

Zoning Ordinance

For The

City of Saint George



Ordinance 2023-04

April 13th, 2023

By Oneth Planning LLC

Table of Contents

Table of Contents.....2

Article I – General4

 Section 1 - Title.....4

 Section 2 - Authority.....4

 Section 3 – Scope and Purpose.....4

Article II – Interpretation and Administration5

 Section 1- Interpretation.....5

 Section 2- Enforcement.....5

 Section 3- Periodic Review6

Article III – Board of Zoning Appeals.....7

 Section 1- Board of Zoning Appeals.....7

 Section 2- Variances.....7

 Section 3- Conditional Uses.....8

 Section 4- Fees9

Article IV – General Provisions10

 Section 1- Activities Governed by These Regulations.....10

 Section 2- General Requirements.....10

 Section 3- Nonconforming Uses11

 Section 4- Zoning Requirements.....12

Article V – Zoning Districts13

 Section 1 – Zoning Classifications.....13

 Section 2 - Zoning District Map.....13

 Section 3 - Annexation.....13

Article VI – Residential Zoning Districts14

 Section 1- Single-Family Residential District (R-1)14

 Section 2- Two-Family Residential District (R-2)15

 Section 3- Multi-Family Residential District (R-3).....16

 Section 4- Mobile Home Park Residential District (MH-1).....17

 Section 5- Manufactured Housing Residential District (MH-2).....20

 Section 6- Recreational Vehicle Park District (RV).....21

 Section 7- Special Use Limitations in Residential Districts.....24

Article VII – Commercial Zoning Districts25

 Section 1- Retail Commercial District (C-1).....25

 Section 2- General Commercial District (C-2).....26

 Section 3- Planned Commercial Districts (C-3).....27

Article VIII – Public Use Zoning Districts29

 Section 1- Public Service (P-1)29

 Section 2- Parks and Open Space (P-2).....29

Article IX – Agricultural Zoning Districts31

 Section 1- Agricultural District (AG).....31

 Section 2- Agricultural Business District (AB).....32

Article X – Industrial Zoning Districts33

 Section 1- Light Industrial District (I-1)33

 Section 2- General Industrial District (I-2)34

 Section 3- Heavy Industrial District34

 Section 4- Performance Standards34

Article XI – Special Zoning Districts37

 Section 1- Mixed Use Overlay District (MU)37

 Section 2- Floodplain Overlay District (FP)37

 Section 3- Planned Unit Development District (PUD).....41

Article XII – Supplementary Regulations44

 Section 1- Business Sign Regulations.....44

 Section 2- Fence Regulations.....44

 Section 3- Parking Regulations45

 Section 4- Home Occupations.....50

 Section 5- Accessory Uses51

 Section 6- Building Regulations.....52

 Section 7- Other Regulations53

Article XIII – Amendments54

Article XIV – Definitions55

Article XV – Adoption64

Article I – General

Section 1 - Title

This Ordinance shall be effective throughout all portions of incorporated areas of the City of Saint George, Kansas and shall be referred to as the "Zoning Ordinance of Saint George, Kansas". This Ordinance numbered 2023-04 adopted April 13th, 2023, shall repeal Ordinance numbered 3471 adopted in 1984 and subsequent amendments.

Section 2 - Authority

The regulations set forth in this Ordinance are adopted by the Planning Commission and approved by the City Governing Body under powers conferred by K.S.A. 12-741 and amendments thereto of the Constitution of the State of Kansas.

Section 3 – Scope and Purpose

The Zoning Ordinance designed for the City of Saint George, Kansas is intended to be coordinated with the comprehensive plan of Saint George in order to achieve the objectives set forth in the plan for the future development of the City. Zoning regulations are but one of a variety of tools which operate to ensure a proper and harmonious development of the City of Saint George. The regulations included in the text of this Zoning Ordinance have been duly adopted by the Governing Body of Saint George, Kansas, for the following purposes:

- To encourage orderly growth in order to meet future demand.
- To divide the City into zones and districts and impose regulations.
- To implement the Comprehensive Plan for the City of Saint George.
- To promote the general health, safety, and welfare of the public.
- To ensure harmony between differing aspects of community development.
- To preserve the natural environment.

The Zoning Ordinance achieves the above objectives by dividing the city into districts of such number, shape, and area as may be best suited to regulate and restrict the erection, construction, alteration, repair, or use of buildings or structures in Saint George. Each district in the Ordinance includes a list of appropriate uses to be allowed in that district which regulate the size of buildings and other structures, the percentage of the lot that may be occupied by structures, the size of the yard requirements, the density of the population and the location and use of buildings for residence, trade, industry, and other purposes. An Official Map shall be adopted by the City Governing Body in accordance with the Zoning Ordinance text for Saint George, Kansas. The map will serve to locate the extent of existing and proposed future land uses as outlined by the district boundaries on the map.

Article II – Interpretation and Administration

Section 1- Interpretation

1. Greater restriction
The provisions established within this ordinance shall be held to the minimum requirements necessary for the promotion of the safety, health and general welfare of the public. Where this Ordinance imposes a greater restriction on structures, buildings or premises than are imposed or required by other Ordinances, the provisions of this Ordinance shall govern.
2. Permit or License in Violation
Regardless of the provisions, rules, or other regulations of the City of Saint George, Kansas, if any permit or license is issued in violation of the provisions of this Ordinance or attempts to authorize the legitimacy of an act not provisioned for within these regulations, said permit or license shall be interpreted as void.
3. Private Agreements
The provisions of this Ordinance are not intended to annul, prevent, or otherwise interfere with any easement, covenant or any other private agreement or legal relations; provided, however, that when the regulations of this Ordinance are more restrictive than such easements, covenants, or other private agreements or legal relationships, the regulations of this Ordinance shall govern.
4. Unlawful Uses
No structure, building or use which was not legally and lawfully existing at the time of the adoption of this Ordinance shall become lawful by reason of the adoption of this Ordinance; and to the extent that said unlawful structure, building, or use conflicts with the requirements of this Ordinance, the structure or use remains unlawful.
5. Not a Licensing Ordinance
The provisions of this Ordinance shall not be intended to allow, license, or permit the use of any property; nor to permit to locate, to construct or to maintain any structure or use or facility; nor permit to carry on any trade, occupation, industry, or other activity.
6. Severability Clause
If this section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 2- Enforcement

1. Rules of Construction
 - a. In the construction of this ordinance, the provision of the following shall govern:
 - i. All words used in the present tense shall include the future.
 - ii. Words in the singular shall include the plural and, in the plural, shall include the singular.
 - iii. The word “shall” is mandatory and the word “may” is permissive.
 - iv. The word person or applicant includes individuals, firms, corporations, foundations, governmental bodies, and agencies.
 - v. The word City means the City of Saint George.
 - vi. In interpreting the application of zones and districts in these resolutions, the policy and adopted plan of the City shall govern.
2. Zoning Administrator
 - a. The Zoning Administrator shall administer and enforce this Zoning Ordinance.

- b. It shall be the duty of the Zoning Administrator to accept and process all applications for a zoning change, variance or exception and conditional use and to issue all permits to those uses listed and permitted as a matter of right in these resolutions.
- c. Additionally, the Zoning Administrator shall:
 - i. Issue all certificates and keep records.
 - ii. Conduct all inspections.
 - iii. Report to the City Attorney for prosecution of all violations of these regulations and to sign all complaints to the City Court.
 - iv. Have, in performance of their duties, the power to enter all land within the jurisdiction of these regulations without fees, hindrance or obstruction of any sort, at reasonable times after notice to the owners.
 - v. To issue letters, in the case of violations, ordering a use or activity to cease and desist.
- d. Appeals from the decision of the Zoning Administrator can be made to the Board of Zoning Appeals.

Section 3- Periodic Review

This Ordinance shall be subject to periodic review following adoption. Any changes shall be adopted by the Planning Commission and amended by the Governing Body of Saint George, Kansas. The failure to review or revise this Code shall not invalidate any provision hereof.

Article III – Board of Zoning Appeals

Section 1- Board of Zoning Appeals

The Board of Zoning Appeals shall consist of five members all of whom shall be residents of the City. The Planning Commission may be designated as the Board of Zoning Appeals. The members of the Board of Zoning appeals shall be appointed by the Governing Body.

1. Board of Zoning Appeals Powers
 - a. To hear and decide appeals where it is alleged that there is an error in any order, requirement, or decision of the Zoning Administrator and to alter, affirm or reverse such order of the Zoning Administrator.
 - b. To hear and pass upon all applicants for variance and exceptions under the terms of these resolutions.
2. Meetings
 - a. All meetings shall be at the call of the Appeals Board Chairman or the Zoning Administrator.
 - b. All notices of hearings shall be published twenty (20) days in advance. All hearings shall be open to the public.
 - c. All hearings before the Board of Zoning Appeals shall be placed upon record and details of appeals shall be kept by the Zoning Administrator.
 - d. Any person having business before the Board of Zoning Appeals may designate an authorized representative to present the appeal or request.
3. Appeals
 - a. All decisions of the Board of Zoning Appeals within its authority under K.S.A. §12-759 shall be final. Any person, official or governmental agency dissatisfied with an order or determination of the board under the statute may bring an action in the district court. Such appeal shall be filed within 30 days of the final decision of the Board.
 - b. A determination by the City as to any other matter may be appealed to the district court as provided in K.S.A. §12-760.

Section 2- Variances

1. Authorization and Procedure
 - a. The Board may authorize such area variance from the terms of these resolutions as will not be against the public interest.
 - b. An applicant shall submit a request for a variance on forms provided by the Zoning Administrator.
 - c. An applicant shall submit a site plan with the variance form.
2. Granting Variances
 - a. To permit the variation of any required yard or setback.
 - b. To permit the use of any lot that is nonconforming because of frontage, width, or size but by no more than fifty (50) percent variation for each.
 - c. To permit the same off-street parking facilities for two (2) or more uses when the hours of operations or the peak activity of the two (2) or more uses do not coincide.
 - d. To reduce the required off-street parking spaces or loading spaces where such requirements present practical difficulties.
 - e. To increase the maximum distance of the required parking spaces to the use being served.
3. Standards for a Variance
 - a. All standards shall be issued according to the following rules:
 - i. The variance is due to conditions unique to the property and not ordinary found throughout the zoning district and not created by the actions of the owner or applicant.

- ii. Granting of the variance will not adversely affect the rights of adjacent owners or residents.
 - iii. Strict application of the zoning regulations will constitute unnecessary hardship.
 - iv. Granting of the variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.
 - v. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
- b. The Board of Zoning Appeals, in granting variances, may impose such conditions, restrictions, or limitations as may be required for the general protection of property values, health and safety.

Section 3- Conditional Uses

1. Procedure

- a. The Board of Zoning Appeals may authorize conditional uses (also known as exceptions) to the zoning regulations that are specifically listed under their various zoning districts.
- b. The Board of Zoning Appeals shall hold public hearings to determine and find facts relative to the particular exception under consideration. No conditional use may be granted as a matter of right.
- c. At the public hearing, the applicant and all parties in interest shall have an opportunity to present facts under oath and shall have the right of cross-examination. All hearings shall be recorded and kept by the Zoning Administrator for a period of six (6) months, or six (6) months after the conclusion of any appeal or other review.

2. Applicant's Responsibilities

- a. An applicant for an exception shall present:
 - i. Site plan showing the location of the use.
 - ii. A statement describing the use and the use of nearby property.
 - iii. A statement as to why the use will not interfere with the use, enjoyment, and convenience of nearby owners.
 - iv. A statement as to how the proposed exception is to be designed, arranged, and operated; the statement should include parking arrangements and road development.
 - v. Other data the Board of Zoning Appeals may require from time to time in order to properly judge the compatibility of the proposed use.

3. Board's Responsibilities

- a. The following standards shall be used in granting the exception for specific cases:
 - i. If the proposed exception complies with all applicable regulations of the zoning district in which it is located; if zoning regulations are not specified, the Board shall set reasonable standards.
 - ii. Whether the proposed use will contribute to the overall orderly development of the City or convenience of the residents and not a mere granting to benefit to the applicant.
 - iii. The proposed use must not cause harm or injury to the property values of the area or impede the future development of the area.
 - iv. If the traffic pattern and road condition and width is sufficient to accommodate the proposed use and whether other public facilities are adequate to service the use. The Board shall also consider curb cuts and entrances required for the proposed use and whether these meet requirements of public safety.
 - v. The proper drainage and soil conditions exist.
 - vi. That the exception is in accord with the comprehensive development plan for the City.

4. Decisions

- a. All decisions of the Board granting or denying conditional uses shall be in writing.
- b. The Board may grant, deny, or conditionally approve any application for an exception. The Board may impose any conditions, including screening, plantings and facilities development or assurance

of credit that it deems necessary. The Board may also limit the conditional use to a specific time of use, or duration, as it deems necessary.

- c. All decisions for the Board shall be final and all decisions shall be rendered within sixty (60) days of the date of the original hearing date unless a delay is requested by the applicant, or the application is withdrawn.

Section 4- Fees

The following fees shall be paid in advance by the owner of any property at the time of making an application for any of the following:

1. Building Permit
A fee of twenty-five (\$25) dollars.
2. Building Permit Penalty Fee (After the Fact):
It shall be unlawful to erect any structure without a valid building permit. There shall be an additional twenty-five (\$25) late charge for any construction started before obtaining a building permit.
3. License to Operate a Mobile Home Park or Recreational Vehicle Park Fee
It shall be unlawful for any person or firm to operate a mobile home park or recreational vehicle park with more than three (3) units unless a valid permit has been issued annually by the Zoning Administrator. The fee for such permit shall be set at twenty-five (\$25) dollars annually. The charge for a late application for a license (25 days or more after the annual license is due) shall be an additional twenty-five (\$25) dollars.
4. Application for a Zone Change, Variance or Conditional Use
A fee of twenty-five (\$25) dollars.
5. Flood Plain Application Permit
A fee of twenty (\$20) dollars. (Fee for Flood Plain applications shall be in addition to any other fee established herein.)

No fee other than administrative, legal or publication costs, shall be charged to a unit of government. The Governing Body shall have the authority to waive any fee.

The fees established herein do not include the cost of sending materials to property owners or the cost of publication for public notice.

Article IV – General Provisions

Section 1- Activities Governed by These Regulations

1. All structures built hereafter shall comply with all of the provisions of these regulations. All uses of the land hereafter shall comply with all provisions of these regulations.
2. It shall be unlawful hereafter to erect any structure without a valid building permit. There shall be an additional fee for any construction started before obtaining a building permit.
3. If the use of any structure is hereafter changed to another use, then the use must comply with the provisions of these regulations and hold a valid building permit for the conversion.
4. Remodeling
 - a. If any structure is hereafter remodeled, then the entire structure shall comply with these regulations.
 - b. If any structure changes through remodeling, then the off-street parking requirements shall be performed according to these regulations.
5. Conditional Uses
 - a. The following structures shall be exempt from the provisions of these regulations but shall require a building permit with no fee.
 - i. Poles, wires, cables, cellars, laterals, pipes, mains, or other similar equipment used for facilities.
 - ii. Railroad track and accessory buildings.
 - iii. Storage buildings used as an accessory to a dwelling unit, or those structures used for sheltering livestock; 150 square feet max.
 - iv. Microwave, rural water, television, and radio towers.
 - v. Pools, play equipment, playhouses, driveways, patios, or similar facilities.
 - vi. Remodeling, if such remodeling does not increase the square footage of the original structure.
 - vii. Any agricultural structure excluding the farm dwelling unit or accessory dwelling units or garages.
 - b. The applicant shall provide the Zoning Administrator a site plan for the building permit.

Section 2- General Requirements

1. Moving of Structures
 - a. Hereafter no structure shall be moved from one location to another within the jurisdiction of these regulations without first obtaining a valid building permit. The structure to be moved shall comply in all respects within the district requirements in the district to which it is to be moved, and all City Code, state and federal laws governing the movement of buildings.
2. Lot Sizes and Area Requirements
 - a. Only those lots recorded as lots of record on a plat or as a lot of record in the Office of the Register of Deeds shall be granted, as a matter of right, a permit to build in accordance with the proper zoning requirements.
 - b. Any lot recorded hereafter shall comply in all respects with the lot size, area, and yard requirements of these regulations.
 - c. If a setback on a recorded plat is greater than that required by these regulations, then plat setback shall govern.
 - d. The setback or yard measurement in these regulations shall mean the minimum structure opening: the distance from the lot line (linear) to base of the structure and shall not include any part of the structure projecting outward above this line.

- e. The Maximum Height shall mean the linear distance from the base ground elevation of the structure to the top of the roofline of the structure.
3. Sanitation Requirements
 - a. Hereafter all structures used for habitation, employment or otherwise providing indoor plumbing facilities shall be connected to a municipal type, public benefit, or approved private sewage disposal system. It shall be unlawful to occupy any structure without providing for said system. It shall be unlawful to discharge sewage except into the public system or an approved private system.
 - b. All sewage systems on five (5) acres or less shall require a separate building permit and inspection prior to operation. Failure to obtain the required inspection shall constitute a violation and require the uncovering of the system. There shall be an additional fee for any construction started before obtaining a building permit.

Section 3- Nonconforming Uses

1. The following lawful nonconforming uses of land may be continued:
 - a. A use of land which lawfully existed before the adoption of these regulations.
 - b. A use of land which lawfully existed at the time of annexation.
 - c. A use of land existing at the time an amendment is made to the Zoning Ordinance which changes such land to a more restricted district or extends the jurisdiction of the Zoning Ordinance to the land use.
2. The following nonconforming uses shall not be continued:
 - a. Any nonconforming use that is damaged by fire, flood, wind, or other natural disaster to the extent that more than fifty (50) percent of the building is destroyed shall be restored in a manner that conforms to all regulations and provision of these resolutions.
 - b. No nonconforming structure may be changed in any way unless such change is necessary to protect life and safety or unless the change results in a structure that is in greater conformity to these resolutions.
 - c. Any nonconforming use that discontinued operation for a period longer than six (6) months shall thereafter not be continued unless it fully conforms to the district regulations.
 - d. Any use which is accessory to a nonconforming use shall not continue after the principal structure or use ceases or is discontinued.
 - e. Whenever a nonconforming use of a building has been changed to a more conforming use, such use shall conform to all regulations and provision of these resolutions.
3. The following nonconforming uses shall be discontinued by the owner within five (5) years of the passage of this Zoning Ordinance:
 - a. Any nonconforming fences, signs, or billboards.
 - b. Any nonconforming parking areas for any use in a Commercial Zoning District.
 - c. Any nonconforming uses in a Residential or Commercial Zoning District as established under this Ordinance where the prior use was an Industrial use.
4. Upon written notice from the Zoning Administrator, Mayor, City Council, Planning Commission, Board of Zoning Appeals or other authorized officer of the City, that any building, structure, lot or use is nonconforming under this ordinance or any subsequent amendments to it, the owner shall, within Six (6) months from the date of such notice, apply to the Board of Zoning Appeals for a certificate of nonconformance and an amortization schedule, which shall provide a schedule to discontinue the nonconforming as may be established by the City. Where a certificate of nonconformance and amortization is not obtained from the City, the following time for amortization of all nonconforming uses shall be as follows:
 - a. Where no building or structure is employed in connection with such use, such use shall be discontinued within two (2) years from the date of the written notice.

- b. Where a nonconforming use of land is accessory to the nonconforming use of a building or structure, said use shall be discontinued within two (2) years or the amortization period of the principal use, whichever is greater.
- c. Any nonconforming use in a Commercial or Industrial District shall be five (5) years from the date of the written notice.
- d. Any nonconforming use in a District other than a Commercial or Industrial District shall be seven (7) years.
- e. Any industrial use or industrial building/structure, whether established prior to this Ordinance, or after, that is deemed nonconforming and given notice, shall be discontinued within five (5) years from the date of the written notice, and the same property shall be made safe by the removal of all property and structures on the premises to prevent a nuisance condition on the premises.

It shall not be a defense to nonconformity or alter any amortization period established by this Ordinance or by order of the City, that the use at issue adjoins or is part of a property zoned in conformity with the Ordinance, or is consistent with the use of adjoining properties, or properties with different amortization requirements. A change in ownership of the property shall not alter any amortization period established herein.

Section 4- Zoning Requirements

- 1. All applications for rezoning shall be made to the Zoning Administrator.
- 2. All applications for a change in zone shall be accompanied by a legal description, a site plan, proposed use, and the proper fee.
- 3. No request for a zoning change, not including an exception, shall be accepted for less than four (4) acres unless it adjoins a compatible zone (applies to future extraterritorial zones only).
- 4. If a request for a change in zoning is within the extraterritorial zone of Saint George, the recommendation of the Planning Commission shall be sent to the Governing Bodies of the City of Saint George and Pottawatomie County.

Article V – Zoning Districts

Section 1 – Zoning Classifications

The City is hereby divided into the following zoning districts:

Residential

- (R-1) Single-Family Residential District
- (R-2) Two-Family Residential District
- (R-3) Multi-Family Residential District
- (MH-1) Mobile Home Park Residential District
- (MH-2) Manufactured Housing Residential District
- (RV) Recreational Vehicle Park District

Commercial

- (C-1) Retail Commercial District
- (C-2) General Commercial District
- (C-3) Planned Commercial Districts

Public Use

- (P-1) Public Services
- (P-2) Parks and Open Space

Agricultural

- (AG) Agricultural District
- (AB) Agricultural Business District

Industrial

- (I-1) Light Industrial District
- (I-2) General Industrial District
- (I-3) Heavy Industrial District

Special

- (MU) Mixed Use Overlay District
- (FP) Floodplain Overlay District
- (PUD) Planned Unit Development

Section 2 - Zoning District Map

The boundaries of the zoning districts are shown on the map and/or sections thereof attached hereto and made a part of this Ordinance, which map is designated as the "Zoning Map", City of Saint George, Kansas. The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said map and all the notations, references, and other information shown thereon were all fully set forth or described herein. Copies of the Zoning Map are properly attested and are on file with the City Clerk of Saint George, Kansas.

Section 3 - Annexation

All territory which may hereafter be annexed to the City shall be annexed as the zone designation existing at the time of annexation until or unless otherwise established by ordinance.

Article VI – Residential Zoning Districts

Section 1- Single-Family Residential District (R-1)

1. District Purpose

The purpose of the “R-1” District is to provide for low to moderate density single family residences, the preservation of open space and to provide for certain compatible private and public facilities.

2. District Regulations

In the “R-1” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Single family detached dwellings.
- b. Public and private schools.
- c. Greenhouses.
- d. Medical professions either in single family residential dwellings or in a building specifically constructed for this purpose. Any such buildings constructed shall preserve the residential character and architectural harmony of the neighborhood.
- e. Churches, synagogues, and other places of worship.
- f. Home occupations with the following limitations:
 - i. No employees other than the family members.
 - ii. No outside storage permitted.
- g. Community or neighborhood centers; places of historic interest, public buildings, and philanthropic institutions.
- h. Group living in residential structures.

4. Conditional Uses

- a. Residential design manufactured housing attached to permanent foundations, but this will not include single wide mobile homes or recreational vehicles.
- b. Hospitals, nursing homes and similar institutions.
- c. Day care centers; Full day, full time.
- d. Funeral Homes.
- e. Accessory Dwelling Units.

5. Height Requirements

- a. No building shall exceed thirty-five (35) feet in height.

6. Lot Size and Coverage

- a. The minimum lot size shall be 5,000 square feet unless the units are clustered according to an approved plan.
- b. Minimum lot width: Fifty (50) feet.
- c. Minimum lot depth: One Hundred (100) feet.
- d. Maximum lot coverage for main structures and accessories: Forty-Five (45) percent unless the lots are clustered according to an approved plan.

7. Setback Requirements

- a. Minimum front yard: Fifteen (15) feet from the right of way boundary line but lots on main arterials shall require twenty (20) feet.
- b. Minimum rear yard: Eight (8) feet from the lot line or five (5) feet from the alley.
- c. Minimum side yard: Eight (8) feet from the lot line.
- d. Setback requirements in excess of the above requirements that are part of a recorded subdivision plat shall be observed when a building permit is issued. Set back requirements that are less than

the above minimums that are part of a recorded plat shall not govern, and a building permit shall be issued only for the minimum standards imposed by this ordinance.

8. Parking Requirements

Minimum off street parking requirements per each structure by type:

- a. Single Family Units: Two (2)
- b. Greenhouses and similar uses: Eight (8) plus one for each employee
- c. Medical Facilities: Ten (10)
- d. Uses by exception: Provided by Board of Zoning Appeals
- e. Home occupancies: Five (5) total

All required parking facilities shall be hard surface areas constructed either of concrete, crushed stone, asphalt road mix or asphaltic concrete.

9. Building Permit Regulations

All building permits in residential areas shall be issued for lots of record. Each lot of record may be issued one building permit for the dwelling (and accessory uses) if it meets the requirements in these regulations. Any lot of record existing prior to the adoption of this ordinance that does not conform to the setback, area or other requirements, but in all other ways conforms to the zoning regulations, may be issued a permit to build a dwelling if it meets at least fifty (50) percent of the area requirements. A greater deviation shall require a variance.

10. Sign Regulations

- a. No outside display of signs except for one (1) giving the name and occupations or business, no larger than four (4) feet square affixed to the front of the building.

11. Exception to Single Family Limitations

A single-family unit may by special exception be permitted to convert said structure to a two family, duplex unit to provide for the special needs of a member of the family or to provide living quarters for a member of the family related by blood, marriage or adoption. The applicant shall file with the Zoning Administrator an affidavit stating that such conversion shall not be used for other purposes. The use shall not continue from owner to owner and each subsequent buyer must obtain an exception.

Section 2- Two-Family Residential District (R-2)

1. District Purpose

The purpose of the “R-2” District is to allow a slightly higher density than in district “R-1”, while retaining residential qualities.

2. District Regulations

In the “R-2” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Uses permitted by right in R-1 district.
- b. Two Family (duplexes) units.
- c. Offices for professional services limited to attorney, medical real estate, architect, engineer, draftsman, financial consultant, tax preparations. Such occupations are permitted as home occupation or in separate structures.
- d. Sale of antiques.
- e. Churches.
- f. Schools.

4. Conditional Uses

- a. Conditional uses as provided in R-1 district.

- b. Retail convenience stores limited to a selling area of 1500 square feet.
 - c. Hospitals, nursing homes and similar institutions.
 - d. Residential structures financed in whole or in part by the public for the low and moderate income, elderly, or those with disabilities. Such structures may be for group living, separate units or multi-occupancy units in one or more buildings. The Board of Zoning Appeals shall:
 - i. Set applicable setbacks and area requirements.
 - ii. Approve design style consistent with surroundings.
 - iii. Set parking requirements consistent with the need.
 - iv. Require appropriate screening.
5. Height Requirements
- a. No building shall exceed thirty-five (35) feet in height.
6. Lot Size and Coverage
- a. For single dwellings, the same as provided for R-1 districts.
 - b. For two family dwellings, the minimum lot size shall be 7,500 square feet.
 - c. Three family dwellings are not permitted.
 - d. Minimum lot width: Fifty (50) feet.
 - e. Minimum lot depth: One hundred (100) feet.
 - f. Maximum lot coverage of all structures per zoning lot shall not exceed forty (40) percent.
7. Setback Requirements
- a. Minimum front yard: Fifteen (15) feet from the right of way line but lots on main arterials shall require twenty (20) feet.
 - b. Minimum rear yard: Eight (8) feet from the lot line or five (5) feet from the alley.
 - c. Minimum side yard: Eight (8) feet from the lot line.
8. Parking Requirements
- a. All parking facilities shall be hard surface areas constructed of concrete or asphalt and shall be a minimum of eight (8) feet wide and twelve (12) feet long for each required space.
 - b. A minimum of two (2) off street parking spaces are required per dwelling unit:
 - i. Single family (2).
 - ii. Two family (4).
 - c. All other parking spaces shall be the same as required under the R-1 district or as provided for by the Board of Zoning Appeals for a use by exception.

Section 3- Multi-Family Residential District (R-3)

1. District Purpose
The purpose of the “R-3” District is for allowing high residential density land use while retaining residential qualities.
2. District Regulations
In the “R-3” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
- a. Uses permitted by right in R-1 and R-2 districts.
 - b. Multi-family dwelling units, garden apartments, apartment houses.
 - c. Group care facilities, recreational facilities, boarding facilities.
 - d. Childcare facilities.
4. Conditional Uses
- a. Conditional uses permitted in R-1 and R-2 districts.

- b. Retail shops for florist, gift, books, dry goods, hobby, paper goods, photography, clothing convenience, and grocery.
 - c. Self-service or operated laundry and cleaning.
 - d. Eating establishments but this shall not include drive-in facilities, nor shall it be contracted to mean those establishments that have combined curb or window services with internal seating. It shall not include those establishments that receive less than fifty (50) percent of their gross profits from food.
5. Height Requirements
 - a. No building shall exceed forty-five (45) feet in height.
6. Lot Size and Coverage
 - a. For single and two family dwellings, the same as provided for R-1 and R-2 districts.
 - b. For Multi-family dwellings, the minimum lot size shall be 2,500 square feet per unit.
 - c. Minimum lot width: Fifty (50) feet.
 - d. Minimum lot depth: One Hundred (100) feet.
 - e. Maximum lot coverage of all structures per zoning lot shall not exceed forty (40) percent.
7. Setback Requirements
 - a. No front yard is required but the structure shall not be closer than twenty (20) feet to a public road.
 - b. No structure shall be closer than twenty (20) feet to another structure.
8. Parking Requirements
 - a. Parking spaces shall be provided at the ratio of 2.5 per unit for the total complex.
 - b. Parking spaces in non-residential units shall be provided at the rate as determined by the Planning Commission.
9. Building Permit Regulations
 - a. Unless approved shelter facilities are included in the building design, the applicant shall provide storm shelter facilities located central to the complex. Such facilities shall be approved by the Board of Zoning Appeals before issuance of a building permit.
 - b. All sanitary disposal systems for multi-family units shall be approved prior to the issuance of a building permit by the Zoning Administrator and the Board of Zoning Appeals.
10. Additional Provisions
 - a. If non-residential structures are provided in the complex, they shall not equal more than the total living space provided in the complex. Their maximum selling space shall not be greater than 5,000 square feet per unit.
 - b. Each applicant for a multi-family district shall submit a development plan showing significant features, buildings, road plans, setbacks and design features.

Section 4- Mobile Home Park Residential District (MH-1)

1. District Purpose

The purpose of the “MH” District is to permit low density mobile home uses in a park-like atmosphere. The Mobile Home Residential District is intended for those areas where the owner proposes to develop and rent or lease individual sites.
2. District Regulations

In the “MH” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Mobile homes, either single or double wide, but not to be constructed as motorized recreational vehicles.

- b. Modular residential units.
 - c. Single family residential units for use by the Park Management.
 - d. Accessory units to the mobile homes.
 - e. Buildings and structures used for storm shelters, community buildings, storage areas, laundry, auto garages and similar uses; retail convenience.
4. Geographical and Environmental Requirements
- a. The mobile home park shall be located on a well-drained site properly graded to ensure rapid drainage.
 - b. Mobile home parks designed to accommodate fifty (50) or more units shall be located on or near major roads that provide a hard surface (concrete or asphalt).
 - c. Mobile home parks shall provide screening when they abut residential property.
5. Park Requirements
- a. Each applicant for a mobile home park shall submit a preliminary development plan which details the road system, layout arrangement of lots and park facilities, the topography and general site conditions and landscaping or screening.
 - b. All mobile home parks shall provide a storm shelter for the occupants; storm shelters shall adhere to ICC 500 (ICC/NSSA Standard for the Design and Construction of Storm Shelters), be located within the park they serve and shall be capable of housing all occupants of the park.
 - c. All existing mobile home parks at the date of adoption of this ordinance are encouraged to provide storm shelters.
 - d. The mobile home shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure and provided with doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.
 - e. Each mobile home park having more than ten (10) lots for rent shall reserve an area for child recreation according to the following:

Number of Mobile Home Lot	Minimum Area of Playground
0 - 10	None required
11 - 20	1500 square feet
21 - 25	2500 square feet
26 and over	100 square feet per lot

- f. The recreation area shall be located so as to be free from hazards and provided with play equipment.
6. Lot Size and Coverage
- a. A lot shall be provided for each mobile home and shall be no less than 2,500 square feet.
 - b. Each lot shall be clearly marked and numbered.
 - c. Regardless of other area provisions, in no case shall the gross density per acre be more than ten (10) mobile homes.
7. Setback Requirements
- a. The mobile home may be placed no closer than fifteen (15) feet to another mobile home; no closer than twelve (12) feet to any road; no closer than twenty (20) feet from the mobile home boundary line and no closer than twenty five (25) feet to the lot line when the park abuts land zoned or used for residential purposes.
8. Accessory Structures
- a. Each mobile home shall be provided with a storage locker of at least 100 cubic feet.
 - b. Accessory structures such as porches, cabanas and carports may be provided.

9. Access, Streets, Screening and Parking Requirements

- a. All mobile home parks shall be provided with a safe and convenient vehicular access extending to every lot. All road surfaces shall be concrete, asphalt or asphaltic concrete.
- b. All streets shall be at least twenty four (24) feet wide.
- c. Each mobile home lot shall be provided with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) in depth.
- d. Any mobile home park adjacent to an area either zoned or used for residential purposes or areas used for commercial or industrial purposes, shall provide screening to a minimum height of eight feet.
- e. All mobile home parks shall provide street lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.

10. Park Services and Facilities

- a. All refuse from the park shall be stored in insect-tight, rodent proof containers, which shall be located not more than 150 feet from any mobile home lot.
- b. All mobile home parks using natural gas shall be equipped with an approved manual and breakaway nipples with automatic shutoff valve installed upstream of the gas outlet.
- c. All mobile home parks using liquefied gas systems shall be provided with safety devices to relieve excessive pressure; all storage bottles or tanks shall be fastened to prevent accidental overturning. No gas vessel shall be stored underneath the mobile home.
- d. An accessible, safe and adequate supply of potable water shall be supplied by the park management for mobile home parks containing over five (5) units. Such systems shall be a public facility approved by the Kansas Department of Health and Environment. The system shall be capable of supplying, as a minimum, two hundred gallons per day to each mobile home.
- e. An adequate and environmentally safe sewage system shall be installed in each mobile home park having more than three units. The system shall be a public facility capable of handling the projected park occupancy. The system shall be designed according to the regulation of the Kansas Department of Health and Environment.
- f. Each mobile home in the park shall be provided with a National Electric Code approved disconnecting device and overcurrent protective equipment. The minimum service entrance shall be two 120/240 a.c. with 50 amps per circuit.

11. Individual Mobile Home Lot Requirements

- a. All mobile home lots shall be provided with a concrete reinforced pad on which the mobile home may be placed. The mobile home park operator shall design pad sizes according to the size of the units planned for the park. Each pad shall be at least four (4) inches thick and six (6) inches longer on each side than the actual size of the mobile home.
- b. Each mobile home shall be anchored to the pad according to the regulations provided by the Kansas Department of Health and Environment.
- c. Each mobile home shall be skirted with a commercial or custom-made skirt available for such purposes.

12. Responsibilities of Park Manager

- a. To notify all park occupants of the rules and regulations.
- b. To comply with all the rules and regulations governing mobile home parks.
- c. To provide for the required storm shelter and to maintain such a structure in good shape, free from rodents and insects, so that it is open and accessible to the residents.
- d. The park manager shall maintain a register of all current residents identified by lot number.
- e. The park manager shall notify the Zoning Administrator in writing of the individual violations of these regulations.

13. Permits to Construct or Extend a Mobile Home Park

- a. It shall be unlawful for any person to construct, alter or extend any mobile home park unless the owner holds a valid permit issued by the Zoning Administrator.
- b. The following information is required for an application for a mobile home park in addition to that information normally required for a building permit:
 - i. Name and address of applicant.
 - ii. Engineering plans and specifications
 - iii. Survey of tract.
 - iv. Location and specification for water and sewer.
 - v. Site plans with internal design.

14. License to Operate a Mobile Home Park

- a. Hereafter it shall be unlawful for any person or firm to operate a mobile home park in excess of three (3) units unless a valid permit has been issued annually by the Zoning Administrator.
- b. All existing mobile home parks established prior to the adoption of this ordinance shall obtain a license to operate.
- c. No permit shall be valid which has been transferred to another person or firm.
- d. The charge for a late application for a license (25 days or more after the annual license is due) shall be an additional fee.
- e. The Zoning Administer shall refuse to issue a license to a mobile home park which is in violation of these regulations. The reasons for the refusal shall be put in writing and sent to the park owner/ operations. The owner/ operators shall have sixty (60) days to either appeal to the Board of Zoning Appeals or comply with the order of the Zoning Administrator. If the violations are not resolved after the sixty (60) day period, the Zoning Administer shall seek a court order restraining the owner/ operator from further operation of the park.
- f. The Zoning Administrator is hereby empowered to make such inspections as are necessary to enforce these regulations at reasonable hours after notice in writing to the park owner/ operator.

15. Appeals to the Board of Zoning Appeals

- a. The Board of Zoning Appeals is hereby empowered to hear appeals from the owners of mobile home parks which have been refused a license by the Zoning Administrator. The Board of Zoning Appeals may uphold, reverse, modify or grant conditional uses to the ruling of the Zoning Administrator if:
 - i. The park was in operation prior to the adoption of these resolutions, and if,
 - ii. The requested modification does not in any way endanger the health, safety or welfare of the park residents or neighbors,
 - iii. Or modify or grant exception to the requirements for sanitary or potable water facilities,
 - iv. Or modify or grant exceptions to the required recreation facilities or storm shelter facilities.
- b. All applications to the Board of Zoning Appeals shall be made in writing and shall set forth the reasons why the requested medication or exception is necessary and more than a mere convenience to the owner.

Section 5- Manufactured Housing Residential District (MH-2)

1. District Purpose

The purpose of the “MH-2” District is to provide for low to moderate density manufactured single family residences on permanent foundations.

2. District Regulations

In the “MH-2” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses
 - a. Single Family Dwellings.
 - b. Residential design manufactured housing attached to permanent foundations, but this will not include single wide mobile homes or recreational vehicles.
4. Conditional Uses
 - a. Two Family Dwellings.
5. Height Requirements
 - a. No building shall exceed thirty-five (35) feet in height.
7. Lot Size and Coverage
 - a. The minimum lot size shall be 5,000 square feet.
 - b. Minimum lot width: Fifty (50) feet.
 - c. Minimum lot depth: One Hundred (100) feet.
 - d. Maximum lot coverage for main structures and accessories: Forty Five (45) percent unless the lots are clustered according to an approved plan.
8. Setback Requirements
 - a. Minimum front yard: Fifteen (15) feet from the right of way line but lots on main arterials shall require twenty (20) feet.
 - b. Minimum rear yard: Eight (8) feet from the lot line or Five (5) feet from the alley.
 - c. Minimum side yard: Eight (8) feet from the lot line.
9. Parking Requirements
Minimum off street parking requirements per each structure by type:
 - a. Single Family Dwelling Units: Two (2)

Section 6- Recreational Vehicle Park District (RV)

1. District Purpose
The purpose of the “RV” District is to provide for low density temporarily occupied recreational vehicles, camper residences, and campgrounds in a park-like atmosphere.
2. District Regulations
In the “RV” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Occupied recreational vehicles and campers are permitted if on property for less than 30 consecutive days.
 - b. Permanent accessory structures for use by the park management.
 - c. Buildings and structures used for storm shelters, community buildings, storage areas, laundry, auto garages and similar uses; retail convenience.
4. Geographical and Environmental Requirements
 - a. The recreational vehicle park shall be located on a well-drained site properly graded to ensure rapid drainage.
 - b. Recreational vehicle parks designed to accommodate fifty (50) or more units shall be located on or near major roads that provide a hard surface (concrete or asphalt).
 - c. Recreational Vehicle parks shall provide screening when they abut residential property.

5. Park Requirements

- a. Each applicant for a recreational vehicle park shall submit a preliminary development plan which details the road system, layout arrangement of lots and park facilities, the topography and general site conditions and landscaping or screening.
- b. All recreational vehicle parks shall provide a storm shelter for the occupants; storm shelters shall adhere to ICC 500 (ICC/NSSA Standard for the Design and Construction of Storm Shelters), be located within the park they serve and shall be capable of housing all occupants of the park.
- c. All existing recreational vehicle parks at the date of adoption of this ordinance are encouraged to provide storm shelters.
- d. The recreational vehicle shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure and provided with doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.

6. Lot Size and Coverage

- a. The minimum lot to be used as a recreational vehicle park or campground shall not be less than two (2) acres in area.
- b. Each recreational vehicle space shall be clearly marked and numbered.
- c. Regardless of other area provisions, in no case shall the gross density per acre be more than ten (10) recreational vehicles.

7. Setback Requirements

- a. The recreational vehicle may be placed no closer than fifteen (15) feet to another recreational vehicle; no closer than twelve (12) feet to any road; no closer than twenty (20) feet from the recreational vehicle boundary line and no closer than twenty five (25) feet to the lot line when the park abuts land zoned or used for residential purposes.

8. Access, Streets, Screening and Parking Requirements

- a. All recreational vehicle parks shall be provided with a safe and convenient vehicular access extending to every lot. All road surfaces shall be gravel, concrete, asphalt, or asphaltic concrete.
- b. All streets shall be at least twenty four (24) feet wide.
- c. Each recreational vehicle lot shall be provided with a gravel pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) in depth.
- d. Any recreational vehicle park adjacent to an area either zoned or used for residential purposes or areas used for commercial or industrial purposes, shall provide screening to a minimum height of eight feet.
- e. All recreational vehicle parks shall provide street lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.

9. Park Services and Facilities

- a. All refuse from the park shall be stored in insect-tight, rodent proof containers, which shall be located not more than 150 feet from any recreational vehicle lot.
- b. All recreational vehicle parks using natural gas shall be equipped with an approved manual and breakaway nipples with automatic shutoff valve installed upstream of the gas outlet.
- c. All recreational vehicle parks using liquefied gas systems shall be provided with safety devices to relieve excessive pressure; all storage bottles or tanks shall be fastened to prevent accidental overturning. No gas vessel shall be stored underneath the recreational vehicle.
- d. An accessible, safe, and adequate supply of potable water shall be supplied by the park management for recreational vehicle parks containing over five (5) units. Such systems shall be a public facility approved by the Kansas Department of Health and Environment. The system shall be capable of supplying, as a minimum, two hundred gallons per day to each recreational vehicle.

- e. An adequate and environmentally safe sewage system shall be installed in each recreational vehicle park having more than three units. The system shall be a public facility capable of handling the projected park occupancy. The system shall be designed according to the regulation of the Kansas Department of Health and Environment.
 - f. Each recreational vehicle in the park shall be provided with a National Electric Code approved disconnecting device and overcurrent protective equipment. The minimum service entrance shall be two 120/240 a.c., with 50 amps per circuit.
10. Individual Recreational Vehicle Lot Requirements
- a. All recreational vehicle lots shall be provided with, at a minimum, a level gravel pad on which the recreational vehicle may be placed.
11. Responsibilities of Park Manager
- a. To notify all park occupants of the rules and regulations.
 - b. To comply with all the rules and regulations governing recreational vehicle parks.
 - c. To provide for the required storm shelter and to maintain such a structure in good shape, free from rodents and insects, so that it is open and accessible to the residents.
 - d. The park manager shall maintain a register of all current residents identified by lot number.
 - e. The park manager shall notify the Zoning Administrator in writing of the individual violations of these regulations.
12. Permits to Construct or Extend a Recreational Vehicle Park
- a. It shall be unlawful for any person to construct, alter or extend any recreational vehicle park unless the owner holds a valid permit issued by the Zoning Administrator.
 - b. The following information is required for an application for a recreational vehicle park in addition to that information normally required for a building permit:
 - i. Name and address of applicant.
 - ii. Engineering plans and specifications
 - iii. Survey of tract.
 - iv. Location and specification for water and sewer.
 - v. Site plans with internal design.
13. License to Operate a Recreational Vehicle Park
- a. Hereafter it shall be unlawful for any person or firm to operate a recreational vehicle park in excess of three (3) units unless a valid permit has been issued annually by the Zoning Administrator.
 - b. All exist recreational vehicle parks established prior to the adoption of this ordinance shall obtain a license to operate.
 - c. No permit shall be valid which has been transferred to another person or firm.
 - d. The charge for a late application for a license (25 days or more after the annual license is due) shall be an additional fee.
 - e. The Zoning Administer shall refuse to issue a license to a recreational vehicle park which is in violation of these regulations. The reasons for the refusal shall be put in writing and sent to the park owner/ operations. The owner/ operators shall have sixty (60) days to either appeal to the Board of Zoning Appeals or comply with the order of the Zoning Administrator. If the violations are not resolved after the sixty (60) day period, the Zoning Administer shall seek a court order restraining the owner/ operator from further operation of the park.
 - f. The Zoning Administrator is hereby empowered to make such inspections as are necessary to enforce these regulations at reasonable hours after notice in writing to the park owner/ operator.
14. Appeals to the Board of Zoning Appeals
- a. The Board of Zoning Appeals is hereby empowered to hear appeals from the owners of recreational vehicle parks which have been refused a license by the Zoning Administrator. The

Board of Zoning Appeals may uphold, reverse, modify or grant conditional uses to the ruling of the Zoning Administrator if:

- i. The park was in operation prior to the adoption of these resolutions, and if,
 - ii. The requested modification does not in any way endanger the health, safety or welfare of the park residents or neighbors,
 - iii. Or modify or grant exception to the requirements for sanitary or potable water facilities,
 - iv. Or modify or grant exception to the required recreation facilities or storm shelter facilities.
- b. All applications to the Board of Zoning Appeals shall be made in writing and shall set forth the reasons why the requested medication or exception is necessary and more than a mere convenience to the owner.

15. Additional Provisions

- a. The Recreational Vehicle Park Zoning District is allowed within the floodplain overlay if recreational vehicles or campers are on the site for fewer than thirty (30) consecutive days and if permanent accessory structures comply with floodplain regulations.
- b. Under no circumstances shall a mobile home be parked in a recreational vehicle park or campground.

Section 7- Special Use Limitations in Residential Districts

1. Parking Limitations:

- a. No parking of heavy vehicles (trucks rated over two (2) tons) shall be allowed in residential districts. Such restriction shall apply to an overnight or permanent basis.

2. Storage of Petroleum

- a. Storage of petroleum (not used for heating purposes) except in approved containers holding five gallons or less is prohibited in residential areas.

Article VII – Commercial Zoning Districts

Section 1- Retail Commercial District (C-1)

1. District Purpose

The purpose of the “C-1” District is intended to provide the grouping of retail, office, and other commercial related activities into a concentrated area to strengthen the business level of the central business activity to allow a broad range of commercial and related activities.

2. District Regulations

In the “C-1” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

a. The permitted uses in the C-1 District include the following:

- | | |
|--------------------------------------|--|
| i. Antique sales | xxii. Apparel stores |
| ii. Appliance stores | xxiii. Auto service stations |
| iii. Banks and Finance | xxiv. Barber and beauty shops |
| iv. Book and card stores | xxv. Duplication and printing |
| v. Business and professional offices | xxvi. Camera and photo shops |
| vi. Carpet and decorating | xxvii. Churches |
| vii. Department stores | xxviii. Dry Cleaning and upholstery |
| viii. Drug stores | xxix. Food stores including bakeries |
| ix. Florist and nursery | xxx. Governmental buildings |
| x. Furniture sales | xxxi. Hotels |
| xi. Gift and hobby sales | xxxii. Leather goods |
| xii. Hardware stores | xxxiii. Newspaper |
| xiii. Jewelry and related stores | xxxiv. Optical sales and offices |
| xiv. Music sales and supplies | xxxv. Paint and wallpaper |
| xv. Medical and dental offices | xxxvi. Physical and health services |
| xvi. Package liquors | xxxvii. Schools and teaching academies |
| xvii. Restaurants, not drive-in | xxxviii. Shoe repair |
| xviii. Realtor | xxxix. Taverns and nightclubs |
| xix. Self-service laundry | xl. Telephone service |
| xx. Sporting goods | xli. Theaters, not drive in |
| xxi. Travel bureaus | xlii. Wood products and repair |

b. Reasonable accessory uses incidental to the permitted business, but these shall not include lockers, mobile, portables, unscreened storage or signs advertising a business that is not on the same premises as the sign.

4. Conditional Uses

- Restaurants which are designed to serve primarily the customer in the automobile such as drive-ins or drive-up window service.
- Automobile, implement, motor and auto body repair shops, tire sales and related activities unless they are incorporated into an auto service station selling gasoline and/or other fuels.
- Temporary buildings (mobile or portables) for banks, construction offices and other related uses but not for serving the public food or drink or for conducting retail sales or for storage purposes.
- All temporary buildings shall be issued a building permit clearly marked Temporary and shall be allowed to occupy a lot for a period of six months. If at the end of six months a permanent building has not been applied for, the temporary use shall be removed from the site. If a permanent building permit has been applied for (and granted) within the allowed six months, the temporary

structure shall be allowed to continue until the permanent building is ready for use but not longer than a total time of one (1) year.

- e. No temporary building permit shall be issued if the temporary structure is located within seventy-five (75) feet of an occupied residence unless such residential structure is owned by the applicant for the temporary permit.

5. Height Requirements

- a. No building shall exceed forty-five (45) feet in height except as otherwise provided in the additional height, area, and use regulations of this Ordinance.

6. Lot Size and Coverage

- a. The lot coverage for permitted uses may be 100% exclusive of easement areas unless imposed setback or parking areas are required.

7. Setback Requirements

- a. Side yards are not required except for imposed easements unless such side yard shall abut a residential (zoned lot) structure. In this case a screen shall be provided between the commercial building and the residential lot line. The screen shall be wood (6 feet) or floral planting (8 feet) and shall be maintained in good condition.
- b. Rear yards are not required except for imposed easements unless such rear yard abuts a residential (zoned lot) structure and there is no public easement or alleyway to the rear of the commercial structure, screening shall be as required above.

8. Use Limitations

- a. All business, sales, and services, except those naturally incidental to a particular business such as gasoline sales, shall take place within enclosed structures except for those occasional sidewalk sales and display of materials.
- b. No business establishment may offer food or drink for consumption on the premises in parked motor vehicles or pass food through drive-in or walk-up-to windows.

9. Parking Requirements

- a. Parking, if required by the provision of this ordinance, shall be on paved surfaces and located off public streets.
- b. The Planning Commission shall establish reasonable off-street parking requirements.

Section 2- General Commercial District (C-2)

1. District Purpose

The purpose of the “C-2” District is intended to provide basic areas of retail, trade, service, office, and other commercial related activities near main arterial roads, and to a very limited extent, within residential neighborhoods for limited types of retail goods and personal services.

2. District Regulations

In the “C-2” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Use permitted by the C-1 District.
- b. Permitted uses in the C-2 District include the following:
 - i. Amusement uses
 - ii. Auto sales and service
 - iii. Construction equipment and sales
 - iv. Drug stores
 - v. Garden stores
 - vi. Gift and souvenir
 - vii. Motels
 - viii. Motor and electrical services
 - ix. Personal services: beauty salon, barber, health spa, instruction
 - x. Rental of equipment
 - xi. Storage of raw or processed materials

- xii. Ambulance service
- xiii. Auto service station
- xiv. Drive in banking facilities
- xv. Farm implement sales, repair
- xvi. Greenhouses
- xvii. Home improvement stores
- xviii. Motorcycle sales and services
- xix. Package liquor
- xx. Restaurants and drive ins
- xxi. Retail convenience stores
- xxii. Sporting goods
- xxiii. Truck stops

c. In addition, offices of a professional nature offering services to the public shall be permitted but this shall not include veterinary clinics.

4. Conditional Uses

- a. Veterinary clinics and animal boarding establishments provided that all pens are located in an enclosed structure of completely fenced area using solid screening and located at least 500 feet from the nearest structure used for residential purposes.
- b. Group living facilities and multi-family housing projects sponsored by the state or federal government.

5. Height Requirements

- a. No building shall exceed forty-five (45) feet in height except as otherwise provided in the additional height, area, and use regulations of this Ordinance.

6. Lot Size and Coverage

- a. Due to the extremely restrictive nature of many highways and arterial road lots in and around the City of Saint George, all lot size coverage ratios heights and setback (yard requirements) shall be set in individual cases by the Planning Commission and the Governing Body. All restrictions imposed by the Planning Commission shall be clearly marked on the building permit.
- b. All applicants for a rezoning or building permit shall submit building or conversion plans, a scale drawing of the lot with the facility to be used, and the nature of the business or use.
- c. The Planning Commission shall establish reasonable off-street parking requirements, setback limitations, yard sizes and screening requirements. All such restrictions imposed shall be related to the nature of the activity, the location and type of road, adjacent uses and anticipated traffic.
- d. Any service commercial uses to be located wholly within residential areas shall, in addition, submit design and building specifications. The Planning Commission shall require a design and structural appearance that is in keeping with the residential nature of the area. All parking shall be off-street.
- e. The storage of material kept outside shall be screened from view.

7. Parking Requirements

- a. The Planning Commission shall establish reasonable off-street parking requirements.

Section 3- Planned Commercial Districts (C-3)

1. District Purpose

The purpose of the “C-3” District is intended to provide control of design, location, and types of facilities in semi-rural areas for retail sales, light fabrication, and high-density commercial facilities.

2. District Regulations

In the “C-3” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Other permitted uses in the C-3 District include the following:
 - i. Banking facilities
 - ii. Department stores
 - iii. Glass sales
 - iv. Group care of living facilities

- v. Public entertainment facilities
- vi. Restaurants, not drive-in
- vii. Retail sales
- viii. Car sales
- ix. Discount stores
- x. Grocery stores
- xi. Offices for professional services
- xii. Research facilities
- xiii. Schools
- xiv. Wholesale facilities

- b. In addition, offices of a professional nature offering services to the public shall be permitted but this shall not include veterinary clinics.

4. Applications for Permits

- a. The Planning Commission shall require the following from the applicant: engineering and site plans, landscaping plans, representative drawing of the buildings.
- b. The method of review and procedure for approving the Planned Commercial District shall be the same as for the Planned Unit Development.
- c. All applicants shall submit preliminary details for sewer and water facilities.
- d. If the Planning Commission recommends and the Governing Body approves the application, the Zoning Administrator shall issue a two-stage permit for the development to assure that all phases are properly completed:
 - i. Stage One- All clearing, installation of facilities, road and conditions set forth by the Planning Commission.
 - ii. Stage Two- Structures and completion of facilities. Each shall be issued a building permit.

Article VIII – Public Use Zoning Districts

Section 1- Public Service (P-1)

1. District Purpose
The purpose of the “P-1” District is to assure that the development, growth and expansion of public services, schools and other major public institutions within the City may be continued in a planned, harmonious, efficient, and orderly manner, with provision for the convenience, safety, health, and general welfare of the public.
2. District Regulations
In the “P-1” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Public services and institutions including:
 - i. Fire Stations
 - ii. Emergency Medical Service Stations
 - iii. Hospitals and Clinics
 - iv. Libraries
 - v. Schools
 - vi. Colleges and Universities
 - vii. Vocational-technical Schools
 - b. Any public building erected or land used by a political subdivision of the City, County, or State.
 - c. Public utilities including electrical, gas, water and sewer facilities/ infrastructure.
 - d. Public communications infrastructure including towers and transmitters.
4. Conditional Uses
 - a. Uses as permitted in the P-2 district.
5. Height Requirements
 - a. The maximum structure height shall be forty-five (45) feet.
6. Lighting Regulations
 - a. All facilities and parks shall provide lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.
 - b. The location, height, design, and arrangement of outdoor lighting shall be such as to prevent obtrusive lighting on any adjacent lot and to avoid hazards to traffic on any street.
 - c. Lights producing varying intensities, changing colors, moving lights or search lights are prohibited.

Section 2- Parks and Open Space (P-2)

1. District Purpose
The purpose of the “P-2” District is to ensure community access to parks and open space within the City for outdoor recreation and the preservation of environmental qualities.
2. District Regulations
In the “P-1” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Parks, open space, and recreational facilities including:
 - i. Parks, greenbelts, and open space for active or passive recreation or enjoyment.

- ii. Those accessory structures to the open space use (bathrooms, tool sheds, picnic structures, playgrounds, parking lots and amphitheaters).
 - iii. Sports Complexes
 - iv. Zoos and Aquariums
 - v. Museums
 - vi. Civic, cultural, educational, and similar facilities.
 - b. Any public building erected or land used by a political subdivision of the City, County, or State.
- 4. Conditional Uses
 - a. Uses as permitted in the P-1 district.
- 5. Height Requirements
 - a. The maximum structure height shall be forty five (45) feet.
- 6. Lighting Regulations
 - a. All facilities and parks shall provide lighting units at such heights and spacing as will provide acceptable levels of illumination for the safe movement of pedestrians and vehicles at night.
 - b. The location, height, design, and arrangement of outdoor lighting shall be such as to prevent obtrusive lighting on any adjacent lot and to avoid hazards to traffic on any street.
 - c. Lights producing varying intensities, changing colors, moving lights or search lights are prohibited.

Article IX – Agricultural Zoning Districts

Section 1- Agricultural District (AG)

1. District Purpose

The purpose of the “AG” District is to conserve and promote the preservation of the productive agricultural areas and to allow certain uses convenient to the agricultural community to develop in a low-density pattern.
2. District Regulations

In the “AG” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Agricultural uses include farming, animal husbandry, poultry, fur-bearing animals, and other livestock, gardening, orchards, beekeeping and the sale of food products in agricultural areas.
 - b. Single family dwelling units on two or more acres.
 - c. Accessory uses for agricultural and single-family dwelling units.
 - d. Mobile homes used in conjunction with farming enterprises as long as the mobile home is occupied by members of the farm family or employees.
 - e. Churches
 - f. Greenhouses and nurseries, parks and community buildings or meeting halls.
 - g. Exploration and extraction of natural resources, oil and natural gas.
 - h. Home occupations provided that such occupations take place within enclosed structures and are run by the occupants of the principal dwelling unit. One sign shall be permitted no greater than sixteen (16) square feet.
4. Conditional Uses
 - a. Cemeteries
 - b. Campgrounds
 - c. Commercial development of natural resources and extraction of raw materials.
 - d. Kennels for breeding and boarding dogs provided that they are located no closer than one thousand feet from the nearest residential property line. All kennels shall provide screening for the reduction of noise.
 - e. Repair of farm machinery and other motorized equipment including automobiles.
 - f. Theaters including drive-ins.
 - g. Riding stables, adult or family parks, retreats or recreational facilities for group living, gun club, rodeo grounds; sale and display of farm products and the storage of fertilizers and fuels.
 - h. Public or private school.
 - i. Public, governmental uses.
5. Lot Size and Coverage
 - a. The minimum lot size for any use in the AG district shall be two (2) acres except for uses by units of agencies of government.
6. Setback Requirements
 - a. The minimum setback for any building shall be thirty-five (35) feet from the front lot line.
7. Requirements for Conditional Uses
 - a. In addition to the requirements for Conditional Uses listed within these resolutions. Any use used as an exception in AG which adjoins residential areas shall be screened from view by a minimum six (6) foot fence or tree barrier.

Section 2- Agricultural Business District (AB)

1. District Purpose

The purpose of the “AB” District is to allow a varied number of agriculturally related activities to serve the agricultural community.

2. District Regulations

In the “AG” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Retail and wholesale of Farm related products.
- b. Offices and related activity for service of the farm community.
- c. Farm implement and equipment sales and service.
- d. Agricultural research and experiment.
- e. Warehouses and storage but not grain elevators.
- f. Veterinary Clinics.

4. Conditional Uses

- a. Bulk storage of produce including grain elevators.
- b. Dehydrators and related processing.
- c. Cement and ash storage and processing.
- d. Concrete mixing plants, rock crushing.

5. Setback Requirements

- a. The minimum setback from any public road shall be twenty-five (25) feet from the front line.

Article X – Industrial Zoning Districts

Section 1- Light Industrial District (I-1)

1. District Purpose

The purpose of the “I-1” District is to establish and maintain standards that will promote the development of those industries and related activities which are desirable and attractive, and which make for pleasant environments and compatible surroundings; and to establish and maintain standards which will protect adjacent residential and commercial developments.

2. District Regulations

In the “I-1” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. Laboratories, research, experimental or testing stations.
- b. Offices and office buildings.
- c. Wholesale merchandising or storage warehouses with floor area devoted to warehousing and/or handling or merchandising.
- d. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
- e. Photographic processing or blueprinting.
- f. Printing and publishing.
- g. Manufacture of medical equipment, optical and musical instruments, clocks, toys, electrical or electronic apparatus, and other such similar products.
- h. Manufacture or assembly of recreational vehicles and equipment.
- i. Tooling of bolts, nuts, screws and rivets; ornamental metal products; firearms, electrical appliances, tools, and hardware products.
- j. Manufacture of food products, but are not the distilling of beverages, slaughtering of animals, or processing or bulk storage of grains or feeds for animals.
- k. Manufacture of rugs, mattresses, pillow, millinery, clothing, fabrics, and printing and finishing of textiles and fibers into fabric goods; other such similar uses.
- l. Manufacture of boxes, furniture, baskets, veneers, and other products of similar nature.
- m. Railroads and railroad siding.
- n. Generally, those light industrial and business uses similar to those listed above, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noises, vibration, smoke, dust, lint, odors, heat or glare than that which is generally associated with light industries specifically permitted.

4. Height Requirements

- a. The maximum structure height in the I-1 shall be forty-five (45) feet.

5. Lot Size and Coverage

- a. Minimum lot area: One (1) acre.
- b. Minimum lot width: 100 feet.
- c. Minimum lot depth: 150 feet.
- d. Maximum floor area ratio: Sixty (60) percent.
- e. Maximum lot coverage: Forty-five (45) percent.

6. Setback Requirements

- a. Minimum front yard: Twenty (20) feet.
- b. Minimum side yard: By site review.
- c. Minimum rear yard: By site review.

7. Performance Standards in I-1 Zone
 - a. Each use, activity or operation within the Light Industrial District shall comply with the Performance standards established in Article X; Section 4.
8. Special Requirements in I-1 Zone
 - a. Operations and storage shall take place inside a building, except storage may take place in a rear or side yard if properly screened from streets and other uses.
 - b. The front yard shall be landscaped with grass trees and pedestrian walks which shall be properly maintained.
 - c. All fencing at any one site shall be uniform in character and properly maintained.

Section 2- General Industrial District (I-2)

1. District Purpose
The purpose of the “I-2” District is to permit light and moderately intensive industrial uses which are potentially more noxious than those in the I-1 district.
2. District Regulations
In the “I-2” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Any use permitted in I-1 district.
 - b. Manufacture of ice and dry ice.
 - c. Manufacture of perfumes and perfumed products.
 - d. Manufacture of clay stone and glass products.
 - e. Manufacture of food and beverages.
 - f. Manufacture and fabrication of finished metal products.
 - g. Animal pounds, clinics and hospitals.
 - h. Manufacture of building materials; concrete plants.
 - i. Auto repair and storage; retail sales of agricultural and raw materials.
 - j. Greenhouses; lumber yards and wood products.
 - k. Coke and coal storage; storage and processing of agricultural products.
 - l. Industrial vocational training schools.
 - m. Moving, transfer, and storage including truck and freight.
 - n. Manufacture of leather and leather goods.
4. Special Conditions and Requirements
 - a. Same as the Light Industrial District.

Section 3- Heavy Industrial District

Reserved for Future Use

Section 4- Performance Standards

The purpose of performance standards is to control and regulate the offensive characteristics of industries to acceptable levels of performance rather than restrict an industry to a district solely by use. Standards are given to provide for a more objective and factual method of evaluating and controlling the offensive characteristics of industry.

1. Applicability
 - a. New uses. All uses hereafter established in the I-1, I-2 and I-3 districts shall comply with the performance standards of this part.

- b. Existing Conforming Uses. Any such existing use which on the date of this Ordinance is adopted, complies with the applicable performance standards shall continue to comply. If, at such time, the operations of any lawful existing use violate the performance standards, such operations shall not be varied or changed in such a way as to increase the degree of such violation.
- c. Existing Nonconforming Uses. Any industrial or manufacturing use that is in a zoning district in which such use is not permitted but which is a lawful non-conforming use, and which complies on the date this Ordinance is adopted, with all of the performance standards for the I-1 district, shall continue to so comply. If, at such time, the operations of such lawful nonconforming industrial or manufacturing use violate such standards, then such operations shall not be varied or changed in such a way as to increase the degree of such violations.

2. Vibration Standards

No activity or operation shall cause or create vibrations more than the displacement values provided below. Measurement shall be made at or beyond the adjacent lot line or the nearest residential district boundary line, as described below. Vibration displacement shall be measured in three (3) mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: (D = k/f where)

- a. D = Displacement in inches
- b. k = A constant to be determined by reference to Table 1 below.
- c. f = The frequency of the vibration transmitted through the ground in cycles per second.

Table 1: Values of k to be used in Vibration Formula

District	Place of Measurement	Continuous	Impulsive	Less than 8 pulses per 24-hour period
I-1	On or beyond adjacent property lines	.003	.006	.015
I-2	On or beyond adjacent property lines.	.030	.060	.150
	On or beyond any residential district boundary line	.003	.006	.015
I-3	On or beyond any residential district boundary line	.006	.012	.030

3. Noise Standards

- a. No operation or activity shall cause or create noise in excess of the sound levels prescribed below.
- b. For the purpose of measuring the intensity and frequency of sound, the sound level meter, the octave band analyzer and the impact noise analyzer shall be deployed. The flat network and the fast meter response of the sound level meter shall be used. Sounds of short duration which cannot be measured accurately with the sound level meter shall be measured with the impact noise analyzer. Octave band analyzers shall be calibrated in the preferred frequencies. For impact sounds measured with the impact noise analyzer, the sound pressure levels set forth in the table(s) may be increased by six (6) decibels in each octave band.
- c. The following uses and activities shall be exempt from the noise level regulations:
 - i. Noises emanating from construction and maintenance activities.
 - ii. The noises of safety signals, warning devices, and emergency pressure relief valves.
 - iii. Transient noises of moving sources such as automobiles, trucks, airplanes and railroads.
 - iv. Noise not directly under the control of the property user.
- d. At no point on or beyond the boundary specified in Table 2 shall the sound pressure level resulting from any use, operations, or activity exceed the maximum permitted sound levels as set forth for that district.

- e. Between the hours of 09:00 p.m. and 06:00 a.m., the sound levels in district I-3 shall not exceed the maximum permitted sound pressure levels prescribed for in district I-2.
- 4. Smoke Standards
 - a. Smoke standards regulated by the State of Kansas shall apply to all uses in the Industrial districts.
- 5. Particulate Matter Standards
 - a. Particulate matter standards regulated by the State of Kansas shall apply to all uses in the Industrial districts.

Table 2: Noise standards in Industrial Districts

Center Frequency in Cycles per second	District I-1 measured on or beyond adjacent property lines	District I-2 measured on or beyond the residential district boundary line	District I-3 measured on or beyond the residential boundary line
31.5	65	76	90
63	67	74	81
125	66	68	71
250	59	63	66
500	52	57	61
1000	46	52	56
2000	37	47	52
4000	26	38	50
8000	17	32	47

- 6. Toxic Matter Standards
 - a. Toxic matter standards regulated by the State of Kansas shall apply to all uses in the Industrial districts.
- 7. Fire and Explosive Hazard Standards
 - a. Fire and explosive hazard standards regulated by the Office of the State Fire Marshal shall apply to all uses in industrial districts.
- 8. Glare Standards
 - a. In all industrial districts, any operation producing intense glare shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. All lights, other than streetlights, shall be so situated and installed as to reflect away from adjacent streets and residential zoned property.

Article XI – Special Zoning Districts

Overlay districts are specialized districts applied over base zones that typically impose additional regulations, allow for additional uses, provide for architectural and design regulations, or may do some combination of any of those functions. They are applied in order to achieve special protection, flexibility, and/or aesthetic purposes.

Section 1- Mixed Use Overlay District (MU)

1. District Purpose
The purpose of the Mixed Use “MU” Overlay District is for permitting residential and commercial uses along with the allowable uses of the underlying district. It is intended that this district be applied in commercial locations where differing land uses occur on a parcel or exist in proximity with other types of land uses. The purpose of using a Mixed Use Overlay is to allow combining or residential uses with retail, restaurants, offices and public uses.
2. District Regulations
In the “MU” District, no building or structure shall be used, and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.
3. Permitted Uses
 - a. Uses permitted by right in R-1 and R-2 when utilized in conjunction with an underlying C-1 district.
 - b. Secondary story residential above commercial.
 - c. Live work units.
4. Conditional Uses
 - a. Uses permitted by R3 district when utilized in conjunction with an underlying C-1 district.
5. Height Requirements
 - a. No building shall exceed sixty (60) feet in height.
6. Setback Requirements
 - a. Front Yard: No front yard is required for any building in the "C-1" Retail Business District.
 - b. Side Yard: No side yard is required for any building in the "C-1" Retail Business District, except where a lot sides on any residential district, in which case there shall be a fifteen (15) foot side yard.
 - c. Rear Yard: No rear yard is required for any building in the "C-1" Retail Business District, except where a lot abuts on a residential district, in which case there shall be a fifteen (15) foot rear yard.
7. Parking Requirements
 - a. Parking requirements for commercial uses are exempt within the Mixed Use Overlay district.
 - b. If there is residential occupancy on the property, then one (1) parking space must be provided per bedroom.
8. Additional Provisions
 - a. Existing conforming R-1 land uses prior to the adoption of Ordinance are permissible.
 - b. Additional MU overlay permitted uses are optional when applied to the underlying zoning district.

Section 2- Floodplain Overlay District (FP)

1. Required Permit
No person, firm or corporation shall initiate any development or substantially improve any existing structure without first obtaining a separate “floodplain” permit for each development or structure.

- a. The Saint George Zoning Administrator is hereby empowered to enforce and administer the provisions of these regulations.
 - b. The duties of the Zoning Administrator with respect to these flood plain provisions shall include, but are not limited to:
 - i. Review all development and building permits to assure that the designated sites are reasonably safe from flooding and that the permit requirements of these regulations have been satisfied.
 - ii. Review all permits for proposed development to assure that all necessary permits have been acquired from the applicable federal, state, and local agencies from which prior approval is required.
 - iii. Notify adjacent communities and political subdivisions of the State and the Kansas Department of Agriculture, Division of Water Resources prior to any alteration or relocation of a watercourse and shall submit evidence of such notification to the Federal Insurance Administration.
 - iv. Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished.
 - v. Verify and record the actual evaluation (relative to mean sea level readings) of the lowest floor (including basement) of all new or substantially improved structures.
 - vi. Verify and record the actual elevation (relative to mean sea level) to which the new or substantially improved structures have been floodproofed.
 - vii. To assure that all structures that have been floodproofed bear the seal of a registered professional engineer or architect on the construction or alteration of plans.
 - c. All applicants for a special development permit shall:
 - i. File an application on forms provided by the Zoning Administrator.
 - ii. Provide a legal description of the land on which the permit is being sought.
 - iii. Describe the use, purpose and occupancy for the proposed project.
 - iv. Submit working plans and specifications for all structures and alterations.
2. Development Standards
- a. In the Floodplain Overlay District provided for in these regulations as shown on the Official Saint George Zoning Map the following standard shall govern in all development or alteration projects:
 - i. No building permits or special flood plain permits shall be issued in those areas indicated on the Saint George Zoning as Floodplain Overlay District (FP) unless all conditions of these regulations are satisfied.
 - ii. The FP district shall be governed by and consistent with the data provided in the Flood Insurance Study and the Digital Flood Insurance Rate Maps.
 - iii. All new or substantially altered structures, preliminary plats, prefabricated building or mobile homes, including structures used for agricultural purposes shall require:
 1. Design or anchorage to prevent floatation, collapse or lateral movement due to flooding.
 2. New or replacement water supply systems and sanitary treatment facilities shall be designed and constructed to eliminate or minimize the infiltration of the flood waters into the systems and discharges from the systems into the flood waters. All on-site sanitary treatment facilities shall be located so as to avoid impairment or contamination.
 3. New or substantially altered construction shall use materials and utilize equipment that are resistant to flood damage and shall employ engineering and construction practices that will minimize flood damage within economic practicability.
 4. All utility and sanitary facilities shall be elevated or floodproofed up to the regulatory floor protection elevations.

5. All storage/ processing of materials that are in time of flooding buoyant, flammable, explosive, or thought to be injurious to human, animals, plant life or the environment is prohibited.
6. The storage or keeping of other materials or equipment which has a low flood damage potential shall be allowed provided that firm anchorage to the ground is provided to prevent floatation and such equipment/ materials are readily removable in times of flooding.

3. Regulatory Floodway

- a. The regulatory floodway is designed to carry the waters of the flood without increasing the water surface elevation of the flood more than one foot at any point.
- b. Limitation for use- All encroachments within a regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge are prohibited. Encroachments include fill, deposits, earth obstructions, new construction, substantial improvements and other development. Also prohibited within the adopted regulatory floodway is the placement of new mobile homes unless such mobile homes are placed within existing mobile home parks or subdivisions.
- c. Permitted Uses
Permitted uses shall be subject to the restrictions listed above.
 - i. Agricultural uses of land including general farming and livestock.
 - ii. Natural resource uses including forestry, nurseries, and extraction.
 - iii. General open space uses including gardens, parking spaces, active and passive recreation and parks.
 - iv. Commercial uses such as parking, loading areas, airport landing and commercial farming and gardening.
 - v. Governmental and private uses for enjoyment such as hiking, riding, trails, motorcycle or car racing, shooting ranges, golf courses, wildlife study and preserves, parking, gardens, and the keeping of livestock.

4. Floodway Fringe

The Floodway Fringe are areas that are within the floodplain but are outside of the regulatory floodway and are subject to a chance of flooding. The Floodway Fringe in Saint George includes existing residential, commercial and other base zoning districts. The Floodplain Overlay does not change the zoning requirements or the permitted uses in these base districts. Rather, special development standards and practices set forth below are required before the regular building permit and/ or special flood development will be issued. These requirements are:

- a. New or substantially improved residential structures. The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as indicated in the Digital Flood Insurance Rate Map.
- b. Non-residential new or substantially improved structures. The lowest floor of the structure, including the basement, must be elevated to or above the regulatory flood elevation as indicated in the Digital Flood Insurance Rate Map; or, the structure, together with all appurtenant and sanitary facilities, must be flood proofed up to or above the regulatory flood level.
- c. In areas identified as the Floodplain Overlay District (including areas of shallow flooding), all new construction of and substantial improvements to residences shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the Digital Flood Insurance Rate Map.
- d. Non-residential constructed within the designated Floodplain Overlay District, together with all appurtenant utility and sanitary facilities, may be flood proofed to or above the depth number specified on the Digital Flood Insurance Rate Map.

- e. For new mobile home parks or subdivisions or for expansions of the same and for new mobile homes not in a park or subdivision and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the values of the streets, utilizes and pads before the repair, reconstruction or improvements has commenced, it shall be required that:
 - i. All mobile units shall be firmly anchored to the ground. Over the top ties shall be provide at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile home more than 50 feet long required one additional tie per side, or as an alternative, frame ties be provided using X bracing at each corner of the home with five additional ties per side at intermediate points of mobile homes more than 50 feet long requiring four additional ties per side. All components of the anchoring system shall be capable of carrying a force of 4800 pounds. Any additions to the mobile home shall be similarly anchored.
 - ii. Stands or lots shall be elevated on compacted fill or piers so that the lowest floor of the structure will be at or above the regulatory flood elevation.
 - iii. Adequate surface drainage and easy access for a hauler is provided.
 - iv. In the instance of elevation piers, lots are large enough to permit steps, pier foundations are placed on stable soil not more than ten (10) feet apart and steel reinforcements are provided for piers more than six (6) feet high.

5. Variances

Variances may be issued by the Board of Zoning Appeals in accordance with the provisions set forth in this ordinance and within the guidelines provided in KSA 12-759. In addition to these requirements the Board of Zoning Appeals must also find for the record that:

a. Findings

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

b. Notification

- i. The Zoning Administrator will notify the applicant that the issuance of a variance to locate a structure below the 100 year flood level will result in increased actuarial rates for flood insurance covers. The applicant will provide written and notarized acknowledgement to such notification.

6. Definitions:

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

- a. Regulatory floodway The NFIP defines “regulatory floodway” as the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- b. Floodway fringe- The area within the floodplain but outside the floodway is called the floodway fringe. Floodplain regulations for these areas often allow development to occur; however, elevation and flood proofing is required.
- c. Floodway is the channel of the river or stream and the adjacent land that must remain free from obstruction so that the 100-year flood can be conveyed downstream.
- d. Flood Fringe is the remaining portion of the floodplain. FEMA and state regulations permit communities to allow the flood fringe to be obstructed and developed if standards (i.e., elevating and floodproofing structures) are met.

Section 3- Planned Unit Development District (PUD)

1. District Purpose

The purpose of the “PUD” District is to allow the applicant and Governing Body the opportunity for flexible land use and increase efficiency in the development of facilities and resources.

2. District Regulations

In the “PUD” District, no building or structure shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the permitted uses below.

3. Permitted Uses

- a. All private institutional facilities and public uses.
- b. All residential units permitted by right or exception in any residential zoning district.
- c. Commercial and office use.

4. Development Standard and Criteria

- a. All PUD districts shall have an initial zoning lot of one (1) acre or more.
- b. Not more than thirty (30) percent of the total proposed residential units shall be mobile homes; not more than thirty (30) percent of the total land area shall be used for multi-family apartments.
- c. Commercial uses permitted in the PUD may occupy up to twenty five (25) percent of the total land area. For commercial calculation of permissible building area, the space used for required parking need not be included.
- d. No less than ten (10) percent of the total land area shall remain in vacant open space. For this calculation, parking areas, yards or developed open spaces may not be used.
- e. The gross density of the PUD may not exceed fifteen (15) dwelling units per acre.

5. Site and Structure Regulations

- a. Lot sizes, dimensions and locations may be freely arranged according to professional design standards and appropriate to the overall development plan. The developer and Planning Commission should be guided by the carrying capacity of the site and its general physiography and location.
- b. A minimum setback distance from any structure (excluding signs or developed entrances) from a county or township road shall be:

Size of R.O.W.	Setback from Center of R.O.W.
30'	50'
35'	50'
40'	50'
50'	70'
60'	75'

- c. Every single family structure erected shall have access to a public street, or if group or courtyard parking is used, each unit shall be provided with an easement. If a public street is not provided in the PUD, then it shall be under the control of a homeowner or development association.
- d. All open spaces shall be protected by fully recorded covenants running with the land, by deed restrictions or by a development rights transfer to the Governing Body
- e. The street layout for internal roads and connections to county, township or city roads shall be submitted in the form of road engineering plans.

6. Utilities and Service

- a. The developer shall provide central water and sewerage facilities for the PUD. These shall be submitted as approved written agreements.

7. Special Provisions

- a. All PUD's shall form a device to maintain common open space facilities and any areas which are to be held in common by the residents or occupants. All such areas shall be clearly marked on the development plan.
- b. If the association created for maintaining open space and other common facilities fails to operate and keep open areas, facilities or roads in a reasonable condition, the Governing Body shall assess a tax or create a benefit district and perform the proper maintenance.

8. Application

- a. A preliminary application for a Planned Unit Development shall be made to the Zoning Administrator. The applicant shall set forth:
 - i. The name and address of the applicant.
 - ii. A legal description of the property.
 - iii. A preliminary plan.
 - iv. The density of land use.
 - v. Common open space.
 - vi. The Use of buildings and lots.
 - vii. Proposed covenants, grants, and agreements.
 - viii. Propose schedule of development.
 - ix. Proposed water and sewerage systems.

9. Public Hearing

- a. Within sixty (60) days after the filing of a preliminary application, a public hearing shall be held, after proper notice before the Planning Commission.
- b. At the public hearing, the applicant should be prepared to present the following data or studies:
 - i. General character, objectives, and purpose.
 - ii. Economic feasibility.
 - iii. Development schedules and staging of units.
 - iv. Conformity to land use plans.
 - v. Technical discussion of preliminary plat.
 - vi. Engineering and hydrology.
 - vii. Environmental, social, and economic impact.
 - viii. School district impact.
- c. Following the hearing, but within sixty (60) days, the Planning Commission may either grant approval, modify, or disapprove the preliminary plan.
- d. If the preliminary plan is disapproved, the Planning Commission shall set forth their reasons in writing to the applicant.

10. Final Plan

- a. A final plan shall be submitted to the Planning Commission for inspection and comment. The Planning Commission may not modify the final plan, if it gave full approval to the preliminary plan, unless changed conditions or new evidence make it necessary to protect the public health, safety, or welfare.
- b. A final plan may not vary from the terms of the approved preliminary plan by more than five (5) percent in gross density or intensity of land use. Changes in land use or other major changes must be approved by individual resolution by the Planning Commission.
- c. The final plan shall consist of:
 - i. All written documents and studies.
 - ii. The final plat.
 - iii. Requested modifications.
- d. Upon approval of the final plan, the Governing Body, but within sixty (60) days (unless an extension is requested by the applicant) shall review the plan and adopt, modify, or disapprove all

aspects of the plan. If the Governing Body modifies the plan, then they may request that the Planning Commission further study the matter and make additional recommendations.

11. Validity of Final Approval

- a. Upon approval of the final plan, the Governing Body shall specify on the record the stages of the PUD, if any, and the number of building permits to be issued for each stage. The Governing Body shall also place on the record all agreements for performance, covenants, and restrictions.

Article XII – Supplementary Regulations

Section 1- Business Sign Regulations

The purpose of these regulations is to ensure proper usage of business signage for all zoning districts unless as outlined in greater detail within the specific district regulations.

1. General Provisions
 - a. Signage greater than four (4) square feet will require a building permit.
 - b. Signs and banners shall be limited to a graphic display area of thirty-six (36) square feet on any one wall of the building.
 - c. No moving parts shall be allowed on any sign.
 - d. The illumination on any sign shall be constant in intensity and color.
2. Safety
 - a. No portion of signage shall impede or restrict vehicular movement or sightlines from such vehicles.
 - b. All signage within the city shall be designed, constructed, or mounted so as to be stable under all weather conditions and to pose no threat to the safety or welfare of any citizen.
 - c. Signage shall be maintained by the owner to ensure the absence of loose materials, including peeling paint, paper or other material, excessive rust, excessive vibration or shaking, sun fading, tears, or tatters for the preservation of structural integrity, readability, and visual appeal.
 - d. Exterior lighting fixtures and signs shall be so located and constructed so that no glare (above standard street lighting level) is detected in any area zoned residential.
3. Temporary Banners
 - a. Banners may be used as temporary signage not to exceed a period of six (6) months.
 - b. If banners are intended to be used in place of a permanent sign, then the banner will be subject to an annual inspection.
 - c. All banners must be in good condition and shall not be sun faded, torn, or tattered.
4. Conditional Uses
 - a. Signage greater than thirty-six (36) square feet.
 - b. Any sign or banner that does not conform to the requirements outlined within this section.

Section 2- Fence Regulations

The purpose of these regulations is to ensure proper fencing and screening usage for all zoning districts unless as outlined in greater detail within the specific district regulations.

1. General Provisions
 - a. Fencing greater than six (6) feet shall require a building permit.
 - b. Height shall not exceed eight (8) feet.
 - c. May be erected in any yard or along all property lines, subject to setback area height requirements.
 - d. No fence, wall or screening shall be permitted in the street right of way.
2. Setback Area Height Requirements
 - a. Within required side and rear setbacks, fencing shall not exceed eight (8) feet in height.
 - b. Within required front setbacks, fencing shall not exceed four (4) feet in height.
 - c. Fences permitted in the front yard shall be of a see-through construction, such as pickets, chain link or wrought iron.
 - d. Fencing on the side setbacks that adjoin a public street (not including alleys) shall follow the permitted front setback fencing requirements.

3. Easements
 - a. A fence may be located within a utility easement as long as the fence has removable panels or sections in order to provide access for quick emergency or maintenance access by the personnel of the City or a utility company.
 - b. In the event the City or a utility company must perform maintenance, inspection or replacement of utility lines located within a public easement or right-of-way owned by the City, such party shall not be liable for replacement of any fence or ground cover located within a public easement.

4. Construction and Materials
 - a. Permitted fencing materials, subject to setback area height requirements, include the following:
 - i. Wood
 - ii. Vinyl and Composite
 - iii. Chain Link
 - iv. Wrought Iron and Metal
 - v. Hedges, Floral Planting and Vegetation
 - vi. Masonry
 - b. Fencing utilizing posts for structural support shall be securely set into the ground at a minimum depth of one third (1/3) of the height of the fence.
 - c. No fence or wall containing broken glass, spikes or other materials reasonably calculated to do bodily harm, shall be permitted.
 - d. Barbed wire and electric fences shall be permitted as a primary fence only for the purpose of enclosing livestock, crops or for other agricultural uses in established Agricultural Districts.
 - e. Barbed wire and electric fences shall be permitted as a secondary fence in non-residential districts in areas not accessible from public right of ways or property boundaries.
 - f. Properties in non-residential zoning districts, for security reasons, may have barbed wire at the top of fencing.

5. Safety
 - a. All fences constructed within the city shall be designed and constructed in a manner as to pose no threat to the safety or welfare of any citizen.
 - b. All fences shall be maintained by the property owner to ensure continuation as an effective barrier for visibility, noise, and blowing debris.
 - c. No portion of any fence shall impede or restrict vehicular movement or sightlines from such vehicles.

6. Conditional Uses
 - a. Fencing with a height greater than eight (8) feet.
 - b. Any fence that does not conform to the requirements outlined within this section.

Section 3- Parking Regulations

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

1. General Off-Street Parking Requirements

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

- a. Computation of Parking Spaces
In determining the number of parking spaces required, if such spaces result in a fractional part, the number of required spaces shall be the next highest whole number.
- b. Surfacing
Off-Street parking shall provide a hard, dust free area for parking, comprised of either cement, asphalt or similar dust-free surfacing material. Gravel materials may only be used with a variance granted through the Board of Zoning Appeals.
- c. Additions to Buildings
Wherever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, then additional parking spaces shall be provided in the amount hereafter specified for that use.
- d. Locations of Off-Street Parking Facilities
All off-street parking facilities shall be located on the same lot or zoning lot as the building or use served except for the following:
 - i. Multiple family dwellings, or any use permitted in an industrial zone may supply off-street parking within two hundred feet from such lot served, upon approval of the Planning Commission, providing that such off-street parking is located within the same zone as the establishment being served and that off-street parking requirements of this Ordinance are always complied with. Further the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide, as required herein, on the same lot.
 - ii. Where single, two, or multiple family dwellings, which are permitted herein, are existing at the time of adoption of this Ordinance, occupy a lot of such size that off-street parking could not be provided on the same lot as the use being served, the off-street parking may be permitted to located within a distance not to exceed two hundred feet from the dwelling upon approval of the Planning Commission. In addition, the off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with the municipal standards.
- e. Collective Parking Provisions
Collective off-street parking facilities may be provided; however, such facilities shall be no less than the sum that would otherwise be individually provided.
- f. Access
Parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or opening not less than twelve (12) feet in width and no more than thirty (30) feet in width at the curb line. These curb cuts shall be so located as to minimize traffic hazards and congestion. There shall not be more than two (2) accesses from any one property to a public street, road, highway, or deeded right-of-way for each four hundred feet of street frontage. No residential driveway width at a street, road, highway, or deeded right-of-way junctions shall be more than twenty (20) feet.
- g. Approval of Curb Cuts Required in Commercial and Industrial Zones
Detailed plans shall be submitted to the Planning Commission for approval of all curb cuts or driveway openings in commercial and industrial zones before a building permit may be obtained.
- h. Driveways not Computed as Part of Required Parking Lot
For this Ordinance, one parking space shall be a minimum of two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width and

sixteen (16) feet in length. Such parking space shall have a vertical clearance of at least seven (7) feet. Each parking space shall be appropriately dimensioned for automobile parking. All parking lots shall be laid out with the following minimum access drive widths:

- i. Ninety (90) degree perpendicular parking. Twenty-four (24) feet in either one or two-way circulation.
- ii. Sixty (60) degree angle parking. Eighteen (18) feet one-way circulation and twenty (20) feet two-way circulation.
- iii. Forty-five (45) degree angle parking. Thirteen (13) feet one way circulation and twenty (20) feet two-way circulation.
- iv. Thirty (30) degree angle parking. Eleven (11) feet one way circulation and twenty (20) feet two-way circulation.
- v. Zero-degree parallel parking. Twelve (12) feet one-way circulation.

i. Off-Street Parking Space to be Used for Parking Only

Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or services of any kind other than in an emergency, shall be in violation of the provisions of this Ordinance.

j. No Building Shall be Erected in Off-Street Parking Space

No building of any kind shall be erected in any off-street parking lot except a parking garage containing spaces equal to the requirements set forth in this section of the Ordinance, or a shelter house booth for a parking attendant providing the number of spaces required are not reduced. The required parking area on any lot, as set forth in this Ordinance, shall not be reduced or encroached upon in any manner.

k. Parking Plan Approval Required

Plans for all parking lot facilities including parking garages, except those required for single and two family development, shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent Ordinances of the City of Saint George. Such plans shall show the number of spaces and the arrangements of parking aisles, locations of driveway entrance and exits, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, cross sections of pavement, both the base and subbase in accordance with municipal regulations, locations of lighting facilities and such other information or plans as the circumstances may warrant.

2. Specific Parking Requirements for Various Uses

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

Requirements for types of building and uses not specifically listed herein shall be determined by the Planning Commission.

a. Auto Wash

One parking space for each new employee plus one space per owner or manager and reservoir space equal to five times the capacity of the wash.

b. Auto Service Station

Three spaces for each auto rack, plus one parking space for each employee at the largest shift.

c. Beauty Parlors and Barber Shops

Two parking spaces per barber and/ or beauty shop operator.

- d. Bowling Establishment
Five parking spaces for each two lanes, plus one space for each two employees on shift of largest employment.
- e. City and County Public Offices
One parking space for each two hundred square feet of gross floor area.
- f. Commercial or Trade Schools
One parking space for each two students based on the designed capacity of the school, plus one parking space for each employee.
- g. Nursing Home, Rest Homes, Homes for the Aged, and Orphanages
One parking space for each five beds, plus one space for each two employees or staff members on the shift of the largest employment, plus one parking space per doctor.
- h. Dance Halls, Pool and Billiard Halls
Three parking spaces for each fifty (50) square feet of floor area used for assembly.
- i. Dwellings: One and Two Family
Two parking spaces for each dwelling unit.
- j. Dwellings: Multiple Family
Two parking spaces for each dwelling unit.
- k. Establishments for the Sale and Consumption, on the Premises, of Alcoholic Beverages, Food, or Refreshments
One parking space for each two seating accommodations, based on maximum seating capacity, plus one parking space for each two employees on the largest shift.
- l. Hospitals
One parking space for each two beds, plus one space for each two employees or staff members, including nurses, on the shift of the largest employment, plus one parking space per doctor.
- m. Laundromat
One parking space for each two washing machines.
- n. Libraries, Museums, and Art Galleries
One space for each of the four seats in rooms for public assembly or one parking space for each fifty (50) square feet of gross floor area for use by the public, whichever is greater; plus one space for each two employees on the largest shift.
- o. Medical Offices and Clinics
Five parking spaces for each two practitioners, plus one parking space per each two employees, plus one parking space for each doctor.
- p. Mortuaries or Funeral Homes
One parking space for each four seats in the main chapel or public assembly area based on maximum seating capacity, plus one parking space for each funeral vehicle and employee, or in the case of no fixed seats, one parking space for each fifty (50) square feet of floor area in parlors or service rooms, plus one parking space for each funeral vehicle and employee.
- q. Offices for Professional, Business and Financial, Real Estate, and other Businesses
One parking space for each two hundred square feet of gross floor area.
- r. Private Clubs, Boarding Houses, and Lodge Halls
One parking space for each guest sleeping room, or one parking space per each four fixed seats in the main assembly area, whichever is greater, plus one parking space for each two employees.

- s. Retail and Personal Service Stores
One parking space for every one hundred twenty five (125) square feet of gross floor area.
 - t. Schools: Elementary, Junior High and Equivalent Private Schools
One parking space for each faculty and staff in employment.
 - u. Schools, Secondary
One parking space for each faculty and staff and one parking space for each ten students, based upon the maximum number of students attending classes on the premises at any one time in any 24-hour period.
 - v. Shopping Centers
One parking space for each one hundred seventy five (175) square feet of sales.
 - w. Theaters, Auditoriums, churches, and Other Places of Assembly
One parking space for each four seats based on the maximum seating capacity.
 - x. Tourist Homes, Cabins, Motels, and Hotels
One parking space for each unit, room, or suite, plus one space for each two employees on the shift of largest employment.
 - y. Industrial Establishments, Including Manufacturing, Research, and Testing Laboratories
One parking space for each employee as related to the working period when the maximum number of persons are employed on the premises.
 - z. Wholesale Establishments, Warehouses and Storage Buildings
One parking space for each employee, plus one parking space for each company vehicle operating from the premises.
3. Off street Loading and/ or Unloading Regulations
The purpose of these regulations governing off-street loading and/ or unloading is to guarantee that such facilities will be provided in order to maximize the movement of traffic and to prevent traffic congestion and inconvenience to the public and to those specific establishments which are in need of such facilities.
- a. General Requirements
For all buildings and structures built, altered, or enlarged, and all uses of land established as specified herein, after the effective date of this Ordinance, off-street loading and/ or unloading facilities shall be provided as required by the following regulations. However, where a building permit has been issued prior to the date of the adoption of this Ordinance, and provided that construction has not begun within ninety (90) days of this effective date, off-street loading and/ or unloading facilities in the amounts required by this Ordinance shall prevail.
 - b. Location
All required loading spaces shall be located on the same lot as the use served. No loading spaces for vehicles shall be closer than forty (40) feet to a residential zone unless completely enclosed by a fence, wall, or screen. No loading spaces shall be located in the required front yards.
 - c. Access
Each required off street loading space shall be designed with direct access via an approved drive which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least twelve (12) feet for one way circulation and at least twenty-four (24) feet for two-way circulation. Off street loading shall be designed so the maneuvering of vehicles can take place entirely within the property lines of the premises. Such off-street loading shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, or highway.

- d. Spaces Required
Every building, structure, or any part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, markets, hotels, hospitals, laundry, dry cleaning, dairy, mortuary, and other uses similarly involving the receipt of distribution of vehicles, materials, or merchandise and having up to 10,000 square feet of gross floor area shall be provided with at least one loading space.
- e. Size of Off-Street Loading and/ or Unloading Space
Each off street loading space shall be at least twelve (12) feet in width and at least twenty-five (25) feet in length, exclusive of aisles and maneuvering spaces and shall have a vertical clearance of at least fourteen (14) feet; provided however, that when it is demonstrated that a particular loading space will be used in such a way as to warrant variation and that such variation will be satisfactory for the operation in question, the Planning Commission May reduce or alter these requirements.
- a. Enlargement of Building
The off street loading requirements shall apply at any time to any building enlarged or increased in capacity by the addition of the floor area.
- f. Utilization
Space allocated for any street loading shall be used to satisfy the off-street loading and/ or unloading requirements and shall not be considered as part of the off-street parking requirements.
- g. Off Street Loading and/ or Unloading Plan Approval Required
Plans for all loading facilities shall be submitted to the Zoning Administrator for review and for compliance with the provisions of this Ordinance and such other pertinent Ordinances of the City of Saint George. Such plans shall show:
 - i. The proposed layout of all loading and/ or unloading areas.
 - ii. The drives and aisles and the entrances and exits from the loading area.
 - iii. The type of surface to be used on the space, with typical cross-sections of the pavement base and subbase.
 - iv. The location of the lighting facilities.
 - v. Storm drainage facilities.
 - vi. Proposed grade of off-street loading areas.
 - vii. Such other information or plans as the circumstances may warrant.

Section 4- Home Occupations

The purpose of these regulations is to control and regulate home occupations within the City of Saint George to preserve the character of the neighborhood, and to control the extent and intensity of home occupations so that they will not become the principal use of the lot or structure.

- 1. Home Occupation Regulations
 - a. Regulations Governing Home Occupations
No person other than members of the family residing on the premises and one receptionist/ secretary and one assistant shall be engaged in the home occupation.
 - b. Floor Area Allocated to Home Occupation
The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. No more than twenty-five (25) percent of the gross floor area of anyone (1) floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

- c. Exterior Appearance of Residence
There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate of four (4) square feet is permitted.
 - d. Storage
There shall not be any exterior storage of any material related to the home occupation stored on the premises.
 - e. Traffic Generation/Parking
Minimal traffic shall be generated by such home occupation. The owner shall ensure that adequate parking on the property is provided to users of the service so as to not impair travel on city streets that may be caused by parking in the street or right-of-way.
 - f. Interference and Odors, Vibration, Noise and Glare
No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuation in the line voltage off the premises.
2. Permitted Uses
Customary home occupations include, but are not limited to, the following types of home occupation provided they comply with the Home Occupation Regulations.
- a. Dressmakers, seamstresses, and tailors.
 - b. Music Teachers.
 - c. Artists, sculptors, composers, and authors.
 - d. Salespersons, sales representatives, manufacturer representatives and the like.
 - e. Offices for architects, engineers, lawyers, realtors, insurance agents, brokers, accountants and the like where the services rendered are conducted other than direct contact with the customers at that location.
 - f. Homecrafts and hobbies; fabrication is permitted so long as this activity does not result in external smoke, glare, heat, or vibration to the residence.
 - g. Day care and the boarding of children as permitted within this Ordinance.
 - h. Sale of antiques.
 - i. Dentist, doctor and medical professionals.
 - j. Gunsmith, crafts.

Section 5- Accessory Uses

In order to regulate and control the extent and kind of accessory use of structures, the following regulations shall govern such uses or structures.

- 1. Regulations Governing Accessory Uses
 - a. Authorization
Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.
 - b. Definition
Any accessory use is a structure or use which is:
 - i. Subordinate to and serves a principal building and principal use.
 - ii. Subordinate in area, extent, or purpose to the principal building or use.

- iii. Contributes to the comfort, convenience, or necessity of the occupants, business, or industry in the principal building or use being served.
- iv. Located on the same lot as the said principal building or use.

2. Permitted Accessory Uses

Customary accessory uses are limited to the following. Others permitted by review and exception only.

- a. A structure for the storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 550 square feet in gross floor area, and shall be in keeping with the principal structure (mobile homes and trailers excluded).
- b. An attached or detached garage limited in height to twenty (20) feet (but not greater than the height of the principal structure) and not greater than 840 square feet in area. The garage shall incorporate substantially the same roof design and appearance as the principal structure.
 - i. The garage structure may not be used for purposes of commercial storage or as a motor pool for mechanical repair or services of licensed commercial vehicles.
 - ii. If the garage structure is to be used as part of a home occupation, no more than twenty-five (25) percent of the gross floor area may be used for this purpose.
- c. A child's playhouse.
- d. Trellises, barbecue stoves, flag poles.
- e. Private swimming pool and bathhouse.
- f. Fences, walls, and hedges.
- g. Off street parking and loading spaces, including carports (flat roof design). Any application for construction of a carport in excess of ten (10) feet in height shall be subject to review and approval of the Planning Commission. A carport shall not be greater than 840 square feet in area.
- h. Storage of boats, boat trailers, camping trailers, and small house trailers provided no part of such storage is located in the front yard setback.
- i. Restaurants, gift shops, newsstands, or lounges when located in permitted hotels, motels, or office buildings.
- j. Employee restaurant and cafeterias, when located in a permitted business, manufacturing, or industrial building.
- k. None of the following shall be permitted as an accessory use:
 - i. Outdoor storage or overnight parking of trucks, trailers, vans, or buses in a residential district, except those trucks having a manufacturer rating of two tons or less, is prohibited.
 - ii. Outdoor storage, except as specifically permitted in the district regulations.
- l. Use of an empty lot or lot adjoining a residential property to store materials or vehicles as an accessory use to the adjoining property is not allowed absent an approved conditional use.

Section 6- Building Regulations

1. Bulk Regulations

- a. When no alley exists, accessory structures shall be set back eight (8) feet from the rear lot line; and when an alley exists, a five (5) foot setback shall be required.
- b. The accessory use or structure is required to maintain a three-foot side yard.
- c. No accessory structures shall occupy the front yard setback.
- d. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.
- e. Accessory building on corner lots shall be set back from the side street a distance not less than that required for the main building.

Section 7- Other Regulations

1. Fuel Storage Restrictions

a. General Restrictions

- i. Petroleum (gasoline and diesel fuels) used for cars, trucks and machinery shall not be stored underground, on the ground or above ground tanks in any residential zone or the C-1 zone unless in conjunction with an auto service station or an already existing services facility. Residential or C-1 storage of petroleum is limited to containers manufactured and clearly marked for such storage.
- ii. No Agricultural, Commercial (except C-1) nor Industrial District shall be restricted on petroleum storage by the above requirements except that all storage facilities shall comply with OSHA and State of Kansas Requirements.

Article XIII – Amendments

The Governing Body may amend, supplement, or change the district boundaries or regulations contained in this Zoning Ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for Public Hearing, recommendation, and report. The Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings. In reviewing applications for rezoning of property or amending the text of this Zoning Ordinance, the Planning Commission shall determine whether the application advances the objectives of the City of Saint George's Comprehensive Plan, and in the case of rezoning, the intent and character of the proposed zoning district and the adjoining zoning districts. The Planning Commission and Governing Body shall follow Kansas statutes and common law regarding any amendments, and if the same are interpreted by the Planning Commission or Governing Body to be contrary to this Ordinance, said statutes and law shall control.

Article XIV – Definitions

For the purpose of clarification and consistency, the following definitions shall apply to the interpretation of this Ordinance and the provisions within.

1. Accessory Dwelling Unit- An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home.
2. Accessory Structure or Use:
 - a. Subordinate to and serves the principal building or principal use, and
 - b. Subordinate in area, extent, or purpose to the principal building or principal use served, and
 - c. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use, and
 - d. Is located on the same lot as the principal building or principal use served, within the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot within the building or use served.
3. Agriculture: The use of land for agricultural purposes including dairying, farming, floriculture, horticulture, pasturage, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.
4. Agricultural Use: The growing of crops in the open and the raising of such stock and poultry as are incidental to the acreage farmed, provided that such land shall consist of at least ten (10) acres in one (1) parcel or in contiguous parcels under common ownership or operation. The disposal of community or collected garbage shall not be deemed an agricultural use nor shall riding academies, livery or boarding stables or dog kennels be so considered.
5. Alley: A dedicated public right-of-way, other than a street, which affords a secondary means of access to abutting property.
6. Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether extending on a side or by increasing in height, or moving from one location or transition to another.
7. Apartment: A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.
8. Apartment Building: Multiple dwellings in one building
9. Area, Building: The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.
10. Area, Net Site: The total area within the property lines, excluding external streets.
11. Automobile Wash: A building or portion thereof, containing facilities for washing automobiles. For the purpose of this Ordinance, coin operated devices, and self-service operations shall be construed to be the same.
12. Automobile and Trailer Sales Areas: An open, partially open, or enclosed area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is completed except minor incidental repair of automobiles or trailers to be displayed, sold or rented on or from the premises.
13. Awning: A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.
14. Basement: A story partly or wholly underground.
15. Block: The land adjoining one side of a street between two consecutive junctions of said streets with streets, railway rights-of-way or waterways crossing, or meeting said side of said street.

16. **Board of Zoning Appeals:** The Board of Zoning Appeals of Saint George reviews requests for variances from the specific requirements of the zoning ordinance, authorizes conditional uses and reviews appeals from the zoning administrator's interpretation of the zoning code.
17. **Boarding House:** A building other than a hotel, motel, or motor inn in which more than three (3) persons, either individually or as families, are housed, or lodged for hire with or without meals. A rooming house, for the purposes of these regulations, shall be deemed the equivalent of a boarding house. The terms boarding house and rooming house shall not include a licensed nursing home or related facilities.
18. **Buffer Area:** Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use or operation.
19. **Building:** Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals, or chattels.
20. **Building Accessory:** A supplemental building the use of which is incidental to that of a main or principal building and located on the same lot.
21. **Building Alteration:** Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) or a building or any addition to a building, or movement of a building from one location to another.
22. **Building Detached:** A building or structure surrounded by open spaces, on all sides, on the same lot or tract of land.
23. **Building Height:** The vertical linear distance from the base ground elevation of the structure to the top of the roofline of the structure.
24. **Building Inspector:** The official or officials appointed by the City of St. George for carrying out the Building Code.
25. **Building Permit:** A permit issued by the City of St. George Building Inspector authorizing the construction or alteration of a specific building, structure, sign, or fences on a specific tract.
26. **Building, Principal:** A building or structure in which is conducted the main or principal use of the lot on which said building is located.
27. **Building Site:** One continuous piece of land that meets all of the provisions of the City of Saint George Ordinances, Regulations, and Building Codes for said site.
28. **Bulk Regulations:** Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas yard lot lines. Bulk regulations in this Ordinance shall include regulations controlling maximum height, maximum lot coverage, maximum floor area ratio, minimum size of yards and setbacks.
29. **Camper, Travel Trailer, Recreational Vehicle:** A camper or travel trailer is defined as a vehicle or structure designed and constructed in such manner as will permit temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such a facility has characteristics similar to a mobile home in that it can be conveyed on the streets, however, in no way is it intended to become a residence.
30. **Carport:** See Garage, Private.
31. **Cellar:** That portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade.
32. **Child Care Center:** Any place, home or institution which receives three (3) or more children under the age of sixteen (16) years of age, and not of common parentage, for care apart from their parents, legal guardians or custodians, then received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools, or churches or other religious or public institutions caring for children within the institutional buildings while their parents or legal guardians or custodians are attending services, meetings or classes, or are engaged in church activities.
33. **Clinic, Animal:** A building used by a group of professional medical persons for the healing arts or treatment of animals.

34. Clinics, Persons: A building used by a group of professional medical persons for the healing arts or treatment of persons on an outpatient or non-boarding basis only.
35. Club: A building owned or rented by a non-profit association made up of members paying dues, the use of which is restricted to said members and their guests.
36. Commission: The Planning Commission of the City of Saint George, Kansas.
37. Comprehensive Plan: A long range master plan for area development, including studies of land use, traffic volume and flow, schools, parks, public buildings and other public facilities.
38. Conditional Use: A conditional use is a use that is permitted subject to compliance with a set of conditions or requirements set forth in the zoning ordinance and/or allowed by order or permission of the governing body of the City.
39. Conforming Use: Any lawful use of a building structure, lot, or fence which complies with the provisions of this Ordinance.
40. Corner Lot: A lot which adjoins the point of intersection or two or more streets and in which the interior angle fanned by the street lines is 135 degrees or less. If the street lines are curved, the angle shall be measured at the point of intersection of the extensions of the street lines in the directions which they take at the intersections of the street line with the side lot line and with the rear lot line of the lot. If the street line is curved at its point of intersection with the side lot line or rear lot line, the tangent to the curve at that point shall be considered the direction of the street line.
41. Court: An open unoccupied space other than a yard, on the same lot with a building and which is bounded on (2) or more sides by the building.
42. Coverage: See Lot Coverage.
43. Curb Level: The officially established grade of the curb in front of the midpoint of the lot. In the case of corner lots, as defined in this section, the curb level shall be the mean elevation.
44. Day Care Home: see Child Care Center.
45. Density: Restrictions on the number of dwelling units that may be constructed per acre or per square feet of zoning lot area.
46. Decibel: A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated by "decibels".
47. Developer: The legal or beneficial owner or owners of all of the land proposed to be included in a planned development, or the duly authorized agent thereof. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 40 years, or other persons having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of this Ordinance.
48. Displacement (Earth): The amplitude or intensity of an earth borne vibration measured in inches. The displacement or amplitude is one-half the total earth movement.
49. District: Any section or sections of the City of Saint George, or its environs as defined by law, for which regulations governing the use of buildings and premises or the-height and area of buildings are uniform.
50. Dog Kennel: Any place where five or more dogs are kept, maintained, boarded and/or bred for a fee and/or offered for sale.
51. Driveway: An entrance from a local or public thoroughfare to abutting property, having a width not to exceed twenty-four (24) feet.
52. Dwelling: A building designed or used as the living quarters of one (1) or more families.
53. Dwelling Attached: A residential building which is joined to another dwelling at one or more sides by a partition wall or walls.
54. Dwelling Detached: A residential building which is surrounded by open space on the same lot.
55. Dwelling, Multiple-Family: A residential building or group of buildings on one (1) plot containing separate living units for three (3) or more families but which may have joint services or facilities or both.
56. Dwelling, Single-Family: A residential building containing one (1) dwelling unit only.
57. Dwelling, Two-Family: A residential building containing two (2) dwelling units.

58. Dwelling Unit: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
59. Easement: A right, distinct from the ownership of the land to cross property with facilities such as, but not limited to, sewer lines, water lines and transmission lines, or the right, distinct from the ownership of the land to reserve and hold an area for drainage or access purposes.
60. Exception: See Conditional Use.
61. Family: A group of one or more parents and their children living together as a unit.
62. Fence: A free-standing structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.
63. Filling Station: See Service Station.
64. Floor Area: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The sum of the following areas should be included in determining the floor area:
 - a. The basement floor area when more than one-half of the basement is above the finished lot grade level where curb level has not been established.
 - b. Elevator shafts and stairwells on each floor.
 - c. Floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof).
 - d. Attic space, having headroom of seven feet, ten inches or more.
 - e. Interior balconies and mezzanines.
 - f. Enclosed porches; and
 - g. Floor area devoted to accessory uses.

Space devoted to off-street parking or loading shall not be included in the floor area. The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.
65. Floor Area Ratio: The floor area ratio of the building or other structure on any lot is determined by dividing the floor area of such a building or structure and the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot, or in the case of planned unit developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for a building or other structure (including both principal and accessory buildings) in direct ratio to the gross area of the lot.
66. Frequency: The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.
67. Front Lot Line: See Lot Line, Front.
68. Front Yard: See Yard, Front.
69. Frontage: The length of a front lot line or lines.
70. Garage, Private: An enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation, or service is conducted for profit therein nor space therein for more than one (1) car is leased to a non-resident of the premises.
71. Garage, Public: Any garage not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.
72. Grade, established: The elevation of the centerline of the streets as officially established by the City of Saint George, Kansas.

73. **Height, Maximum:** The maximum allowable height of structures from the base ground elevation to the top of the roofline. The maximum allowable height, if applicable, is defined by each zoning district's regulations. No part of any structure shall project through such plane except:
- a. Chimneys, flues, stacks, fire escapes, gas holders, enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located.
 - b. Flag poles, television aerials, water towers and tanks, steeples and bell towers, monuments, cupolas, broadcasting, and microwave transmitting and relay towers and electric transmission line towers.
74. **Home Occupation:** A business, profession, occupation, or trade conducted for gain or support, entirely within a residential building, and continued by the inhabitants thereof, whose use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
75. **Hospital:** Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis, treatment, or other care of human ailments.
76. **Hotel:** A building or group of buildings containing rooms intended or designated to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided. within the building or an accessory building.
77. **Incombustible:** A material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200°F.
78. **Junk Yard or Salvage Yard:** A lot, land, structure, or part thereof, used similarly for the collecting, storage and sale of wastepaper, rags, scrap, metal, or other discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition.
79. **Kennel:** Any building, structure, or open space devoted in its entirety or in part to the raising; boarding or harboring of four or more dogs which are at least four months of age.
80. **Loading and/or Unloading Space:** A surfaced space within the main building or on the same lot providing for the temporary standing, loading and/or unloading of trucks. Said space shall meet the established regulations as provided within this Ordinance and shall have connection with an accepted deeded public right-of-way which affords ingress and egress for vehicles.
81. **Lot:** Any parcel of land occupied or designed to be occupied by one (1) building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such a building. A lot may or may not be the land shown as a lot on duly recorded plot.
82. **Lot Area:** The total area of a horizontal plane rounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, flood plains, the waters of any waterway or major drainage ditch, and shall be in one (1) zone only. For the purposes of this Ordinance, all the area of a given lot shall be in the same specific zoning category.
83. **Lot, Corner:** See Corner Lot.
84. **Lot Coverage:** The percentage of a lot which, when viewed directly from above, could be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.
85. **Lot, Depth:** The depth (length) of a lot shall be the longest side of the lot. In case of square or irregularly shaped interior lots, the depth shall be the mean distance from the street line to the opposite rear lot line.
86. **Lot, Interior:** A lot other than a corner lot with only one (1) frontage on a deeded and occupied public right-of-way.
87. **Lot, through:** An interior lot having frontage on two (2) parallel streets.
88. **Lot, Width:** The lot width measured at right angles to its depth.
89. **Lot, Zoning:** A "zoning lot or lots" is a single tract of land located within a single block which is designated by its owner or developers as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

90. Lot Line, Front: The common boundary line of an interior lot (other than a double frontage lot) and a street right-of-way line or the common boundary line of a corner lot (other than a double frontage lot) and that street right-of-way line toward which the principal or usual entrance to the main building situated on such lots most nearly faces, or the common boundary line of a through lot and any adjacent road or street right-of-way line.
91. Lot Line, Rear: The Boundary line of a lot which is most opposite the front lot line of such a lot. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite from the front lot line. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.
92. Lot Line, Side: Any boundary line of a lot other than a front lot line or a rear lot line.
93. Lot of Record: A lot, which is part of a subdivision, the plat of which has been recorded in the Office of the City Clerk of Saint George, Kansas,
94. Maximum Structure Height: See Height, Maximum.
95. Minimum Building Setback Line: A line parallel to the front, side and/or rear lot line and setback from the lot line in a sufficient distance as specified in this Ordinance, to provide the minimum yard space.
96. Minimum Front Yard: The minimum distance required by this Ordinance to be maintained within the lot between a line parallel to the street right-of-way line and the front line as defined herein.
97. Minimum Rear Yard: The minimum distance required by this Ordinance to be maintained within the lot between the rear lot line as established by plat, survey or ownership of the lot and a line parallel to the back lot line a distance established by the provisions of this Code.
98. Minimum Side Yard: The minimum distance required by this Ordinance to be maintained within the lot between the side lot line as established by plat, survey or ownership of the lot and a line parallel to the side lot line a distance established by the provisions of this Code.
99. Mobile Home: Any coach, cabin, mobile home, house trailer, house car or other vehicle, trailer or structure intended for or capable of human dwelling or sleeping purposes, mounted upon wheels or supports, or supported and capable of being transported by another vehicle, and when connected to the required utilities, includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purposes of this ordinance, the removal of wheels and/ or the permanent or semi-permanent attachment of a foundation to said house trailer shall not change its classification.
100. Mobile Home Park: Any area, tract, or site or plot of land where upon a minimum of three (3) mobile homes as herein defined are placed, located, maintained, or intended to be placed, located or maintained for dwelling purposes only and upon a permanent or semi-permanent basis.
101. Mobile Home Space: A plot of ground within a mobile home community or park which is designed and designated as the location for only one (1) automobile and one (1) mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.
102. Motel or Motor Inn: A group of buildings including either separate cabins or a row of cabins or rooms which have individual entrances and contain individual sleeping accommodations for transient occupancy.
103. Motor Vehicle or Automobile Repair Shop: A building, or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles or automobiles.
104. Nonconforming Lot of Record: An unimproved lot which does not comply with the Lot size requirements for any permitted use in the district in which it is located.
105. Nonconforming Structure: A structure which does not comply with the regulations applicable to new structures in the zoning district in which it is located.
106. Nonconforming Use: An existing use of a structure or land which does not comply in some respect with the use regulations applicable to new uses in the zoning district in which it is located.
107. Nonconformity: A nonconforming use, nonconforming structure, or a nonconforming lot of record.

108. Nursery: A building or lot, or portion thereof, used for the cultivation of and growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the item raised or grown on said premises.
109. Nursery School: Any building used for the daytime care or education of preschool age children and including all accessory buildings and play areas, and shall for the purposes of this Ordinance, be considered a group activity.
110. Nursing or Convalescent Home: A health establishment which provides nursing care to patients who for reasons of illness or physical infirmities are unable to care for themselves properly.
111. Octave Band: A prescribed interval of sound frequencies which classifies sound according to its pitch.
112. Odorous Matter: Any material that produces an olfactory response among human beings.
113. Odor Threshold: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being.
114. Off-Street Parking: See Parking Area, Off-Street.
115. Outdoor Storage: The storage of goods and materials outside of any building structure, but not including storage of a temporary or emergency nature.
116. Parking Area, Off-Street: An open, surface area other than the rights-of-way a street, road, highway, alley, or place used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation or as an accommodation for clients or customers.
117. Parking Building or Garage: A building or portion thereof designed, intended and used exclusively for the temporary parking of self-propelled motor vehicles that may be publicly or privately owned and/or operated and may be for remuneration, free or privately utilized.
118. Parking Space: A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, permanently reserved for the temporary parking of one (1) operative automobile and connected with a deeded and accepted public right-of-way or a surfaced driveway which affords ingress and egress for vehicles.
119. Particulate Matter: Material other than water which if suspended in or discharged into the atmosphere is in a finely divided form as a liquid or solid.
120. Performance Standards: A criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire and explosive hazards, and humidity, heat or glare generated by or inherent in uses of land or buildings.
121. Pitch: The frequency of sound.
122. Plat: A map, plan or layout of city, township, section, or subdivision indicating the location and boundaries of individual properties.
123. Principal Structure: A structure in which a principal use of the lot on which the structure is located is conducted.
124. Principal Use: The main use of land or structures as distinguished from a subordinate or accessory use.
125. Private Club: An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests.
126. Public Building: Any building open to the general use, participation, or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government or by a public utility corporation or municipal district or authority.
127. Public Open Space: A parcel of land or an area of water, or a combination of land and water dedicated to public use and available for the use and enjoyment of the public. Public open space does not include streets, alleys or off-street parking or loading areas.
128. Public Sewer and Water System: Any system, other than an individual septic tank or tile field, or individual well, operated by a municipality or other governmental agency or a public utility for the disposal of wastes and the delivery of potable water.

129. **Railroad Right-of-Way:** A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
130. **Rear Lot Line:** See Lot Line, Rear.
131. **Rear Yard:** See Yard, Rear.
132. **Recreation, Commercial:** Recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.
133. **Recreation, Private, Non-Commercial:** Clubs or recreation facilities, operated by a non-profit organization and open only to bona fide members of such nonprofit organizations and their guests.
134. **Remodeling:** Any change in a structure, other than incidental repairs and normal maintenance, which may prolong its useful life, or the useful life of its supporting members such as foundations; or the construction of any addition to, or enlargement of a structure; or the removal of any portion of a structure.
135. **Residential Building:** A building all or part of which maintains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, mobile homes, dormitories, sororities and fraternities.
136. **Retail Sales:** The sale of goods, merchandise and commodities for use or consumption.
137. **Sanitary Sewer:** A municipal or community sewage disposal system.
138. **Schools, Private:** An institution or place for instruction or education belonging to and maintained by a private organization other than those types defined in this Ordinance.
139. **Schools, Public:** An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance.
140. **Screening:** Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.
141. **Service Station:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail of automobile fuels, oils, or accessories and in connection with which is performed general automotive servicing as distinguished from automotive repairs.
142. **Setback:** The minimum distance between a lot line (and/or right-of-way line) and a building or structure.
143. **Side Lot Line:** See Lot Line, Side.
144. **Side Yard:** See Yard, Side.
145. **Sign:** Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.
146. **Story:** That portion of a building enclosed between the surface of any floor and the surface of the floor above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.
147. **Street:** A public or private thoroughfare which affords the principal means of access to abutting property.
148. **Street Line:** The legal line between street right-of-way and abutting property.
149. **Structure:** Structure means a combination of materials to form a construction that is safe and stable and includes among other things stadiums, grandstands, platforms, radio and television towers, sheds, storage bins, fences and display signs or signboards.
150. **Subdivision:** The division of a parcel of land into two or more lots or parcels for the purposes, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purposes into lots of parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes re-subdivision and when appropriate to the context shall relate to the process of subdivision or to the land subdivided.
151. **Toxic Matter:** Materials which can cause injury to living organisms by chemical means when present in relatively small amounts.
152. **Trailer:** a conveyance utilizing wheels, but not propelled by a motor and instead is attached to a motor vehicle, which is used for transporting boats, equipment, cargo, or other property.

153. Use: Any purpose for which a structure or tract of land may be designed, arranged, intended, maintained, or occupied.; also, any activity, occupation, business, or operation carried on, or intended to be carried on, in a structure or on a tract of land.
154. Use Regulations: The provisions of this Ordinance which identify permitted and conditional uses, impose use limitations, require adherence to performance standards and regulate home occupation and accessory and temporary uses.
155. Variance: A departure from the terms of this Ordinance pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape of topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.
156. Wholesale Sales: The sale of goods, merchandise and commodities for resale.
157. Width, Lot: See Lot Width.
158. Yard: An unoccupied space open to the sky, on the same lot with a building or structure.
159. Yard, Front: An open unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the sideline of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.
160. Yard, Rear: An open (other than for permitted accessory uses) space on the same lot with the principle building between the rear line of the building and the rear line of the lot and extending the full width of the lot.
161. Yard, Side: An open unoccupied space on the same lot with the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line near a rear line or a front line shall be deemed a sideline.
162. Zoning District: An established area within the City of Saint George for which the provisions of this Ordinance are applicable.
163. Zoning Administrator: The official or officials appointed by the City of Saint George for carrying out the provisions and enforcement of this Ordinance.

Article XV – Adoption

ORDINANCE NO. 2023-04

AN ORDINANCE ADOPTING THE ZONING ORDINANCE FOR THE CITY OF ST. GEORGE

WHEREAS, on the 16th day of March, 2023, the Planning Commission of the City of St. George, after giving proper statutory notice, met to consider the fully amended and revised Zoning Ordinance for the City of St. George along with the St. George Zoning Map, holding a public hearing thereon; and

WHEREAS, at its March 16th meeting, the Planning Commission voted to recommend to the City Council for approval, the proposed ordinance and zoning map; and

WHEREAS, at the City Council’s April 13, 2023 meeting, the City Council reviewed the Resolution of the Planning Commission, the Zoning Ordinance and the Zoning Map, and took public comment thereon; and

WHEREAS, the City Council voted, pursuant to the provisions of K.S.A. 12-756-7, to adopt such recommended Zoning Ordinance and Zoning Map as set forth below, the roll call vote being Judd McCormack, Jeremy Holliday, Debby Werth, Matt Ruhnke, Spencer Parsons in favor and 0 against, with 0 persons abstaining.

THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS:

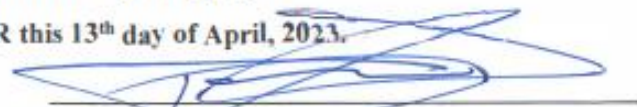
Section 1. The relevant stated provisions of the Zoning Ordinance for the City of St. George are adopted and approved as shown in the Zoning Ordinance document, the same being held by the City Clerk for purposes of use by the City and the public. The City Clerk is authorized to publish the same on the City’s website and retain such copies as are necessary for use of any citizen of the City.

Section 2. The Zoning Map, as attached hereto, is adopted by the City Council, and the same shall control as to the zoning designation of properties within the jurisdiction of the City.

Section 3. All Code sections and Ordinances in conflict with this Ordinance are hereby repealed. This Ordinance shall become effective upon its publication in the official City newspaper.

PASSED BY THE COUNCIL this 13th day of April, 2023.

APPROVED BY THE MAYOR this 13th day of April, 2023.


TIM PRALLE, Mayor

ATTEST:


ELIZABETH WAGONER, City Clerk

