May include automated payment equipment, but shall not be developed as fully unattended facilities. Cashier/attendant kiosks shall not exceed three-hundred (300) square feet gross floor area. Limited retail sales of convenience goods shall be allowed, such as ice, snacks, beverages, cigarettes, motor oil, etc. This shall not include sales of cereal malt beverages, wine, or liquor.
  - 2. Shall only be allowed in conjunction with the following primary uses defined in [Article 05](#).
    - a. Automotive Repair Shops
    - b. Supercenters & Warehouse Clubs
    - c. Convenience Stores
    - d. Grocery Stores & Supermarkets
    - e. Grain & Feed Stores

#### 10.20. Petroleum & Natural Gas Extraction

In addition to other applicable requirements, the following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within 2,500 feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- C. No outdoor lighting shall be allowed.

- D. On-premise storage or disposal of well stimulation byproducts is prohibited. No fluids, wastewater, or wastewater solids may be stored or disposed of within the City of Rose Hill.
- E. All approvals and permits needed to conduct oil and natural gas drilling operations in the State of Kansas must be received prior to zoning approval.
- F. On-premise extraction operations shall be defined in an operational plan, which is attached to and submitted with the zoning site plan. The operational plan shall include:
  - 1. Copies of all approvals and permits referenced in Section 10.20.E.
  - 2. Operating times and conditions.
  - 3. Operating procedures.
  - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and similar occurrences requiring emergency actions.
- G. Applicable provisions of Article 09 shall apply only to developed areas occupied by drilling/extraction equipment; offstreet parking; and outdoor storage. Such areas shall be:
  - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
  - 2. Located in a contiguous grouping, to the extent practical.
  - 3. Platted as a separate lot or lots, or specifically designated on site plans.

#### 10.21. Quarries & Mines; Sand, Rock & Mineral Extraction Pits

In addition to other applicable requirements, the following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within 2,500 feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- C. All approvals and permits needed to conduct quarrying, mining, and applicable extraction operations in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the zoning site plan. The operational plan shall include:
  - 1. Copies of all approvals and permits referenced in Section 10.21.C.
  - 2. Operating times and conditions. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
  - 3. Operating procedures.
  - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and similar occurrences requiring emergency actions.
- E. Applicable provisions of Article 09 shall apply only to areas utilized for offstreet parking; and outdoor storage. Such areas shall be:
  - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
  - 2. Located in a contiguous grouping, to the extent practical.
- F. Offstreet parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- H. Shall be platted prior to the issuance of any zoning or Building Permits. Approval of the plat shall be contingent upon meeting all applicable regulatory requirements for storm water drainage.
- I. Recreational activities, such as boating, fishing, skiing, etc., shall not be allowed on-premise.

- J. In addition to the above standards, the following shall apply to sand, rock, and mineral extraction pits:
1. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, all on-premise operations shall cease after that period of time and all associated equipment and materials shall be removed within thirty (30) days.
  2. The conditional use shall include a use transition plan for the site. Such shall provide a reasonable and feasible plan of action for transitioning the site to another viable land use allowed by these regulations. The required plat shall not be approved without being capable of accommodating such transition in land use.
  3. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

#### 10.22. Sawmills

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not be allowed within 2,500 feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- B. Shall be located on a lot of at least five (5) acres in area.
- C. The site shall be buffered along all perimeter lot lines with an earthen berm meeting the minimum requirements of [Section 09.04.C](#), in addition to all other required conditions of [Article 09](#).
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

#### 10.23. Junk, Scrap & Salvage Yards; Vehicle & Equipment Storage Yards

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- B. Shall be located on lots of at least five (5) acres in area, except that vehicle and equipment storage yards shall have a minimum lot size of one (1) acre.
- C. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04.A](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than eight (8) feet in height with a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

#### 10.24. Self-Storage Units

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be located on lots of at least one (1) acre in area.
- B. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04.A](#), in addition to all other required conditions of [Article 09](#). In addition, when adjacent to any lot zoned R-1, R-2 or R-3, such fences/walls shall have a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- C. The following activities shall be prohibited on-premise: automotive repair; music practice; human habitation; keeping of live animals; storage of hazardous materials; commercial or hobby metal fabrication or woodworking; business activities not conducted in association with on-premise operations of the self-storage use.
- D. Exterior lighting shall be "fully shielded" or "full cutoff" light fixtures equipped with motion detector shut off controls. Lighting fixtures shall not be installed at a height greater than sixteen (16) feet and shall not be located within thirty (30) feet of any property line.



- E. Prefabricated shipping containers shall not be used for mini-storage facilities.
- F. Sites shall meet the hard surface paving requirements of [Article 07](#). Drive aisles between individual on-premise storage structures shall be a minimum width of twenty-four (24) feet.

#### 10.25. Broadcast Towers

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not be allowed within the public right-of-way.
- B. Shall not be guyed, except as required by applicable regulatory agencies by necessity as determined by a licensed structural engineer.
- C. Shall be subject with all applicable provisions of [Article 09](#) related to visual buffers and height compatibility, provided that the visual buffer requirements shall apply only to developed areas occupied by tower structures, offstreet parking, and outdoor storage. Such areas shall be:
  - 1. Located in a contiguous grouping, to the extent practical.
  - 2. Platted as a separate lot or lots, or specifically designated on site plans.
  - 3. Enclosed within a screening fence/wall installed only around the perimeter of such facilities, and meeting the design standards for such found in [Article 09](#). Guy cables and anchors of guyed towers may be located outside of the enclosed perimeter.
- D. Shall have no nighttime, strobe, or obstruction lighting, except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies.
- E. Outdoor lighting installations shall be allowed only within perimeter enclosures; shall be the minimum lighting necessary for reasonable site security. In addition:
  - 1. Lighting fixtures shall be installed at a height no greater than twelve (12) feet.
  - 2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
  - 3. Fixtures shall be equipped with motion detector shut off controls.

#### 10.26. Wireless Communication Towers

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall have no nighttime, strobe, or obstruction lighting, except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies.
- B. Such facilities located in the public right-of-way shall execute a franchise agreement with the City of Rose Hill. Conditional use approval for facilities located in the public right-of-way shall:
  - 1. Allow the approval of no more than one (1) location with a single conditional use application, which shall be reviewed on its individual merits.
  - 2. Upon review, any location deemed appropriate for installation shall be approved, provided in no case shall a conditional use be approved for any location in the public right-of-way that:
    - a. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
    - b. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
    - c. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
    - d. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
    - e. Is located within a required clear zone, sight triangle of a street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
    - f. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public interest necessitated by public health, safety, or welfare.



3. Shall not exceed the maximum height restrictions for the applicable zoning district.
4. Shall be freestanding monopole structures.
- C. Such uses located outside of the public right-of-way shall be subject to the following provisions:
  1. Shall not be guyed, except as required by applicable regulatory agencies by necessity as determined by a licensed structural engineer.
  2. Shall be subject to all applicable provisions of [Article 09](#) related to visual buffers and height compatibility, provided that the visual buffer requirements shall apply only to developed areas occupied by tower structures, offstreet parking, and outdoor storage. Such areas shall be:
    - a. Located in a contiguous grouping, to the extent practical.
    - b. Platted as a separate lot or lots, or specifically designated on site plans.
    - c. Enclosed within a screening fence/wall installed only around the perimeter of such facilities, and meeting the design standards for such found in [Article 09](#). Guy cables and anchors of guyed towers may be located outside of the enclosed perimeter.
  3. Outdoor lighting installations shall be allowed only within perimeter enclosures; shall be the minimum lighting necessary for reasonable site security. In addition:
    - a. Lighting fixtures shall be installed at a height no greater than twelve (12) feet.
    - b. Only "fully shielded" or "full cutoff" light fixtures may be installed.
    - c. Fixtures shall be equipped with motion detector shut off controls.

#### 10.27. Arenas & Stadiums

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- B. May be allowed as a secondary use within a school or educational campus developed in conjunction with a PDO zoning district. In such cases, conditional use approval shall not be required.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#).
- D. When illuminated with flood lights, such shall be aimed down and inward toward the sports field(s) and shall be equipped with shut off controls that turn lights off during non-operational times.

#### 10.28. Schools & Educational Campuses; Technical Schools & Job Training Centers

In addition to other applicable requirements, the following provisions shall apply.

- A. When more than one (1) structure is dedicated to the primary use, shall be allowed only in conjunction with a PDO zoning district.
- B. Shall not require conditional use approval when developed in conjunction with PDO zoning.

#### 10.29. Adult Entertainment

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply to adult entertainment establishments in addition to other applicable requirements.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one-thousand (1,000) feet of any of the following, as measured between the closest points on any property line.
  1. Religious meeting places
  2. Elementary and secondary schools
  3. Day care centers and institutional day cares
  4. Public parks and libraries

5. Residential land uses and zoning districts ( R-1, R-2 or R-3)
  6. Bars, taverns, night clubs, and liquor stores
  7. Other sexually oriented businesses as defined in KSA 12-770
- D. Shall not be allowed to play live or recorded sounds on outdoor speakers or project such sounds outside of the primary structure from within.
- E. Permitted signs shall be allowed on-premise only; no permitted sign shall be temporary, portable, freestanding, vehicle, or illuminated as defined in [Article 07](#).
- F. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

#### 10.30. Concrete & Asphalt Pavement Mixing Plants

In addition to other applicable requirements, the following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within 2,500 feet of any existing or approved residential lot zoned R-1, R-2 or R-3, as measured between the closest points on any property line.
- C. All approvals and permits needed to operate an asphalt or concrete mixing plant in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the zoning site plan. The operational plan shall include:
1. Copies of all approvals and permits referenced in [Section 10.30.C](#).
  2. Operating times, conditions and procedures. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
  3. Emergency procedures for accidents, injuries, leaks, spills, groundwater contamination, natural disasters, fires, explosions, and similar occurrences requiring emergency or corrective actions.
- E. Applicable provisions of [Article 09](#) shall apply only to areas utilized for offstreet parking; and outdoor storage. Such areas shall be:
1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
  2. Located in a contiguous grouping, to the extent practical.
- F. Offstreet parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall not store contaminated soils on-premise.
- H. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- I. In addition to the above standards, the following shall be required for all such uses conducted on a temporary basis.
1. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, all on-premise operations shall cease after that period of time and all associated equipment and materials shall be removed within thirty (30) days.
  2. The conditional use shall include a reasonable and feasible plan of action for transitioning the site to another viable land use allowed by these regulations. The required plat shall not be approved without being capable of accommodating such transition in land use.
  3. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

**10.31. Detached Residential Carports & Garages**

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be limited to one (1) such structure per lot.
- B. Shall be utilized only in accordance with the definitions in [Article 03](#).
- C. Detached carports shall be limited to sufficient area to cover two offstreet parking stalls.
- D. Detached garages shall:
  - 1. Be limited to a gross floor area equal to the ground area covered by the principal structure, up to a maximum of:
    - a. Seven-hundred and fifty (750) square feet for lots under 10,000 square feet in area.
    - b. One-thousand (1,000) square feet for lots 10,000 square feet in area or greater.
  - 2. Be constructed with the same or equal siding exterior materials as the principal structure, when located on a lot zoned other than A-1.
  - 3. Not cause the lot to exceed maximum coverage requirements of the applicable zoning district.

**10.32. Detached Structures for Home Occupations**

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be limited to one (1) such structure per lot.
- B. Shall be utilized only for activities associated with an allowable home occupation.
- C. Shall be constructed with the same or equal siding exterior materials as the principal structure.
- D. Gross floor area shall be limited in size to twenty-five percent (25%) of that of the principal structure.
- E. Shall not be allowed if the structure would cause the lot to exceed maximum coverage requirements.

**10.33. Distributed Antenna Systems; Small Cell Systems**

In addition to other applicable requirements, the following provisions shall apply.

- A. Such facilities located in the public right-of-way shall only be permitted by conditional use and shall be required to execute a franchise agreement with the City of Rose Hill; all other locations shall be allowed by-right, subject to applicable permits and other required approvals.
- B. Conditional use approval for facilities located in the public right-of-way shall:
  - 1. Allow the approval of up to twenty-five (25) individual installation locations with a single conditional use application, provided each location shall be reviewed on its individual merits.
  - 2. Upon review, all locations deemed appropriate for installation shall be approved, provided in no case shall a conditional use be approved for any location that:
    - a. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
    - b. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
    - c. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
    - d. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
    - e. Is located within the street's required clear zone, the sight triangle of any street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
    - f. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public interest necessitated by public health, safety, or welfare.

**10.34. Drive-Thru Banking Services & ATM's; Drive-Thru Windows for Services & Retail Sales or Restaurants**

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be located on a lot of at least one-half (½) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than one (1) secondary driveway may access a local or collector street.
- C. Shall meet the hard surface paving requirements of [Article 07](#).
- D. In addition to offstreet parking and loading requirements, all drive-thru windows shall have adjacent paved vehicle queuing lanes, at least ten (10) feet in width as follows:
  - 1. Banking Service Windows: One-hundred (100) feet, at least fifty (50) feet of which shall be provided in straight alignment with the window.
  - 2. Freestanding ATMs: Fifty (50) feet provided in straight alignment with the ATM.
  - 3. Service & Retail Windows: Fifty (50) feet provided in straight alignment with the window.
  - 4. Restaurant Windows: One-hundred and fifty (150) feet, at least (50) feet of which shall be provided in straight alignment with the window.
- E. Vehicle queuing lanes shall be in addition to drive aisle for offstreet parking.
- F. Where applicable, a pedestrian crosswalk shall be provided, which meets ADA and other applicable design standards.

**10.35. Garbage Dumpsters & Liquid Waste Containers**

For all land uses requiring garbage dumpster or liquid waste (used oil/grease, solvents, etc.) container service, design of such facilities shall be subject to the following standards.

- A. Except for lots zoned A-1 or all shall be within a paved and enclosed "corral" area, subject to the following minimum standards.
  - 1. Shall be paved in concrete, subject to applicable minimum City standards.
  - 2. Shall be screened around the entire perimeter with a screening fence/wall meeting the minimum requirements of [Section 09.04.A](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than eight (8) feet in height with a maximum of five percent (5%) vertical surface open space allowed along any given section between support posts/columns.
  - 3. Gated dumpster/container access shall be provided on one wall. A pedestrian access gate no wider than thirty-six (36) inches may be located on a separate wall. Gates shall meet the same dimensional and screening standards, except that a maximum of six (6) inches may remain open along the bottom.
  - 4. Shall be sized to fit all required dumpsters/containers, and oriented to provide direct straight-line access from a street or alley without requiring service trucks to occupy the public right-of-way.
  - 5. Shall not occupy any required offstreet parking or loading areas, or vehicle queuing lanes.

**10.36. Guard & Security Booths**

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall not exceed two-hundred and fifty (250) square feet gross floor area.
- B. Shall not be utilized as sleeping or living quarters.

**10.37. Guest Homes & Pool Houses**

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be limited to one (1) such structure per lot.
- B. Shall not be utilized on a permanent basis as sleeping or living quarters.
- C. Shall be constructed with the same or equal siding exterior materials as the principal structure.

- D. Gross floor area shall be limited in size to fifty percent (50%) of that of the principal structure.
- E. Shall not be allowed if the structure would cause the lot to exceed maximum coverage requirements.

#### 10.38. Neighborhood Clubhouses & Swimming Pools

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be located on platted lots located within the residential subdivision it serves.
- B. Applicable provisions of [Article 09](#) shall apply.
- C. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
  - 1. Fixtures are installed at a height no greater than twelve (12) feet.
  - 2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
  - 3. Fixtures shall be equipped with motion detector shut off controls.
- D. All on-premise structures shall be of compatible architectural style and exterior siding materials as residential structures in the immediate vicinity.

#### 10.39. Non-Commercial Greenhouses & Hoop Houses

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall only be allowed to the rear or side of the primary structure, relative to the required front yard, where it will be obscured from view from the adjacent street.
- B. Building permits shall be required only as provided in the building code.
- C. Shall not be used for the storage of hazardous materials.

#### 10.40. Onsite Wind Energy Conversion Systems (WECS)

In addition to other applicable requirements, the following provisions shall apply.

- A. Only non-commercial freestanding WECS with monopole support structures shall be allowed.
- B. Shall be subject to all applicable provisions of [Article 09](#) related to height compatibility. Height shall be measured to the top of turbine blades from the adjacent finished ground elevation.
- C. Shall be subject to all applicable provisions of [Article 09](#) related to visual buffers, provided that the visual buffer requirements shall apply only to developed areas occupied by WECS structures, offstreet parking, and outdoor storage. Such areas shall be:
  - 1. Located in a contiguous grouping, to the extent practical.
  - 2. Platted as a separate lot or lots, or specifically designated on site plans.
  - 3. Enclosed within a screening fence/wall installed only around the perimeter of such facilities, and meeting the design standards for such found in [Article 09](#).
- D. Outdoor lighting installations shall be allowed only within perimeter enclosures; shall be the minimum lighting necessary for reasonable site security. In addition:
  - 1. Lighting fixtures shall be installed at a height no greater than twelve (12) feet.
  - 2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
  - 3. Fixtures shall be equipped with motion detector shut off controls.
- E. Conditional use application submittals shall include:
  - 1. Zoning site plan showing property lines, natural features, utility lines, easements, setback lines, layout and sizes of all structures on site, and proposed location of the WECS.
  - 2. Specifications for the proposed tower and rotor.
  - 3. Any pertinent permitting information and correspondence from applicable federal agencies.

- F. The lowest point of turbine blades shall be no less than twenty (20) feet above the ground.
- G. Shall not be allowed within any required yard setback.
- H. Design Standards
  - 1. All WECS shall be equipped with manual and automatic overspeed controls to limit the rotation of blades to a speed below the designed limits. A professional engineer shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices.
  - 2. All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies shall conform to the national and City of Rose Hill electrical codes.
  - 3. No experimental or prototype WECS are allowed.
  - 4. Signs shall be prohibited except for:
    - a. Manufacturer's identification on the wind turbine cowling.
    - b. Appropriate warning signs and placards including visible warning sign of "High Voltage" placed at the base of all conversion systems. The sign shall have at a minimum six-inch letters with 3/4-inch stroke.
  - 5. The WECS shall be non-reflective and non-obtrusive in color.
  - 6. All support structures shall be unclimbable by design or protected with devices, such as:
    - a. Fences with locking portals at least six (6) feet high.
    - b. Anti-climbing devices 12 feet from base of pole.
    - c. Anchor points for guy wires supporting the tower shall be enclosed by a six-foot high fence or shall be located within a yard that is completely fenced.
- I. Noise level shall not exceed 55 decibels measured at the property line or cause a discernible noise disturbance.
- J. Shall not generate electromagnetic interference or cause interference with any activity carried on beyond the property boundary line.
- K. Any WECS that has reached the end of its useful life or has been abandoned shall be physically removed no more than one-hundred and eighty (180) days after the date of discontinued operations.

#### 10.41. Outdoor Display of Retail Merchandise for Sale

In addition to other applicable requirements, the following provisions shall apply, except as otherwise provided for uses that are allowed such displays by definition or specific use standard.

- A. Shall not occupy public sidewalks, except where zoned C-1. Such sidewalk displays shall not:
  - 1. Occupy an area greater than one-hundred and fifty (150) square feet that is not directly adjacent to the lot on which the retail use is located.
  - 2. Be allowed to block a portion of the sidewalk that leaves remaining clear width of less than three (3) feet or is otherwise non-compliant with ADA standards.
  - 3. Be allowed more frequently than one (1) time per month, for more than two (2) consecutive days, for more than twelve (12) hours per day.
- B. All retail stores shall be allowed permanent on-premise displays of merchandise that do not exceed ten percent (10%) of the principal structure's gross floor area; and located on a curbed sidewalk area directly adjacent to the exterior wall of the principal structure's main entrance.
- C. Outdoor display of merchandise for sale located in areas identified on approved site plans for such displays, shall be allowed by-right as follows:
  - 1. The following uses shall be allowed temporary displays of seasonal merchandise four (4) times per year, for not more than thirty (30) consecutive days:
    - a. Grocery Stores & Supermarkets
    - b. Supercenters & Warehouse Clubs

2. The following uses shall be allowed permanent displays of merchandise located directly adjacent to the principal structure:
    - a. Hardware & Tool Stores
    - b. Farm & Home Stores
  3. In no case shall any outdoor display allowed in this manner occupy an area exceeding twenty-five percent (25%) of the principal structure's gross floor area; or occupy any required offstreet parking stalls or loading areas.
- D. No additional outdoor merchandise displays shall be approved by any other means.

#### 10.42. Outdoor Festivals, Carnivals & Gatherings

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall be allowed only as a temporary use, subject to approval of a site plan that clearly identifies:
  1. Approximate boundary locations and dimensions of the area being used.
  2. Proximity to buildings, parking lots, right-of-ways, ingress/egress, and onsite circulation patterns.
  3. Locations and descriptions of all signs, lighting, electrical and utility connections, and temporary structures or tents.
- B. Such a temporary use shall not be approved to:
  1. Occupy any required offstreet parking stalls for a primary use that is operating concurrent to the temporary event.
  2. Be permitted any permanent signs, but shall be allowed temporary signs as provided for the applicable zoning district, subject to issuance of a sign permit.
  3. Install lighting in addition to that approved for the primary uses.
- C. Permits for carnivals, circuses, musical festivals, annual celebrations or similar events may be approved with conditions by the City. Such uses need not comply with the bulk or lot size requirements; provided, that structures or equipment may not obstruct any site triangle.
- D. A temporary fence may be required around gathering areas or any specific activity areas.
- E. All amusement rides, ride devices, circuses, carnivals, or similar shall not be approved without first receiving all applicable licenses and permits as required by local, state, and federal agencies.

#### 10.43. Outdoor Kennel Runs & Play Yards

In addition to other applicable requirements, the following provisions shall apply.

- A. Outdoor runs or play yards as a secondary use shall not be allowed in conjunction with any primary use located on a lot less than two (2) acres in area.
- B. Shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- C. Lots shall be buffered with a screening fence or landscaped screen consistent with the standards of [Section 09.04](#) or [Section 09.05](#) respectively.
- D. Such facilities shall be located in a contiguous grouping, to the extent practical; and specifically designated on site plans.

#### 10.44. Outdoor Storage of Retail Merchandise Stock

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall only be allowed in conjunction with primary uses defined as Supercenters & Warehouse Clubs in [Article 03](#); and only as an on-premise, temporary, seasonal secondary use.
- B. Approvals shall be limited to one (1) time per year for a maximum of sixty (60) consecutive days.



- C. In no case shall such uses be allowed to occupy an area exceeding twenty-five percent (25%) of the principal structure's gross floor area; or occupy any required offstreet parking stalls or loading areas.
- D. Shall not be located so as to interfere with vehicular or pedestrian circulation.

#### 10.45. Storage Sheds

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall meet applicable provisions of the building code.
- B. Shall be of compatible appearance to the principal structure.
- C. Shall not exceed:
  - 1. Two-hundred (200) square feet gross floor area for lots under one-half ( $\frac{1}{2}$ ) acre with single-family residential primary uses, which may be adjusted up to four-hundred (400) square feet by conditional use.
  - 2. Four-hundred (400) square feet gross floor area for lots one-half ( $\frac{1}{2}$ ) acre or more with single-family residential primary uses, which may be adjusted up to five-hundred (500) square feet by conditional use.
  - 3. Two separate structures having a combined gross floor area consistent with the above-listed maximums.
- D. May be allowed on lots with non-residential primary uses only by conditional use.
- E. Shipping containers, semi-trailers, rail cars, non-operational trucks, or any similar portable units/vehicles, shall not be utilized as storage sheds or count as such for the purposes of these regulations.
- F. Shall not be utilized on a permanent or temporary basis as sleeping or living quarters.
- G. Shall not be allowed if the structure would cause the lot to exceed maximum coverage requirements.

#### 10.46. Unattended Donation Boxes

In addition to other applicable requirements, the following provisions shall apply.

- A. Shall only be allowed on-premise of the primary use.
- B. Shall not occupy any required offstreet parking or loading areas.
- C. Shall not be located so as to interfere with vehicular or pedestrian circulation.

#### 10.47. Utility Support Facilities

In addition to other applicable requirements, the following provisions shall apply to any such facilities located in City of Rose Hill public street right-of-way.

- A. Shall be required to execute a franchise agreement with the City of Rose Hill.
- B. Shall not be approved for any location in the public right-of-way that:
  - 1. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
  - 2. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
  - 3. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
  - 4. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
  - 5. Is located within a required clear zone, sight triangle of a street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
  - 6. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public interest necessitated by public health, safety, or welfare.



**10.48. Accessory Uses & Structures**

- A. The following are allowable accessory uses, subject to the provisions below, required yard provisions of [Section 04.06.J](#), and as otherwise provided in these regulations.

1. Above- and in-ground swimming pools, jetted spas
2. Arbors, trellises, yard art, BBQ grills, outdoor furnishings
3. Attached garages and carports
4. Awnings, other attached window/entrance canopies
5. Basketball goals, play equipment, swing sets, slides
6. Bay windows, eaves, gutters, chimneys, window wells, wing walls
7. Clotheslines, flagpoles
8. Cupolas, steeples, elevator/stairway enclosures, skylights, solar panels, similar rooftop features
9. Decks, patios, porches
10. Fire escapes, stairways, steps, wheelchair ramps for primary or secondary access
11. HVAC components, telephone, utility service connections
12. Play houses, storm shelters
13. Radio antennas, satellite TV dishes, collocated small cell and wireless communication facilities
14. Required compatibility buffers (per [Article 10](#)), offstreet parking and loading (per [Article 7](#))

- B. Fences/Walls Other Than Required

When not required as a visual buffer, fences/walls used for decoration, privacy, security, or safety shall be allowed and regulated as follows, subject to other provisions of these regulations.

1. Open fences (chain link, picket, wrought iron, etc.  $\geq 50\%$  open space on vertical face)
  - a. Up to six (6) feet in height allowed for all uses within/around all yards
  - b. Over six (6) feet to a maximum of twelve (12) feet in height allowed only by conditional use within/around rear and side yards of non-residential primary uses
2. Closed fences/walls (privacy, masonry, etc.  $< 50\%$  open space on vertical face)
  - a. Up to four (4) feet in height allowed for all uses within/around all yards
  - b. Up to six (6) feet in height allowed within/around rear and side yards of single-family residential primary uses
  - c. Over six (6) feet to a maximum of eight (8) feet in height allowed only by conditional use within/around rear and side yards of non-residential primary uses

- C. RV, Boat & Utility Trailer Parking/Storage

Except as indicated, parking/storage of such vehicles shall be allowed only as follows.

1. Such uses allowed by a legal nonconforming use certificate issued prior to the enactment of these regulations.
2. Shall not be used as permanent living quarters. Temporary lodging shall be allowed for a period of not longer than fifteen (15) consecutive days; allowed no more frequently than two (2) times per year.
3. Shall not be permanently stored on a public street. Temporary parking for a period not to exceed forty-eight (48) consecutive hours is allowed on a public street adjacent to the vehicle owner's residence for loading and unloading purposes.
4. May be stored or parked temporarily in any required yard of a property having a single-family primary use, provided they are parked at least five (5) feet from the property line. Those stored in front or side yards must be parked on a paved or graveled surface and may not occupy required parking spaces.
5. No more than two (2) such vehicles shall be stored on a lot, except within an enclosed structure.

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## Article 11 Home Occupations

### 11.01. Purpose

The purpose of this article is to allow business activities associated with certain occupations, which are generally compatible with other residential uses, to be carried out within residential principal structures.

### 11.02. Restrictions & Limitations

Except as otherwise provided in these regulations, home occupations shall be restricted as follows.

- A. Shall be incidental and subordinate to the primary use, which shall be maintained as the principal residence of the business owner.
- B. Shall not occupy more than 25 percent (25%) of the floor area of any single floor/ story of the principal structure, except as provided in [Section 11.05](#) and as allowed per [Section 10.32](#).
- C. Shall store all materials and equipment used for the home occupation within an enclosed structure.
- D. Shall not be allowed any exterior alterations that are inconsistent with the residential nature or character of the principal structure.
- E. Shall only be allowed signs as allowed by and in accordance with [Article 08](#).
- F. Shall only engage residents of the principal residence in such home occupation activities.
- G. Shall not generate vehicular traffic that is unreasonably excessive for a residential land use.
- H. Shall not generate parking demand that is unreasonably excessive for a residential land use; shall not utilize the required front yard for parking, other than existing driveway(s).
- I. Shall utilize no equipment that creates a nuisance of noise, odor, emissions or electrical interference; or otherwise interfere with another's personal enjoyment or utilization of their principal residence.

### 11.03. Allowable Home Occupations

The following home occupations shall be allowed, subject to the limitations of [Section 11.02](#) and other provisions of these regulations.

- A. Instruction in the visual and performing arts, restricted to five (5) students at any one time.
- B. Creation, display, and sales of works of art, crafts, and other items handcrafted on-premise.
- C. Professional and technical office-based work, as defined in [Section 05.02](#).
- D. Personal care services, as defined in [Section 05.02](#), except for nail salons and tanning salons.
- E. Agricultural business activities performed in A-1 zoning districts.
- F. Office, administrative, appointment-setting, or similar non-production activities related to occupations with production work conducted off-premise, such as telecommuting, Uber/Lyft drivers, and other work of a similar nature.
- G. Work related to the following personal and household services, as defined in [Section 05.02](#):
  - 1. Household items or furnishings repair and maintenance
  - 2. Personal goods repair and maintenance
  - 3. Tailors and dressmakers
- H. Day care services, as provided in [Section 11.05](#).

### 11.04. Prohibited Home Occupations

The following home occupations shall be specifically prohibited under any circumstances.

- A. Retail sales of any goods or merchandise, except as provided in [Section 11.03.B](#).
- B. Rental or leasing of any equipment or consumer goods.

- C. Automotive and equipment service work, as defined in [Section 05.02](#).
- D. Physician, dental, chiropractic, optometric, psychiatric, psychological, physical therapy, occupational therapy, social therapy, counseling, or other related medical, mental, or social care provided by a licensed or unlicensed professional.
- E. Bed and breakfast inns, which are specifically defined as transient lodging in [Section 05.02](#).
- F. No prohibition listed in this section shall be construed to prohibit services from being delivered within the residence of clients or patients, such as home health care or babysitting by the hour.
- G. No prohibition listed in this section shall be construed to prohibit the performance of interior or exterior repairs or modifications to homes, home appliances, lawns, landscaping, etc.

#### 11.05. Home Occupation Day Care Services

In addition to other applicable requirements, the following provisions shall apply to all day care homes and day care nurseries.

- A. Shall be limited to providing care for no more than three (3) children at any one time, which do not reside on-premise, except when appropriately licensed by the Kansas Department of Health and Environment (KDHE).
- B. KDHE-licensed Day Care Homes and Day Care Nurseries, shall comply with all other applicable local and state regulations.
- C. Except for outdoor play, day care activities shall be conducted entirely within the principal structure and shall occupy no more than fifty percent (50%) of the principal structure's gross floor area.
- D. Outdoor play shall be limited as follows:
  - 1. Outdoor play equipment shall only be installed and outdoor play activities shall only take place within a yard enclosed within an approved fence with a secured gate.
  - 2. Outdoor play activities shall occur only between the hours of 7:30 a.m. to 6:30 p.m.

## Article 12 Roles & Responsibilities

### 12.01. Purpose

This article identifies the responsibilities of each party playing a role in the establishment, amendment, enactment, administration, and enforcement of these regulations.

### 12.02. Planning Commission

The City shall regulate land use as provided by KSA 12-741, et. seq., and appoint a Planning Commission by City ordinance.

#### A. The Planning Commission has the following responsibilities.

1. Serve as an advisory body to the City Council on community planning matters.
2. Conduct public hearings on text amendments to these regulations, zoning district boundary changes (rezoning applications), and conditional use permits.
3. Establish findings of fact and adopt recommendations to the City Council on such zoning actions.
4. Review capital improvement for consistency with the comprehensive plan.
5. Conduct an annual review of the comprehensive plan and zoning regulations, including the Official Zoning Maps, to be held the first meeting each month of September. The review shall identify changing conditions, ensure consistency with the community vision and goals, and suggest needed amendments. A resolution shall be adopted stating the findings and recommendations of each annual review.

#### B. General Rules & Procedures

1. All members of the Planning Commission are voting members.
2. Planning Commission members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
3. The Planning Commission shall elect officers from its membership to include Chairperson, Vice-Chairperson, and Secretary.
4. The Planning Commission shall adopt bylaws establishing specific rules for its operation.
  - a. Hearing procedures shall not conflict with the ordinance appointing the Planning Commission, applicable state statutes, or these regulations.
  - b. Bylaws shall be subject to the approval of the City Council.
  - c. Filing fees shall be established separately by the City Council.
5. The secretary shall keep public records of all official actions. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
6. Special meetings may be held when called the Chairperson, or in accordance with the bylaws.
7. After a meeting has been called to order and a quorum declared present, all actions of shall be made by motion and decided by a majority vote of the members present and voting.

### 12.03. City Council

The City Council is the governing body of the City of Rose Hill. No action, recommendation, or resolution of the Planning Commission shall be enacted within the planning jurisdiction without having been approved and adopted by the City Council. Relative to these regulations, City Council shall have the following responsibilities.

- #### A.
- Enact and amend the zoning regulations, including the Official Zoning Map, zoning district boundaries, and conditional uses, upon receiving and considering such recommendations from the Planning Commission.

- B. Upon affirmative vote of approval on any such recommendation from the Planning Commission, the City Council shall adopt an ordinance to that effect. No approved application or recommendation from the Planning Commission shall be enforced without such an ordinance having been adopted.
- C. Adopt a schedule of filing fees for the various types of zoning actions and permits, which may be amended as needed from time to time, to account for new or increased costs of administering these regulations.

#### 12.04. Office of the Zoning Administrator

A Zoning Administrator shall be appointed by the Mayor with the consent of the City Council and shall be responsible for administering and enforcing these regulations. Pursuant to these duties, the Zoning Administrator shall be granted the following authority and responsibilities.

- A. Approve and issue all permits and certificates necessary for construction on a lot or the occupancy of a structure; and make and maintain records of all such permits and certificates.
- B. Conduct inspections of structures and land uses to determine compliance with the provisions of these regulations or any decision of the Planning Commission or Board of Zoning Appeals.
- C. Maintain a current set of administrative forms and applications for actions governed by these regulations, along with a schedule of filing fees.
- D. Provide technical and administrative assistance to City staff, citizens, applicants, Planning Commission, Board of Zoning Appeals, and the City Council.
- E. Receive, file, and forward to the Planning Commissions all applications for zoning permits and information necessary to render decisions.
- F. Receive, file, and forward to the Board of Zoning Appeals all applications for appeals and variances, including records and information necessary to render decisions.
- G. Maintain permanent and current records of the zoning regulations including, but not limited to, the Official Zoning Map, and all amendments, variances, appeals and applications therefore and records of hearing thereon.
- H. Maintain for public use or distribution copies of the zoning regulations, Official Zoning Map, and bylaws of the Planning Commission and Board of Zoning Appeals.
- I. Administer the comprehensive plan and subdivision regulations, and other duties as assigned by the City Council, either directly or by delegation through the City Administrator.

#### 12.05. Office of the City Clerk

The City Clerk shall maintain official records and carry out responsibilities in the administration of these regulations as follows.

- A. Maintain at least three (3) official copies of these regulations available for public inspection, which shall be marked "Official Copy as Incorporated by Ordinance No. \_\_\_\_." Such copies shall include all text amendments, omissions, and deletions, which shall also be so noted.
- B. Supply official copies, marked as indicated above, to the appointed official of all City departments.
- C. Provide assistance to facilitate and record actions of the City Council related to their exercise of duties in administering these regulations.

## Article 13 Site Plan Review

### 13.01. Purpose

Site plan review is intended to ensure that proposed developments meet applicable provisions of these regulations prior to approval; and to ensure that development occurs in accordance with these regulations and applicable conditions of approval prior to the issuance of building permits.

### 13.02. Applicability

This article provides for two types of site plan submittals: Zoning Site Plans and Development Site Plans. The applicability of each is as follows.

#### A. Zoning Site Plans

1. A zoning site plan shall be required with all applications for rezoning (change in zoning district), PDO overlay zoning, conditional uses, temporary uses, sign permits, and as necessary to ensure the proper placement of secondary or accessory structures allowed by-right. Changes in zoning district classification to a lower intensity district, or "down zoning," are exempt from this provision.
2. No application shall be considered complete without having a site plan attached that meets the requirements of this article. Zoning site plans are reviewed and approved as part of the accompanying application.

#### B. Development Site Plans

1. Development site plan approval is required prior to the issuance of a building permit for all new principal structures and changes or modifications to principal structures subject to the requirements of these regulations.
2. Single-family residential principal structures shall be exempt, except when zoned R-2 and part of a zero lot line development.

### 13.03. Zoning Site Plan Requirements

No zoning or sign permit application shall be considered complete and sent for Planning Commission review if the accompanying zoning site plan does not provide the following information as indicated.

#### A. The following shall apply to all zoning site plan submittals.

1. Twelve (12) copies submitted on letter size (8½" X 11") or tabloid (11" X 17") sheets; plus one (1) copy in electronic format (.pdf file extension).
2. Site address, owner name, north arrow, reference scale, scale bar, and legend. Reference scale shall be at an appropriate scale to depict all required elements, portrayed as 1 inch = X feet at a ten (10) foot increment. Drawings shall be oriented north, except when impractical.
3. Subject lot and adjacent lot property boundary lines and setback lines with dimensions.
4. Existing and proposed zoning and uses on the subject lot and adjacent lots.
5. Edge of pavement for streets and sidewalks, with dimensions and traffic flow arrows.
6. Rights-of-way, access controls, and easements, with dimensions.
7. Existing and proposed structures within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, and height.
8. Existing and proposed offstreet parking, loading, and driveway locations, with required quantities and dimensions. May provide locations only for sign permit applications.
9. Compatibility buffer requirements, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions.
10. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions.



11. Existing and proposed permanent sign locations including traffic control signs.
12. Other attachments required per [Article 10](#).
- B. In addition to [Section 13.03.A](#), permanent sign permit zoning site plans shall have the following information, as applicable to the sign category and type:
  1. Location and height of all existing (to remain) and proposed signs on the site.
  2. Location and routing of electrical supply.
  3. Scaled sign elevation drawings from each direction showing the following information:
    - a. Freestanding Signs: Sign height and width (including support structure), sign face dimensions, and sign face surface area.
    - b. Roof/Wall Mounted Signs: Building and sign elevation with cabinet height and width, sign face dimensions, and sign face surface area.
    - c. All specifications including size of letters and graphics.
    - d. Description of sign and frame materials and colors including supports.
    - e. Planter box details, including construction, materials, plant types, sizes, number, and spacing.
  4. Detail Drawings:
    - a. Installation Details
      - i. Freestanding Signs: Foundation and footing details.
      - ii. Roof/Wall Signs: Anchor and mounting details
    - b. Electrical wiring diagram
  5. Technical specifications for signs with any type of illumination necessary to verify that the proposed sign meets the standards of [Article 08](#).
- C. In addition to [Section 13.03.A](#), temporary sign permit zoning site plans need only include a scaled elevation drawing of the proposed sign, with all applicable sign dimensions.

#### 13.04. Development Site Plan Requirements

No permit for building construction meeting the minimum applicability standards, shall be accepted without an approved development site plan for the applicable property. The development site plan application shall only be considered complete if it provides the following information as indicated.

- A. Prepared and sealed by a licensed professional engineer, architect, or landscape architect at a scale of one (1) inch equals twenty (20) feet, on standard twenty-four by thirty-six inch (24" x 36") sheets. Three (3) hard copies shall be submitted; plus one (1) copy in electronic format (.pdf file extension).
- B. Site address, owner name, north arrow, reference scale, scale bar, and legend. Drawings shall be oriented north, except when impractical.
- C. Subject lot and adjacent lot property boundary lines and setback lines with dimension.
- D. Existing and proposed zoning and uses on the subject lot and adjacent lots.
- E. Edge of pavement for streets and sidewalks, with dimensions and traffic flow arrows.
- F. Existing and proposed contour lines at one (1) foot intervals; indicate direction of storm water flow.
- G. Existing and proposed rights-of-way, access controls, easements (utility, drainage, access, fire lane), and sight triangles, with dimensions.
- H. Existing and proposed utilities and storm water drainage structures.
- I. Existing and proposed structures within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, percent lot coverage, and height.
- J. Existing and proposed offstreet parking, loading, and driveway locations, with required quantities and dimensions, calculations and the number of stalls proposed.

- K. Compatibility buffer requirements, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions.
- L. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions.
- M. Existing and proposed permanent sign locations.
- N. Boundary and elevation of the one percent (1%) chance flood event, sometimes referred to as the 100-year floodplain.
- O. Finished building pad elevation.
- P. Required offstreet parking calculations for standard and ADA-accessible parking stalls, including the number of spaces actually proposed.
- Q. Delineate onsite circulation with traffic flow arrows, designated delivery/service entrances and routes, onsite pavement markings, traffic control signage, and incidental directional signs.
- R. Location and species name (common and scientific) of all existing isolated trees having a diameter of six (6) inches or more. Groupings of existing trees may show the perimeter outline, with a written inventory of individual trees included.
- S. Elevation drawings with:
  - 1. Scale
  - 2. Elevations of all proposed and related existing structures with roof pitches noted.
  - 3. Location of signs to be mounted on the elevations.
  - 4. List of exterior siding and roofing material types.
- T. Lighting Plan
  - 1. Location of all existing and proposed lighting fixtures and poles.
  - 2. Size specifications and elevation view with dimensions.
  - 3. Illumination, material, and color specifications.
  - 4. Foundation/footing or wall anchorage details.
- U. Visual & Landscape Buffer Plan: Consistent with the requirements of [Section 09.06](#), inclusive of all screening fences/walls.
- V. Drainage Plan: Upon request of the Zoning Administrator or City Engineer.
- W. Parking & Traffic Studies: Upon request of the Zoning Administrator or City Engineer.

### 13.05. Standard of Review

The Zoning Administrator's review and recommendations shall be based on the following standards:

- A. The extent to which the proposal conforms to the previous sections of these regulations.
- B. The extent to which the development would be compatible with the surrounding area.
- C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
- D. The extent to which the proposal conforms to customary engineering standards used in the City.
- E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

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## Article 14 Processes & Procedures

### 14.01. Purpose

This article establishes the rules for amending these regulations, changing zoning district boundaries, approving conditional uses; and the processes by which such shall be administered.

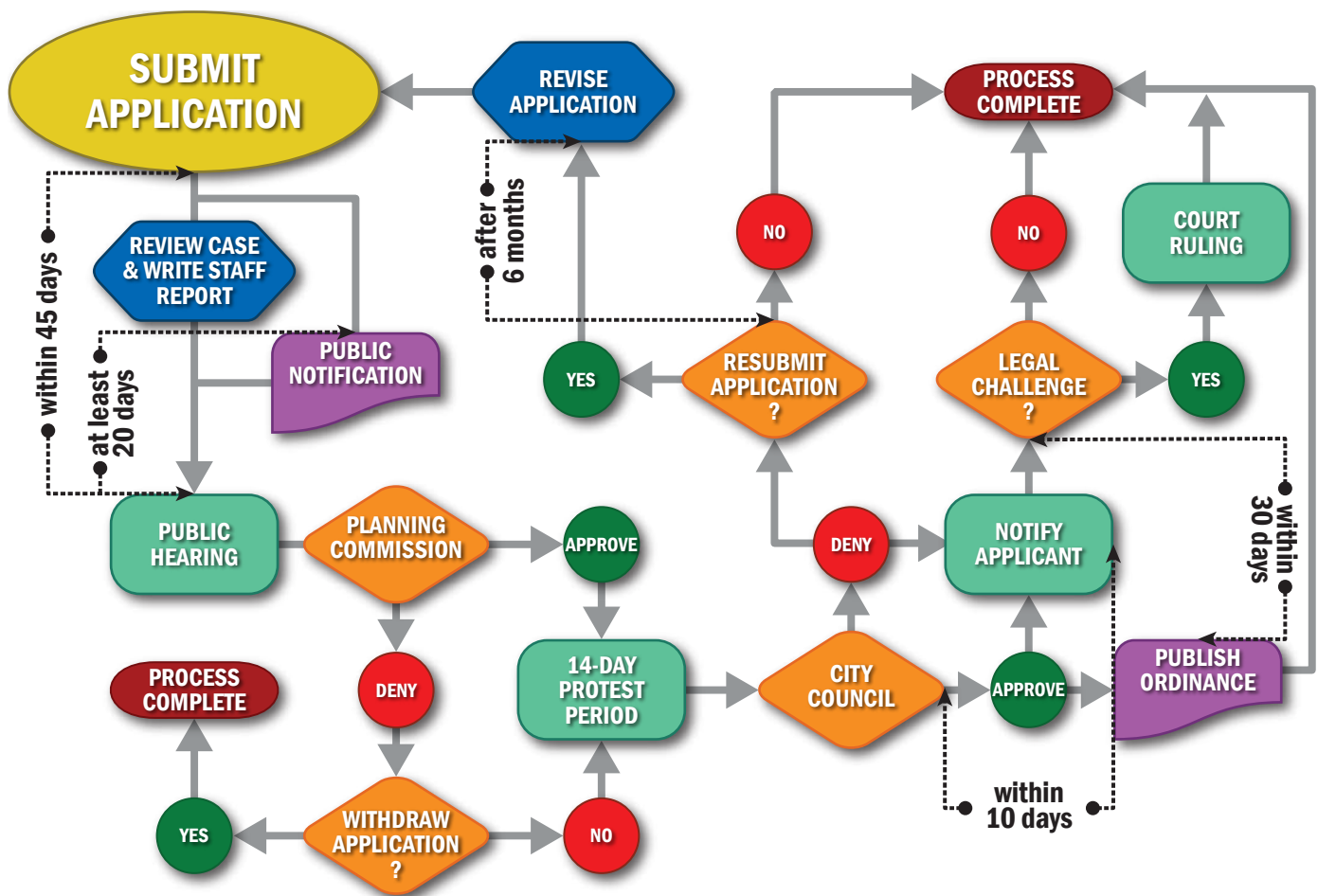
### 14.02. Amendments; Conditional & Temporary Uses

There are two types of amendments to these regulations: revisions to the regulations (text, uses, standards, etc.); and changes to zoning district boundaries (rezoning cases). These types of amendments are reviewed and approved according to the same rules and processes used for conditional use applications and temporary use requests.

#### A. Process

Applications for any of these actions utilize the general process shown in the diagram below.

Figure 14.1 - Zoning Approval Process



#### B. Applications

1. Applications may be submitted by the City Council, Planning Commission, and property owners or their authorized agents. Regardless of the applicant, the general review and approval process shown in Table 14.1 is used for all amendment, conditional use, and temporary use applications.
2. The Zoning Administrator shall maintain current application forms for the various types of zoning actions, a schedule of filing fees, and schedule of Planning Commission meeting dates with associated filing deadlines.

3. Such documents and forms shall be readily accessible to the public, both in hard copy available at the City Administration Building and downloadable electronic versions posted to the City website.
4. Applications shall be filed with the Zoning Administrator. All complete applications submitted by the filing deadline will be processed and added to the scheduled Planning Commission agenda. Applications shall only be considered complete when submitted with the following.
  - a. A completed application form with the appropriate filing fee.
  - b. Names, addresses, telephone numbers, email addresses, and signatures of the property owner(s), plus the same for applicant(s) and agent(s), as applicable.
  - c. The type of action requested and a written description of the specific request, including:
    - i. Existing and proposed land uses, structures, and zoning district classifications
    - ii. For text and regulation revisions, the description shall include a marked up version of the original language and a clean copy of the exact new language, word for word.
    - iii. All other applications shall include the legal description and street address of the subject property. A general description of location shall suffice undeveloped properties having no assigned street address.
  - d. Lot dimensions of the subject property stated in acres or square feet, including fractions.
  - e. A zoning site plan per [Section 13.03](#), including all required information and graphic depictions, except for text and regulation revisions.
  - f. The required certified property ownership list specified in [Section 14.03.A. 3](#), except for text or regulation revisions, and “down zoning” of a property from one zoning district classification to a zoning district of lower intensity. The relationship of intensity between the various zoning districts is provided in [Section 04.03](#).
  - g. Any additional information and attachments as may be required by these regulations or indicated in the Planning Commission bylaws.
5. Public hearings for all zoning applications shall be heard within forty-five (45) days of the application date, except when the applicant requests a later public hearing date or withdraws the application prior to the hearing date.
6. At the time of filing, a copy of the completed application form, with the application date and scheduled public hearing date, shall be provided to each applicant.

#### 14.03. Public Notification & Conduct of Hearings

- A. The following means of public notice shall be provided at least twenty (20) days prior to the scheduled public hearing date.
  1. Published once in the official newspaper, including the hearing time and location, the legal description of the subject property, or a general description sufficient to identify the property location. When only a general description is provided, notices shall state that a complete legal description is available for public inspection and where such information is available.
  2. A copy of such notice shall be mailed to each property owner, applicant, and owner’s agent listed on the application, and to the Secretary of the Planning Commission.
  3. Notice shall also be mailed to all owners of record of real property:
    - a. This property owner notification provision does not apply to public hearings for text or regulation revisions, or down zoning requests, as described in [Section 14.02.B.4\(f\)](#) above.
    - b. Inside Rose Hill city limits and located within two-hundred (200) feet of the exterior boundary of the subject property.
    - c. Inside the corporate limits of a city other than Rose Hill and located within two-hundred (200) feet of the exterior boundary of the subject property.

- d. In unincorporated Butler County and located within one-thousand (1,000) feet of the exterior boundary of the subject property.
    - e. A certified list of such property owners of record, including names and mailing addresses, shall be provided by the applicant. Such ownership lists may be obtained from the Butler County Mapping Department. An applicant may also obtain such a list from a land title company, provided it is certified as being true and accurate by a licensed abstractor or title professional. Failure of any a property owner to receive such notice after it has been properly addressed and mailed shall not invalidate any action of the Planning Commission or City Council.
  - 4. If, after notifications have been made and a quorum of the Planning Commission has not convened for the subject hearing; or the Planning Commission has, by vote, authorized the continuance of a hearing to a later date, such may be rescheduled. No further public notice need be given when the future date and time are announced at the present meeting.
  - 5. The Planning Commission may give additional notice to any person at any time as provided in its bylaws. Such rules may include requirements for additional notice to be provided for by the posting of signs on the property to be considered in the appeal application.
- B. Conduct of Hearings
- After providing the required notifications, all such meetings and hearings shall be open to the public and subject to the Kansas Open Meetings Act (KSA 75-4317 et seq.). All public hearings shall be conducted according to the following provisions.
- 1. No voting or binding actions shall be taken without a quorum being present.
  - 2. The Planning Commission may exercise quasi-judicial functions and deliberations in closed session according to KSA 75-4318(a), provided:
    - a. A closed session may only proceed upon proper motion and vote of the Planning Commission.
    - b. No voting or binding actions shall be taken in a closed session.
  - 3. Any person may testify at a hearing, either in person or by authorized agent or attorney.
  - 4. The Planning Commission may request additional testimony and written or verbal reports on issues related to a specific hearing, from any person, property owner, subject matter expert, utility provider, government agency, etc. when deemed necessary to render an informed decision. Such reports shall be attached to the meeting minutes and made part of the public record.
  - 5. Every official Planning Commission decision shall be filed with the Zoning Administrator without unreasonable delay and shall be open to public inspection during regular business hours.
  - 6. A report on each official Planning Commission action, including summaries of all public hearings, shall be filed with the City Council within fourteen (14) days of the action or hearing date. Such reports may be incorporated into the meeting minutes, rather than filed as separate documents.

#### 14.04. Official Actions & Decisions

In considering the merits of an application and rendering official decisions, the Planning Commission and City Council shall be allowed to act in accordance with the following provisions.

- A. All Planning Commission decisions authorized by this article are advisory recommendations subject to the City Council's discretion as provided in this section.
- B. Conditions of Approval
  - 1. When deemed appropriate based on findings of fact, the Planning Commission may stipulate conditions of approval in addition to minimum requirements. This shall include:
    - a. Any condition of approval specifically allowed by these regulations or otherwise authorized by Kansas statutes.
    - b. Measures that are not required for the proposed use, but required as a specific use standard or compatibility buffer for similar uses, when deemed a reasonable means of mitigating negative impacts of the proposed use.

- c. For proposed changes to zoning district boundaries only, a lesser intensity zoning district may be approved in lieu of the applicant's requested zoning district. Such shall not trigger any additional public notification requirements.
- d. No condition allowing deviation from a minimum requirement shall be allowed if such is defined as a variance per [Article 15](#) or would have an effect equal to a variance.
- e. The City Council may only require conditions of approval in the circumstance and manner described below in [Section 14.04.C.6](#).

C. Planning Commission & City Council Voting Provisions

1. Planning Commission votes are determined by the majority of only those members present and voting; and shall not require a majority of the full membership to be in concurrence.
2. Failure of the Planning Commission to make a recommendation shall be considered a recommendation of denial (disapproval).
3. All Planning Commission recommendations shall be adopted by resolution.
  - a. Such resolutions shall also adopt the findings of fact upon which recommendations are based.
  - b. As circumstances dictate, the Planning Commission's verbal motions and recommendations, and written recommendations, reports, and resolutions:
    - i. Need not cite specific findings of fact or list them individually when such findings, recommendations, and other relevant details are cited individually in written staff reports.
    - ii. May incorporate by reference findings of fact and other relevant details contained in written staff reports, provided such staff reports are attached to or incorporated into the meeting minutes, case reports, and resolutions containing written recommendations.
  - c. Likewise, the Official Zoning Map shall be incorporated by reference.
4. In taking action on a Planning Commission recommendation for text or regulation revisions, rezoning cases, or conditional uses, the City Council may only take one of the following actions:
  - a. Adopt the recommendation by ordinance, as submitted.
  - b. Override the recommendation with a vote of at least a two-thirds ( $\frac{2}{3}$ ) majority of City Council.
  - c. Return it to the Planning Commission for reconsideration, with a statement explaining the reasoning for such.
5. Upon receiving a recommendation returned by the City Council, the Planning Commission shall take one of the following actions during its next regular meeting:
  - a. Resubmit the original recommendation, with a statement explaining the reasoning for such.
  - b. Submit an amended recommendation, based on the original.
  - c. Submit a new recommendation.
  - d. Take no action, which shall be considered a resubmittal of the original recommendation.
6. When the follow-up recommendation is received from the Planning Commission, the City Council, by simple majority vote, may take one of the following actions:
  - a. Override the recommendation, thereby denying the application.
  - b. By ordinance, adopt the Planning Commission's recommendation as submitted, with revisions or amendments, or with conditions (see [Section 14.04.B](#)).
  - c. The proposed amendment, rezoning, or conditional use shall become effective upon publication of the adopting ordinance.

#### 14.05. Petitions of Protest

Planning Commission decisions (approval or denial) on rezoning and conditional use applications may be protested by petition as follows. Temporary uses are not subject to this provision.



- A. Petitions of protest shall only be declared valid when containing a sufficient number signatures of individuals having standing to protest, which shall be limited to either of the following cases:
  - 1. Twenty percent (20%) or more of the owners of record of all real property that would be rezoned by approval of the application.
  - 2. Owners of record of twenty percent (20%) or more of the total notification area for the application, as described in [Section 14.03.A.3](#). The area calculation shall include properties located both inside and outside of Rose Hill city limits, but shall exclude public street rights-of-way.
- B. Protest petitions must be filed with the City Clerk within fourteen (14) days of the public hearing's conclusion to be considered valid.
- C. Upon being certified by the City Clerk as a valid protest petition, a super-majority approval threshold is triggered. This shall require the adopting ordinance to pass with at least a three-fourths (¾) majority vote of City Council.

#### 14.06. Other Planning Actions & Approvals

- A. The Planning Commission and Zoning Administrator have authorities, powers, and responsibilities over the administration and enforcement of the subdivision regulations similar to those prescribed by these regulations for zoning activities. Such are detailed in the subdivision regulations and shall be carried out accordingly in concert with these regulations and the comprehensive plan.
- B. Comprehensive Plan Adoption & Amendment
  - 1. Procedural Requirements
    - a. Prior to conducting public hearings in consideration of adopting the comprehensive plan and subsequent plan amendments, notification shall be published in the official newspaper in a manner similar to that described in [Section 14.03](#), except for the listed information that is unique to actions affecting individual properties only.
    - b. Public hearings shall also be conducted in a like manner as provided in these regulations.
    - c. The comprehensive plan and all amendments to the plan shall be adopted as such by resolution of the Planning Commission, which shall include a recommendation of approval.
    - d. Upon adoption according to these procedures, the Planning Commission shall submit to the City Council, a certified copy of the plan or amendments to the plan, with a written summary of the public hearing. A copy of the plan shall be "certified" when transmitted with a written statement, signed by the Chairperson and Secretary, attesting that the provided copy is a true and accurate representation of the same plan that was presented for the public hearing and Planning Commission approval proceedings.
    - e. All Planning Commission approvals and resolutions shall require an affirmative vote of a majority of the entire Planning Commission membership, except as otherwise stipulated in these regulations or prescribed by Kansas statutes.
    - f. An attested (certified) copy of the adopted or amended comprehensive plan shall be sent, along with a written summary of the public hearing, to all taxing subdivisions (townships, school districts, special districts, etc.) in the City's established planning area.
    - g. No comprehensive plan or plan amendment, shall be effective unless approved by the City Council and adopted by ordinance.
- C. Conditional Uses
 

Conditional uses approved in accordance with these regulations shall run with the land upon approval. They shall remain in effect without regard to ownership, so long as the use remains on the subject property without being significantly altered or destroyed.
- D. Temporary Uses
 

Temporary uses are considered a form of conditional use and shall be reviewed and approved according to a similar process and in a similar manner, except that the following provisions differ from those for conditional uses.

  - 1. They are not permanent and do not run with the land. They shall be established for limited period of time, which shall be specified as a condition of approval.

2. In no case shall a temporary use be established for longer than sixty (60) consecutive days, provided that extensions may be approved by the Zoning Administrator upon written request of the applicant. No more than three (3) extensions shall be approved, each lasting the same period of time specified in the original approval. Additional extensions shall only be approved by separate application for a new temporary use permit and approval of such by the original process.
3. Temporary uses shall only be required to provide public notice by publication in the official newspaper, not individual property owners. In addition, the protest petition provision shall not apply to temporary uses.
4. Emergency temporary use applications and those having critical time constraints, may qualify for expedited approval if, in the Zoning Administrator's judgment, sufficient justification has been provided in writing. In such cases:
  - a. The application may be forwarded directly to the City Council for consideration without a Planning Commission recommendation.
  - b. Only very short-term uses, lasting for a period no longer than seven (7) consecutive days, shall qualify for expedited approval; and no time extensions shall be approved.
  - c. Only complete applications submitted at least twenty-one (21) days from the date of commencement shall be considered for expedited approval.
  - d. The Zoning Administrator shall review the request in the same manner and according to the same criteria as a normal temporary use application. The supporting documents and applicable recommendations shall be provided to the City Council for consideration of the application.
  - e. As approved by applicable Kansas statutes and City code, the City Council may approve the adopting ordinance on an emergency basis and waive normal approval, public notification, and ordinance publication procedures/requirements.

#### 14.07. Standards of Review

- A. The Planning Commission shall review applications for all types of zoning approval governed by these regulations, according to the standards of review outlined in this section.
- B. All Planning Commission actions deemed to be in accordance with the adopted comprehensive plan, shall be presumed to be reasonable.
- C. In reviewing rezoning requests, conditional uses, and temporary uses, findings of facts shall be incorporated into all recommendations and resolutions of approval. Such findings shall specifically consider the degree to which the proposed use or application is compatible with surrounding uses, and its appropriateness at the proposed location within the proposed zoning district.

Such reviews of compatibility shall be based on and stated in terms of the following criteria:

1. Character of the immediate neighborhood.
2. Consistency with the comprehensive plan, vision, and character of the City of Rose Hill.
3. Adequacy of public utilities, roadways, and other needed public services, relative to the anticipated impacts of the proposed use.
4. Suitability of the uses to which the property has been restricted under its existing zoning.
5. Length of time property has remained vacant as zoned.
6. Compatibility of the proposed district classification with nearby properties.
7. The extent to which the zoning amendment may detrimentally affect nearby property.
8. The proportionality of losses/impacts to individual property owners in the immediate vicinity relative to the net public gain for the community-at-large.
9. Public input or sentiment regarding the proposed use as voiced in the public hearing and other communications.

**14.08. Finality of Board Decisions**

As provided by KSA 12-760, as amended, all zoning decisions provided in these regulations are considered to be reasonable exercises of authority granted to the City. All such actions enacted by the City Council are considered final upon publication of the adopting ordinance. Any person, government official or agency, or other individual, jointly or separately dissatisfied or aggrieved by any such action, may file a petition within thirty (30) days of the ordinance publication in the Butler County District Court seeking relief by judicial review.

**14.09. Zoning Compliance Certificates**

The Zoning Administrator shall issue a written certificate of zoning compliance to the owner or occupant of any property, or authorized agent thereof, as follows.

- A. Sent to zoning change and conditional use applicants within ten (10) days of publication of the adopting ordinance. The compliance certificate shall cite specific applicable references of these regulations and related approvals regarding the uses that can be established and any related standards.
- B. Provided within ten (10) days of submitting an application for a development site plan. The Zoning Administrator shall provide a compliance certificate upon accepting the site plan application and verifying that the subject site is appropriately zoned for the proposed use and structure.
- C. Provided upon request to any new tenant seeking to occupy an existing developed structure, which shall apply only occupants of business, commercial, and industrial properties. No new commercial/industrial utility connections or accounts, which have not been previously reviewed for zoning compliance, shall be set up without first being issued a zoning compliance certificate.
- D. The Zoning Administrator shall accompany the building inspector on the final inspection prior to issuing the Certificate of Occupancy required by the building code. The Administrator shall inspect the site to ensure the finished development complies with applicable zoning requirements and conditions of approval. The compliance certificate shall be issued only when such is found to be true. No Certificate of Occupancy shall be issued without a zoning compliance certificate.

**14.10. Building Permits**

- A. building permit shall be obtained from the Zoning Administrator prior to commencement of the following activities.
  1. Construction, remodeling, reconstruction, or moving of a structure, when such is subject to the provisions of the building code.
  2. Moving, relocation, or set up of a mobile or manufactured home.
  3. Grading, excavation, or other improvement of land preliminary to the establishment of a use on any property subject to the floodplain regulations.
  4. Any building permit issued in conflict with these regulations shall be null and void.
- B. Every application for a building permit shall include at least the following:
  1. A copy of the recorded plat of such land, which is certified by the County Register of Deeds office.
  2. No application shall be accepted without verification that a site plan has been approved for the subject property, as applicable.
  3. Applications that do not required an approved site plan shall instead include a plot plan drawn to scale showing the following information:
    - a. Location of proposed building site with the ground area, height, and bulk of all present and proposed structures.
    - b. Access drives and parking lots.
    - c. Structure footprint in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land.
    - d. Other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.

- 4. One (1) copy of both the plat and the plot plan shall be retained by the Zoning Administrator as a public record.
- C. A building permit shall be either issued or refused by the Zoning Administrator within ten (10) days after the application is filed or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.
- D. A building permit shall become null and void six (6) months after the date of issuance, unless within such period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.

## Article 15 Board of Zoning Appeals

### 15.01. Authorization

The Planning Commission as previously established by the City Council has been designated to also serve as the Board of Zoning Appeals as prescribed by KSA 12-759, as amended, and hereinafter in this article will be referred to as the "Board."

### 15.02. General Rules & Procedures

The Board shall operate according to the following general rules and procedures.

- A. All members of the Planning Commission are voting members of the Board.
- B. Board members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
- C. All officers of the Planning Commission are officers of the Board.
- D. The Board shall adopt bylaws establishing specific rules for its operation.
  1. Hearing procedures shall not conflict with the ordinance designating the Planning Commission as the Board, applicable state statutes, or these regulations.
  2. Bylaws shall be subject to the approval of the City Council.
  3. Filing fees shall be established separately by the City Council.
- E. The secretary shall keep public records of all official actions, which shall be maintained separately from that of the Planning Commission. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
- F. Special meetings may be held when called the Chairperson, or in accordance with Board bylaws.
- G. Board meetings shall be held separately from Planning Commission meetings; provided that they may be held in conjunction with Planning Commission meetings, which have been recessed to conduct Board business and reconvened to continue the Planning Commission agenda.
- H. After a Board meeting has been called to order and a quorum declared present, all Board actions shall be made by motion and decided by a majority vote of the members present and voting.

### 15.03. Powers and Jurisdiction

The Board shall have the following jurisdiction and authority as a quasi-judicial body.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator.
- B. To authorize in certain cases a variance from the specific terms of these regulations, which are not contrary to the public interest and where a literal enforcement of the provisions of these regulations will result in unnecessary hardship.
  1. In all variances, the Board shall observe the spirit of these regulations, preserve and secure public safety and welfare, ensure that substantial justice is done.
  2. The Board shall not authorize any variance that permits any use prohibited within the applicable zoning district.
- C. Shall have jurisdiction, in accordance with the authority granted the Board in these regulations, only to hear appeals and variances affecting properties located within the city limits of the City of Rose Hill.

#### 15.04. Appeals of Zoning Administrator Decisions

Decisions of the Zoning Administrator regarding the interpretation, application, or enforcement of these regulations, may be appealed to the Board. Such appeals may be filed as provided in this article by any person aggrieved, by any officer of the City, or any governmental entity affected by any decision of the Zoning Administrator.

##### A. Applications of Appeal

1. Applications of appeal shall be filed with the Chairperson within thirty (30) days of the date the subject decision was made by the Zoning Administrator. Such applications shall be accompanied by the appropriate filing fee and the following:
  - a. A written description of the grounds for appeal.
  - b. The legal description of the subject property.
  - c. The required ownership list specified in [Section 14.03](#).
  - d. Any additional information as may be required by the rules of the Board.

##### B. Stay of Proceedings

1. Upon filing, an appeal shall stay all legal proceedings in pursuit of the action being appealed, except when after the filing, the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
2. In such cases, the proceedings shall not be stayed, except by restraining order of the Board or a court of record with notice and basis of due cause provided to the Zoning Administrator.

##### C. Public notice shall be given and a hearing on the application of appeal conducted as specified under [Section 14.03.3](#).

##### D. Board Actions

1. The Board may take any of the following actions on an appeal of a Zoning Administrator decision:
  - a. Affirm or reverse, wholly or partly.
  - b. Modify the order, requirement, decision, or determination; and substitute its own, which shall have all the powers of the Zoning Administrator.
  - c. Issue or direct the issuance of a zoning permit or compliance certificate.
2. No conditions may be attached to such a decision that would not otherwise have been available to the Zoning Administrator in making the initial decision.

#### 15.05. Requests for Variance

##### A. The Board may authorize variances from the terms of these regulations when such are not contrary to the public interest, observe the spirit of these regulations, preserve and secure public safety and welfare, and ensure that substantial justice is done. Variances shall:

1. Only be authorized in the manner and under the circumstances stipulated in this article.
2. Be accompanied by findings of fact that demonstrate the literal enforcement of specific provisions of these regulations will result in unnecessary hardship for the applicant.
3. Not permit any use that is prohibited by these regulations in the applicable zoning district.

##### B. Applications of Appeal

1. Applications of appeal shall be filed with the Chairperson within thirty (30) days of the date the subject decision was made by the Zoning Administrator. Such applications shall be accompanied by the appropriate filing fee and the following:
  - a. A written description of the grounds for appeal.
  - b. The legal description of the subject property.
  - c. The required ownership list specified in [Section 14.03.3](#).

- d. Additional information including:
    - i. The particular requirements of these regulations that prevent the proposed use or construction.
    - ii. The characteristics of the subject property that prevent compliance with the requirements of these regulations.
    - iii. The reduction of the minimum requirements of these regulations necessary to permit the proposed use or construction.
    - iv. The particular hardship that would result if the particular requirements of these regulations were applied to the subject property.
    - v. A sketch drawn to scale showing the subject lot(s), with all existing and proposed structures that necessitate the request.
  2. Public notice shall be given and a hearing on the application of appeal conducted as specified under [Section 14.03](#).
- C. Authorized Variances
- Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in [Section 15.05.D](#), and shall be granted only as follows.
1. Variances to the applicable minimum lot area, lot width and lot depth requirements.
  2. Variances to the lot coverage and minimum yard requirements.
  3. Variances to the dimensions of fences and other permitted obstructions in required yards.
  4. Variances to the required number of offstreet parking spaces and amount of offstreet loading, except for adjustments to ADA requirements.
  5. Variances to dimensional sign provisions.
  6. Variances to applicable requirements and conditions of approval for conditional use and temporary use applications.
  7. Variances to applicable provisions of the floodplain district regulations.
- D. Standards of Variance Approval
1. The Board may grant variances supported by written findings of fact based upon the particular evidence presented the hearing, subject to the conditions stipulated by KSA 12-759(e) as follows.
    - a. The variance requested arises from a condition that meets all of the following provisions:
      - i. Unique to the property in question.
      - ii. Not ordinarily found in the same zoning district.
      - iii. Not created by an action or actions of the property owner or the applicant.
    - b. Granting of the variance will not adversely affect the rights of adjacent property owners or residents.
    - c. Strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
    - d. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
    - e. Granting the variance will not be opposed to the general spirit and intent of these regulations.
  2. The Board shall consider the extent to which the evidence supports the conclusions required by [Section 15.05.D.1](#) and demonstrates that:
    - a. The hardship claimed by the applicant is an unnecessary hardship caused by the physical surroundings, lot shape, or topography of the subject property; rather than the proposed use being inappropriate for the subject property or incompatible with its surroundings, or another mere inconvenience to the applicant.



- b. The hardship claimed by the applicant is not solely economic in nature, such as an attempt to avoid expenses related to meeting the otherwise applicable provisions, or a desire to increase the applicant's profit margin for such development.
- c. The requested variance will not diminish the condition or value of other properties in the vicinity; or the inhibit the rights of others to use their property in a lawful manner and enjoy the benefits gained from such uses.
- d. The requested variance will not result in an inadequate supply of light or air to adjacent property; create a substantial increase to congestion on public roadways; disproportionately impact public utility system service or capacity; impose a flood or fire hazard; or otherwise endanger the public health, safety, or welfare.

E. Performance Assurances

The Board may impose conditions upon the granting of a variance or require certain guarantees of the applicant as may be necessary to achieve compliance with the standards of [Section 15.05.D](#), to mitigate potentially negative effects of such variances, and to carry out the general purpose and intent of these regulations.

1. Such performance assurances may include, but not be limited to:
  - a. Conditions
    - i. Further restrictions on bulk regulations.
    - ii. Time of operation and use limitations.
    - iii. Visual buffers, landscape buffers, and height compatibility setbacks, except as otherwise prohibited by applicable laws and regulations.
    - iv. Provision of utilities, drainage and other public improvements.
    - v. Additional access or access controls.
    - vi. Offstreet parking and loading requirements.
    - vii. Platting, dedications, or guarantees.
  - b. Guarantees
    - i. Covenants that run with the land and filed with the County Register of Deeds that assure the installation of conditional improvements at a future date.
    - ii. Corporate surety bonds, cashier's checks, escrow accounts, or similar security accepted in lieu of installing/constructing conditional improvements within a specified time. Such shall be in the City's name, filed with the City Clerk in an amount to be fixed by the Board, which amount shall be roughly proportional to the estimated costs. The City Council may enforce such securities by all equitable means.
2. Failure to comply with any of the conditions imposed upon a variance shall constitute a violation of these regulations. Upon a finding by the Board of such a violation, the resolution granting the variance may be declared null and void.
3. Changes to such conditions may only be made in the same manner as the original variance. In such cases, it shall be required to apply for a new hearing. Only the requested change shall be considered at the rehearing.

**15.06. Notice & Conduct of Hearings**

- A. The Board shall be subject the same requirements for public notifications and conduct of public hearings as the Planning Commission, which are provided in Section
- B. Decisions & Records
  1. On all actions, the Board shall render a written decision in the form of a resolution without reasonable delay, but within forty-five (45) days of closing the hearing.
  2. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for variances in order to properly issue permits.

3. Variances granted by the Board shall be valid for a period not to exceed one-hundred and eighty (180) days from the hearing date. Applicable zoning permits shall be received within that time, provided that upon written request, the Board may grant extensions, each not to exceed one-hundred and eighty (180) days. Such extensions granted shall not require further notice or hearing.

**15.07. Finality of Board Decisions**

Orders and determinations of the Board are not subject to appeal to the Planning Commission or City Council. All such decisions are considered final, notwithstanding the right of any aggrieved party to seek a judicial review as provided by law.

Any person, official or governmental agency, jointly or separately dissatisfied by any decision of the Board, may seek relief by petition of the Butler County District Court. Such petitions shall be duly filed with the Court within thirty (30) days of the date the final decision is filed with the Zoning Administrator.

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## Article 16 Enforcement

### 16.01. Violations

Any of the following shall be a violation of the City of Rose Hill Zoning Regulations and shall be subject to the enforcement remedies and penalties provided by this article and by other applicable law.

A. Development of Use Without Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates and other forms of authorization required by these regulations in order to conduct or engage in such activity.

B. Development or Use Inconsistent with Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to lawfully engage in such activity.

C. Development or Use Inconsistent with Conditions

To violate, by act or omission, any terms, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development of other activity upon land or improvements thereon.

D. Development of Use Inconsistent with Regulations

To erect, construct, reconstruct, remodel, alter, maintain any land in violation or contravention of any zoning, subdivision or general regulation of the zoning regulations or any amendment thereof.

E. Making Lot or Yard Nonconforming

To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.

F. Increasing Use Intensity

To increase the intensity of use of any land or structure, except in accordance with the procedures and substantive requirements of the zoning regulations.

G. Continuing Violation

To continue any of the above violations. Each day of a violation shall be considered a separate offense.

H. Removing, Defacing, Obscuring Notice

To remove, deface or obscure any sign required by the zoning regulations or otherwise interfere with any notice required thereby.

### 16.02. Enforcement Actions

The City shall have the enforcement authority to take the following actions in resolving violations of these regulations.

A. Withhold Permits or Approvals

The City may deny or withhold all permits, certificates, plan or plat approvals or other forms of authorization on any land, structure, or improvements having an uncorrected violation of a provision of this article or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the City. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this subsection shall apply regardless of whether the current owner or applicant is responsible for the violation in questions.

**B. Revoke Permits**

1. When it shall appear to the Zoning Administrator or other authorized City official that:
  - a. There is a departure from the plans, specifications or conditions as required under the terms of a particular permit, plan or other approval.
  - b. That such authorization was procured by false representation or was issued by mistake.
  - c. That any of the provisions of this article are being violated.
2. The Zoning Administrator may revoke a building permit or Certificate of Occupancy or initiate the revocation of any other permit or approval under [Section 16.02.D](#).
  - a. Written notice of such renovation or initiation shall be mailed to the owner, his or her agent or contractor or upon any person employed on the building or structure for which such permit was issued or shall be posted in a prominent location.
  - b. No such construction shall proceed. Upon revocation of a building permit which was issued by mistake, the owner shall meet with the City to determine in what respect a mistake was made.
  - c. Where plans are in conflict with ordinances, regulations or other city requirements, the plans may be required to be altered to conform to all applicable ordinances, regulations or requirements. When a mistake has been made calculating the fee for a building permit, the proper fee will be charged.

**C. Stop Work**

With or without revoking permits, the City may stop work on any building or structure on any land on which it has a good faith belief that there is an uncorrected violation of a provision of this article or of a permit or other form or authorization issued hereunder.

**D. Revoke Plan or other Approvals**

Where the violation of this article involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the City Council shall, upon notice to the applicant and after a hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the City Council may reasonably impose.

**E. Injunctive Relief**

The City may seek an injunction or other equitable relief to stop any violation of this article or of a permit, certificate or other form of authorization granted under these regulations.

**F. Abatement**

The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**G. Misdemeanor Penalties**

The City may seek such criminal or civil penalties as are provided by Kansas law for violation of this article or of any of the zoning Regulations. Criminal penalties shall not exceed \$500.00 or imprisonment for not more than six (6) months for each offense or both. For purposes of these penalties, each day's violation shall constitute a separate offense.

**H. Other Remedies**

The City shall have such other remedies as are and as may be, from time to time, provided by Kansas law for the violation of zoning, subdivision or related provisions.

**I. Remedies Cumulative**

These remedies shall be cumulative.

**16.03. Enforcement Procedures**

**A. Notice**

In the case of violations not involving continuing construction or development, or any emergency situation, the City shall give written notice of the nature of the violation to the owner, occupant, or agent of the property at the last known address.

**B. Immediate Enforcement**

If an authorized building or public officer makes a reasonable determination that an emergency situation exists in violation of this article, the City may immediately use the enforcement powers and remedies available to it under this article including, but not limited to, filing a complaint seeking criminal penalties in Municipal Court and not other notification procedures will be required as prerequisites to any such immediate action.

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