

CITY OF ELLIS

ELLIS COUNTY, KANSAS

ZONING ORDINANCE
ORDINANCE 1498
DECEMBER 5, 2024

ADOPTED BY THE CITY OF ELLIS, KANSAS

Prepared By



(Published in the Ellis Review on the 5th day of December, 2024)

ORDINANCE NO. 1498

AN ORDINANCE ADOPTING THE RECODIFICATION OF THE ZONING ORDINANCE
OF THE CITY OF ELLIS, KANSAS AND PROVIDING FOR THE
REPEAL OF THE PRIOR ZONING ORDINANCE ADOPTED IN 2004

BE IT THEREFORE ORDAINED BY THE GOVERNING BODY OF THE CITY OF
ELLIS, KANSAS:

SECTION 1: The recodification of the Zoning Ordinance of the City of Ellis, Kansas, as authorized by K.S.A. 12-741, as set out in Articles 1 through 14 and titled the "City of Ellis, Ellis County, Kansas Zoning Ordinance 2024" is hereby adopted and ordained as the Zoning Ordinance. Said recodification shall become effective January 1, 2025 and upon publication of not less than three (3) copies of said code in loose-leaf book form and available at the office of the City Clerk of Ellis, Kansas.

SECTION 2: All ordinances and parts of ordinances which established and amended the Zoning Ordinance 2004 are hereby repealed as of the date of January 1, 2025 and publication of said code as referenced above.

SECTION 3: The arrangement and classification of the several titles, chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the end of the section, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

SECTION 4: The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

SECTION 5: If for any reason any title, chapter, article, section, subsection, sentence, portion or part of the "City of Ellis, Ellis County, Kansas Zoning Ordinance 2024" or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6: This ordinance shall take effect and be in force from and after January 1, 2025 and upon publication provided in K.S.A. 12-3007.

ADOPTED AND APPROVED BY THE GOVERNING BODY this 2nd day of December, 2024.



ATTEST:

Ashley Scheibler
ASHLEY SCHEIBLER, CITY CLERK

David R. McDaniel
DAVID R. McDANIEL, MAYOR

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Article 1: Title and Purpose

Section 1.01 Title

This Ordinance shall be known and may be cited and referred to as the Zoning Ordinance of the City of Ellis, Kansas.

Section 1.02 Purpose and Intent

The Ellis Zoning Ordinance is intended to aid in the proper and harmonious development of the City of Ellis and the area as defined in the Comprehensive Plan. The regulations included in the text of this ordinance have been duly adopted by the Governing Body for the following purposes:

1. Promote the health and general welfare of the citizens.
2. Provide for adequate light, air and acceptable noise levels.
3. Encourage the most productive use of urban land resources through promotion of compatible land use patterns.
4. Prevent the overcrowding of land and undue concentration of population.
5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
6. Protect property values and conserve energy resources.
7. Regulate and restrict the location and use of buildings and the uses of land within each district for residential, commercial, industrial, and other purposes.
8. Regulate and restrict the height, number of stories, and size of buildings; the percentage of the lot that may be occupied by buildings and other structures; and the size of yards and other open spaces.
9. Guard against loss of life and damage to property due to flooding through protection of natural drainage features.
10. Preserve features of historical significance and the conservation of natural resources.
11. Implement goals, policies, and proposals of the comprehensive plan for the zoning jurisdiction.

The provisions in this ordinance shall supplement and facilitate the provisions in the comprehensive plan, the subdivision regulations and the capital budget.

Section 1.03 Authority and Jurisdiction

1. **Authority:** The Regulations set forth herein are adopted under authority of K.S.A. 12-753 and are in accordance with the adopted Zoning designations for the City of Ellis, Kansas.
2. **Jurisdiction:** This Ordinance shall apply to all structures and land within the incorporated area of the City of Ellis, Kansas, and such unincorporated areas as agreed upon by Ellis County.
3. **Notice to the County:** Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed which will affect property located outside the corporate boundary of the City of Ellis, written notice of such proposed action shall be given to the Governing Body of the county at least 20 days prior to the proposed action.
4. **Agricultural Exclusion:** Except for flood plain regulations in areas designated as a flood plain, nothing in this Regulation shall be construed as authorizing regulations applying to or affecting any land in excess of three acres under one ownership which is used only for agricultural purposes. For agricultural purposes, see the definition in Article 2.

Section 1.04 Feeding Livestock as Agricultural Pursuit; Zoning

Pursuant to K.S.A. 47-1502, feeding of livestock and animal husbandry, for the purpose of this Ordinance shall be considered to be, and shall be construed to be, an agricultural pursuit: Provided, such agricultural pursuit may be subject to any city zoning provisions created under the laws of Kansas or any subdivision thereof.

Section 1.05 Zoning Procedure

This Ordinance permits only those uses in each district under Article 5. Any owner of property desiring to use their property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from the Regulation, the property owner may file an application with the Zoning Administrator for a hearing with the Board of Zoning Appeals for one of the following:
 - A. Variance (i.e. height, area, and yard).
 - B. Exception (Conditional Use Permit) as outlined in the district regulations.
 - C. Appeal the Zoning Administrator's decision.
2. When the proposed use requires a Conditional Use Permit, the property owner may file an application

ARTICLE 1: TITLE AND PURPOSE

with the Zoning Administrator for a hearing with the Board of Zoning Appeals.

3. When the proposed use requires amending the text of these Regulations and/or changing the Zoning District Map, the property owner may file an application and proceed as set out in Article 13.
4. Any person intending to perform construction other than for agricultural purposes shall comply with these Regulations.
5. Any person intending to construct on an unplatted tract other than agricultural uses shall prepare a plat in accordance with the City of Ellis Subdivision Regulations and obtain the plat's approval by the Planning Commission and the City Council before requesting a zoning certificate.

Section 1.06 Comprehensive Plan Relationship

This zoning ordinance is designed to implement various elements of the comprehensive plan as state statutes require. Any amendment to the district ordinances or map shall conform to the comprehensive plan adopted by the governing body.

Section 1.07 Enforcement and Penalties

1. It shall be the duty of the Zoning Administrator as established in Section 12.01 of this Ordinance to enforce the provisions of this ordinance and to bring to the attention of the Planning Commission and the Governing Body any violations or lack of compliance.
2. Violation of the provisions of this ordinance shall be deemed a misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offense. The Governing Body shall have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of these regulations.

Section 1.08 Interpretation, Conflict, and Separability

The rights of landowners of properties platted or subdivided for residential purposes prior to the adoption of this Ordinance shall be protected from these requirements for use of said land for the intended residential purposes for a period of five years from the time in which such property was first platted or subdivided, provided:

1. Verifiable evidence is presented showing the date on which said plat or subdivision of land was first created. Acceptable evidence shall be:
 - A. signed and sealed plats recorded with the Register of Deeds.
 - B. recorded deeds conveying land.
 - C. recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
2. Within said five-year period actual sales occur resulting in separate owners on the tracts of land.
3. The division of land was legally done in conformance with the Ellis Subdivision Regulations at that time.

Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five-year period shall be considered an unplatted lot, as defined in this Ordinance, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations in effect at the time.

Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with this Ordinance and the Ellis Subdivision Regulations. Persons who obtained a validly issued permit under the previous Ellis Zoning Ordinance shall be permitted to develop the property so long as the permit issued under the previous Ellis Zoning Ordinance does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of this Ordinance, the Ellis Subdivision Regulations, or any other applicable Codes or regulations then in effect.

Section 1.09 Interpretation and Conflict

1. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety and welfare.
2. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other applicable law, ordinance, resolution, rule, regulation, easement, or covenant of any kind, public or private, the regulations which are more restrictive and impose higher standards or requirements shall govern.

Article 2: Definitions

Section 2.01 Rules

For the purpose of this ordinance, the following rules shall apply:

1. Words and numbers used singularly shall include the plural. Words and numbers used in the plural shall include the singular. Words used in the present tense shall include the future.
2. The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, council, commission, trustee, receiver, agent or other representative.
3. The word "shall" is mandatory. The word "may" is permissive.
4. The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
5. The word "commission" shall refer to the Planning Commission of Ellis, Kansas.
6. Undefined words or terms not herein defined shall have their ordinary meaning in relation to the context.
7. In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

Section 2.02 Abbreviations and Acronyms

For purposes of these Regulations this section contains a listing of abbreviations and acronyms used throughout this document.

ADA =	Americans with Disabilities Act
CFR =	Code of Federal Regulations
DU =	Dwelling Unit
DWR=	Department of Water Resources
ETJ =	Extraterritorial Jurisdiction
FAA =	Federal Aviation Administration
FCC =	Federal Communication Commission
FEMA =	Federal Emergency Management Agency
GFA =	Gross Floor Area
HUD =	US Department of Housing and Urban Development
KAR =	Kansas Administrative Regulations
KDHE =	Kansas Department of Health and Environment
KDWP =	Kansas Department of Wildlife and Parks
K.S.A. =	Kansas State Statutes Annotated
KV =	Kilovolt
KW =	Kilowatt
KDOT=	Kansas Department of Transportation
KDEM=	Kansas Division of Emergency Management
KHHS=	Kansas Department of Health and Human Services
NPDES =	National Pollutant Discharge Elimination System
NRCS =	Natural Resources Conservation Service
USC =	United States Code
USACE =	United States Army Corps of Engineers
USDA =	United States Department of Agriculture

Section 2.03 Definitions

A

ABANDONED VEHICLE shall mean any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.

ABUT shall mean to border on, be contiguous with or have common property or district lines, including property separated by a public street or alley.

ACCESS shall mean the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSORY DWELLING UNIT shall mean a dwelling unit, but not a mobile home, allowed as a conditional use as defined by this Ordinance.

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY BUILDING or STRUCTURE shall mean a subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Ordinance, the term accessory building shall include garages, shouses, tool sheds, carports, and similar structures.

ACCESSORY BUILDING, ATTACHED shall mean a building which has approximately 50% of any wall in common with a wall or portion of a principal building or is built as an integral part of the principal building.

ACCESSORY DWELLING UNIT shall mean a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure, also referred to as "Granny Flats".

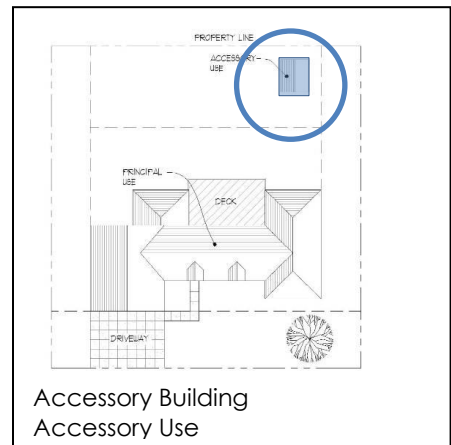
ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building.

ACREAGE shall mean any tract or parcel of land, used for single-family residential purposes, that does not qualify as a farm or farmstead.

ACTIVE RECREATION shall mean a recreational activity requiring physical exertion such as swimming, tennis, soccer, baseball, softball, running and playgrounds.



Example of Accessory Dwelling Units



Accessory Building
Accessory Use



Example of an Accessory Use

ADDITION shall mean any construction which increases the size of a building or structure.

ADJACENT shall mean near, close, or abutting; for example, an industrial district across the street or highway from a residential district shall be considered as "adjacent".

ADMINISTRATIVE OFFICER see Zoning Administrator.

ADULT shall mean a person 18 years and older.

ADULT CARE HOME shall mean any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility, all of which classifications of adult care homes are required to be licensed by the Kansas Secretary of Aging per KSA 39-923 et seq.

ADULT CARE HOME, ONE AND TWO-BED FACILITY shall mean any place or facility which place, or facility may be a private residence and which place, or facility is operating for not less than 24 hours in any week. The facility provides care for one or two individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who by reason of aging, illness, disease or physical or intellectual disability are unable to sufficiently or properly care for themselves. The reception, accommodation, board, personal care and treatment and skilled nursing care, supervised nursing care or simple nursing care is provided by the adult care home. Said place or facility is staffed, maintained and equipped primarily for the accommodation of individuals not acutely ill or in need of hospital care but who require domiciliary care and skilled nursing care, supervised nursing care or simple nursing care provided by the adult care home.

ADULT DAY CARE shall mean any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision of or assistance with activities of daily living.

ADULT FAMILY HOME shall mean any private residence in which care is provided for not less than 24 hours in any week for one or two adult clients who (1) are not related within the third degree of relationship to the owner or provider by blood or marriage, (2) by reason of aging, illness, disease or physical or intellectual disability are unable to live independently but are essentially capable of managing their own care and affairs. The home does not furnish skilled nursing care, supervised nursing care or simple nursing care. Adult family home does not mean adult care home.

ADVERTISING STRUCTURE shall mean any structure used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

ARTICLE 2: DEFINITIONS

AGENT shall mean any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.

AGRICULTURAL OR FARM BUILDINGS shall mean any building or structure which is necessary or incidental to the normal conduct of a farming operation, including but not limited to, residence of hired persons, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURAL ACTIVITY shall mean the growing or raising of horticultural and agricultural crops, hay, poultry and livestock, poultry and dairy products for commercial purposes and includes activities related to the handling, storage and transportation of agricultural commodities.

AGRICULTURAL INDUSTRIES shall mean establishments or uses engaged in the large-scale storage or initial processing of agricultural products and supplies that cannot be otherwise categorized as light, general, or heavy industries, some of which may involve storage of potentially hazardous materials. Typical uses include grain elevators and anhydrous ammonia storage facilities.

AGRICULTURAL MILL, SEED AND FEED shall mean a facility which takes a raw product and may modify the raw product into feed for livestock or other animals or for the eventual planting of a new crop.

AGRICULTURAL PROCESSING shall mean the processing of crops after harvest, to prepare them for on-site marketing or processing and packaging elsewhere. Includes the following: alfalfa cubing; corn shelling; cotton ginning; custom grist mills; custom milling of flour, feed and grain; dairies (but not feedlots); drying of corn, rice, hay, fruits, and vegetables; grain leaning and custom grinding; hay baling and cubing; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; sorting, grading, and packing of fruits and vegetables, tree nut hulling and shelling.

AGRICULTURAL PURPOSES shall mean land "used only for agricultural purposes" as that term is utilized in K.S.A. 12-715b, and amendments thereto, shall for purposes of the City of Ellis, Kansas zoning ordinance mean land used by an individual, a firm, a partnership, a joint venture, a corporation, a limited liability company (LLC), an estate, a trust, or any legally existing entity (1) for the growing or raising of horticultural and agricultural crops, including grass and hay; and, (2) for the breeding, raising and feeding of livestock, specifically including swine and cattle, for commercial purposes and the operation of livestock feedlots and other facilities dedicated to animal husbandry and the commercial production of cattle, swine, and other livestock.



AGRICULTURAL SALES AND SERVICE shall mean establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

AGRICULTURAL USE see Agricultural Activity.

AGRICULTURE shall mean the use of a tract of land, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.

AGRITOURISM shall mean promoting rural tourism and rural economic development by encouraging owners and operators of farm, ranches, and rural attractions, the Kansas Legislature during the 2016 regular and special sessions of the Kansas Legislature enacted K.S.A. 32-1431, et seq., including a definition of agritourism activity. Any owner or operator who has a registered agritourism activity with the Secretary of Kansas Wildlife, Parks, and Tourism shall file the registration paperwork with the Ellis Zoning Administrator and may thereafter be exempt from Ellis Zoning Regulations as to the activities approved therein.

ALISLE shall mean the travelled way by which cars enter and depart parking spaces.

ALLEY shall mean a public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

ALLEY LINE shall mean the line of division between the public travel way comprising the alley and the private lot.

ALTERATION shall mean any change, addition or modification to the construction or occupancy of an existing structure.

AMATEUR RADIO shall mean radio equipment and associated antennas or support structures for the purpose of receiving or transmitting communications by a radio station as described in Section 153(g) of Title 47 of the CFR and which is operated under license by the FCC.

AMENDMENT shall mean the process of change or alteration to the Zoning Regulations in one of the following forms:

1. A comprehensive revision or modification of the zoning text and/or maps.
2. A text change in the zone requirements.
3. The approval of a Conditional Use Permit as provided within these Regulations.
4. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as "rezoning."

ARTICLE 2: DEFINITIONS

ANIMAL BREEDER shall mean any person who operates an animal breeder premises.

ANIMAL BREEDER PREMISES shall mean any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered, or maintained for sale, primarily at wholesale for resale to another.

ANIMAL, DOMESTIC see Household Pet.

ANIMAL HOSPITAL or CLINIC shall mean a place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. Also, see Satellite Dish Antenna and Tower.

ANTIQUÉ SHOPS shall mean a place offering primarily antiques for sale. An antique for the purpose of this ordinance shall be a work of art, piece of furniture, decorative object, or the like.

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed as a place of residence for a single family or group of individuals living together as a single housekeeping unit, including culinary accommodations. Also, see Dwelling Unit.

APARTMENT COMPLEX shall mean a building or buildings containing apartments used as a place of residence for more than two households.

APARTMENT HOUSE see Dwelling, Multi-Family.

APPLICANT shall mean the owner or duly designated representative of land proposed to be subdivided, or for which a conditional use permit, temporary use permit, zoning amendment, variance, appeal, building permit, or certificate of occupancy and other similar administrative permits has been requested. Consent shall be required from the legal owner or his legal representative in writing except for building permits.

APPROPRIATE shall mean fitting the context of the site and the whole community.

APPURTENANCES shall mean the visible, functional objects accessory to and part of buildings.

AQUACULTURE shall mean land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.

AQUIFER shall mean a geological unit in which porous and permeable conditions exist and thus are capable of bearing and producing usable amounts of water.



Apartment
Apartment House



Example of an Apartment Complex



Example of an Aquaculture

AQUIFER, CONFINED (ARTESIAN) shall mean aquifers found between layers of clay, solid rock, or other material of very low permeability. Water in confined aquifers is often under pressure because the aquifer is confined between impermeable layers and is usually recharged at a higher elevation than the top confining layer.

AQUIFER, UNCONFINED (OR WATER TABLE) shall mean an aquifer where the top of the aquifer is identified by the water table. Above the water table, known as the zone of aeration, interconnected pore spaces are open to the atmosphere. Also known as a water table aquifer.

AQUIFER RECHARGE AREA shall mean an area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

ARTISAN PRODUCTION SHOP shall mean a building or portion thereof used for the creation of original handmade works of art or craft items by more than three but less than six artists or artisans, as either a principal or accessory use.

ARTIST STUDIO shall mean a place designed to be used, or used as, both a dwelling place and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

ASSISTED LIVING FACILITY shall mean any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

ATTACHED shall mean a foundation, wall or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.

AUCTION SALES YARD shall mean a tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.

AUTO BODY REPAIR shall mean the repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.

ARTICLE 2: DEFINITIONS

AUTOMATIC TELLER MACHINE (ATM) shall mean an automated device that performs banking or financial functions at a location remote from the controlling financial institution.

AUTOMOBILE RENTAL AND SALES shall mean sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships; motorcycle dealerships; and boat, trailer, and recreational vehicle dealerships.

AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.

AUTOMOTIVE SALES AREA shall mean an open area, other than a street, used for display or sale of new or used motor vehicles and trailers by one required to be licensed as a motor vehicle dealer by the State of Kansas, and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

AUTOMOTIVE SERVICE STATION shall mean the provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.

AWNING shall mean 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.

B

BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. Also, see Nightclub.

BARN shall mean an accessory structure upon a lot customarily used for the housing of livestock or for the storage of crops or machinery used in bona fide agricultural activities.

BARN, POLE shall mean a typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage and not intended for human habitation.

BARNDOMINIUM shall mean a building that has a living quarter and often has a shop or garage attached. Also see Dwelling Unit, Special Types.



BASE FLOOD shall mean the flood, from whatever source, having a one percent chance of being equaled or exceeded in any given year, otherwise referred to as the 100-year flood.

BASE FLOOD ELEVATION shall mean that elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once in every 100 years, or which is subject to a one percent or greater chance of flooding in any given year.

BASE ZONING DISTRICT shall mean a district established by this Ordinance that prescribes basic regulations governing land use and site development standards.

BASEMENT shall mean that portion of a building which is partly or wholly below grade. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground.

BEACON shall mean any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BED AND BREAKFAST INN shall mean a residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that when the inn is located in a residential district, the number of such sleeping rooms shall not exceed a maximum of six sleeping rooms.

BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BEER GARDEN shall mean a temporary and/or permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages or food is served.

BEGINNING OF CONSTRUCTION shall mean when site grading begins.

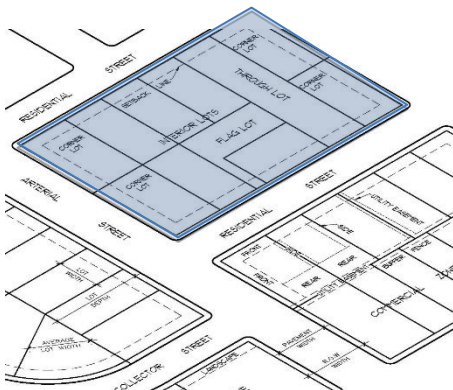
BERM shall mean a raised form of earth to provide screening or to improve the aesthetic character.

BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not the interest of the immediate neighborhood.

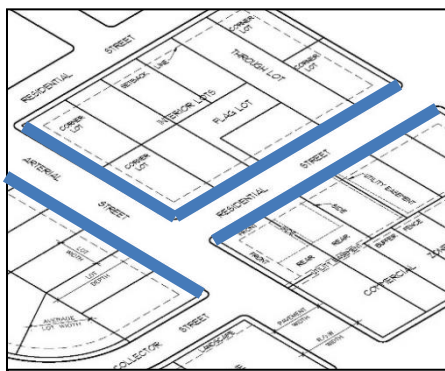
BILLBOARD see Sign

BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, rights-of-way, non-platted land, City or County boundaries, or adjoining property lines.

BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or another block boundary.



Example of a Block



Examples of a Block Frontage

ARTICLE 2: DEFINITIONS

BOARD OF ZONING APPEALS shall mean that Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine special use permits, appeals, exceptions, and variances of these zoning regulations.

BOARDING HOME FOR CHILDREN shall mean a residential facility where children not related to the family by blood, marriage, or adoption are cared for 24-hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.

BOARDING OR LODGING HOUSE shall mean a building or place, other than a hotel, whereby prearrangement and for compensation, lodging and meals for a definite period are provided for three or more persons, but not exceeding 20 persons, and such accommodations are not furnished to transient or overnight customers. Individual cooking facilities shall not be provided.

BREEDER PREMISES shall mean any premises where all or part of one or two litters of dogs or cats, or both, are produced, whether or not they are offered for sale or are offered to prospective owners at no charge.

BREW-ON PREMISES STORE shall mean a facility that provides the ingredients and equipment for a customer to use to brew malt liquor at the store. Brew-on-premises stores do not include the sale of intoxicating liquor unless the owner of the brew-on-premises store holds the appropriate liquor license.

BREW PUB shall mean a restaurant, bar or hotel which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale by mashing, cooking, and fermenting.

BREWERY shall mean a licensed industrial use that distills, rectifies, brews, makes, mixes, concocts, processes, blends, bottles, or fills an original package with any alcoholic liquor, beer, or cereal malt beverage. This does not include a microbrewery or a farm winery.

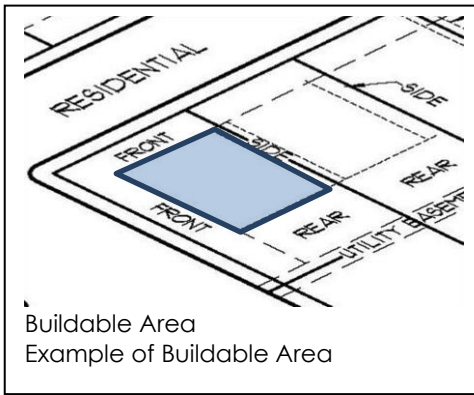
BREWERY, CRAFT shall mean a brew pub or a microbrewery.

BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. Also, see Screening.

BUFFER AREA shall mean an open and unobstructed ground area of a plot in addition to any no building zones or street widening around the perimeter of any plot where required.

BUFFER YARD shall mean a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

BUILDABLE AREA shall mean that part of a zoning lot not included within the required yards or subject to other restrictions herein required.



BUILDING shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure, Temporary". Trailers, with or without wheels, shall not be considered buildings.

BUILDING AREA shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.

BUILDING CODE shall mean the various codes of the City of Ellis that regulate construction and require building, electrical, mechanical, plumbing and other permits as well as other codes adopted by the City that pertain to building construction.

BUILDING COVERAGE shall mean the area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.

BUILDING ENVELOPE shall mean the three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.

BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the highest point of a gable, hip, or shed roof, measured from the highest adjoining sidewalk, or ground surface within a five feet horizontal distance of the exterior wall of the building.

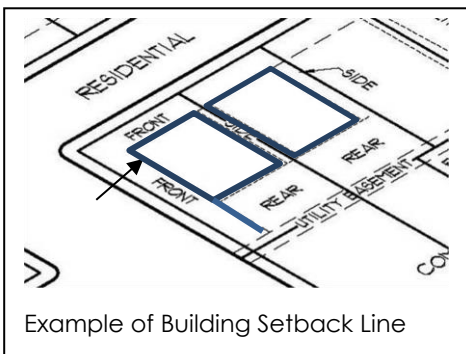
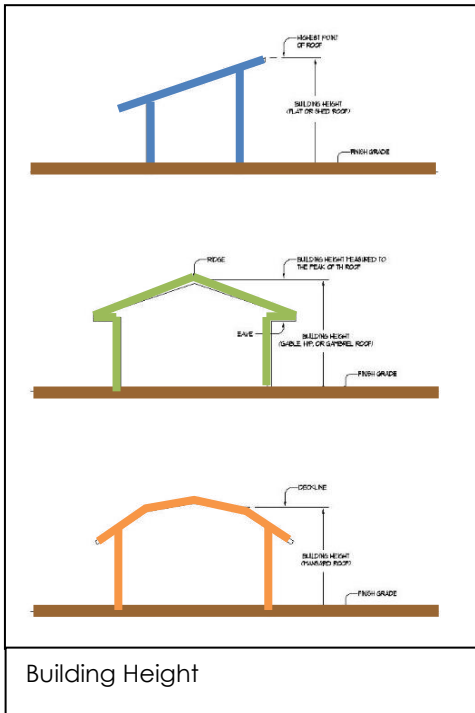
BUILDING LINE shall mean the outer boundary of a building established by the location of its exterior walls.

BUILDING OFFICIAL shall mean the person or persons designated to administer this Zoning Ordinance, whether such person or persons be entitled Building Official, Building Inspector, Administrative Official, City Engineer, City Administrator, City Clerk or Zoning Official.

BUILDING, PUBLIC shall mean a publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately owned buildings used for the same public-type purposes.

BUILDING SETBACK LINE shall mean the required zoning distance between a building and the lot line.

BUILDING SITE shall mean the land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these regulations.



ARTICLE 2: DEFINITIONS

BULK REGULATIONS shall mean regulations controlling the size and relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height (2) maximum lot coverage and (3) minimum size of yard and setbacks.

BULKY WASTE shall mean discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment, provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.

BUS DEPOT/STATION/TERMINAL shall mean a place where people are boarded upon and/or depart a commercial bus liner including waiting areas and ticket sales.

BUSINESS shall mean activities that include the exchange or manufacture of goods or services on a site.

BUSINESS CENTER shall mean a building containing more than one commercial business, or any group of nonresidential buildings within a common development, characterized by shared parking and access.

BUSINESS SERVICES shall mean uses providing services to people, groups, businesses, dwellings and other buildings. Business services shall include janitorial services, carpet and upholstery cleaning, painting and decorating, building maintenance, swimming pool maintenance, security service, graphics/advertising agency, photocopying/duplication, quick print shops, printing, blueprinting, sign painting, non-vehicle equipment rental, photographic studios.

BUSINESS SUPPORT SERVICES shall mean establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

C

CAMP shall mean any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other temporary living purposes; but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.

CAMPER shall mean any coach, cabin, house trailer, house car or other vehicle or structure intended for or capable of temporary occupancy as living and sleeping quarters as is primarily required during camping or vacation travels. Such 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.

CAMPING TRAILER See Camper.

CAMPGROUND shall mean any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for more than 30 days without written approval of the City of Ellis Police Chief. In no event shall the campground be occupied on a permanent basis. The term campground does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

CANOPY shall mean any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

CAR WASH shall mean a building or structure or an area of land with machines or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles other than those defined as a Truck, Heavy.

CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.

CELLAR shall mean a building space having more than one-half of its height below grade.

CENTRALIZED SEWER shall mean a private central sewer treatment facility for a single subdivision, community, or region with an accompanying collection network. Such system must comply with all requirements of KDHE.

CENTRALIZED WATER shall mean a private water supply system established by an individual or developer for the purpose of serving two or more buildings, structures and/or uses. Such system must comply with all requirements of KDHE.

CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.

CERTIFICATE OF OCCUPANCY shall mean an official certificate issued by the Building Official or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued.

ARTICLE 2: DEFINITIONS

CERTIFICATE OF OCCUPANCY, TEMPORARY shall mean an official certificate issued by the Building Official or his/her designee, upon finding of conformance with the zoning regulations and other applicable ordinances of the City and authorizing legal use of the premises for which it is issued not to exceed 60 days.

CHANNEL shall mean the geographical area located within either the natural or the artificial banks of a watercourse or drainageway.

CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.

CHARITABLE INSTITUTION shall mean an institution supported by charity and designed to assist persons, for example, those recovering from mental or emotional illness.

CHILD CARE shall mean the process of caring for unrelated minor children as a service with or without financial arrangements. Childcare shall include the term "baby-sitting" but shall not include preschools.

CHILDCARE CENTER shall mean a day nursery providing care for four or more children for part or all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, head start centers giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all requirements of the Kansas Department of Health and Environment for licensing.

CHURCH shall mean an establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, private schools, childcare, assembly rooms, kitchen, recreational facilities and/or library.

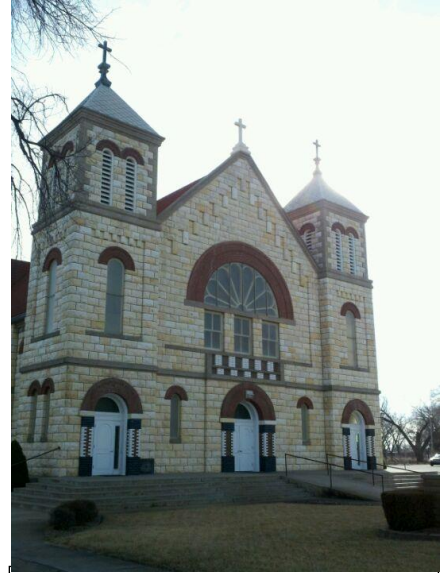
CHURCH, STOREFRONT shall mean a religious facility contained within a store or similar structure not typically used for religious activities that are now used as a meeting place for a congregation, including but not limited to, barns, stores, warehouses, old public buildings, and single-family dwellings.

CITY shall mean the City of Ellis, Kansas. Also, "City Council" or "Governing Body."

CITY ADMINISTRATION shall mean the City Official assigned the responsibility to provide administrative assistance in administering these and other ordinances and regulations. This includes all administrative responsibilities normally covered by engineering and other technical services associated with these Regulations.

CITY ATTORNEY shall mean the City Attorney of the City of Ellis or his/her authorized deputy, agent or representative.

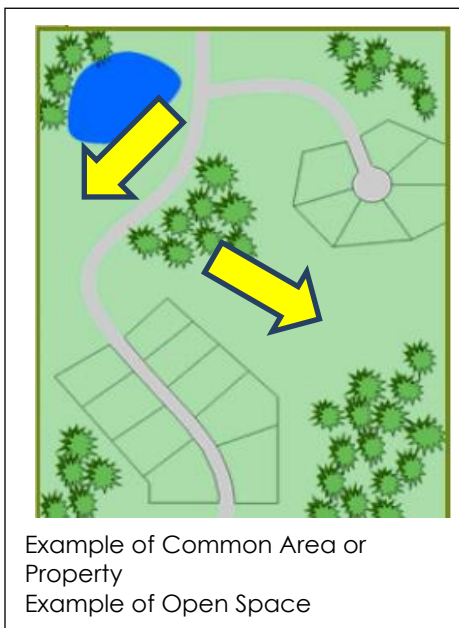
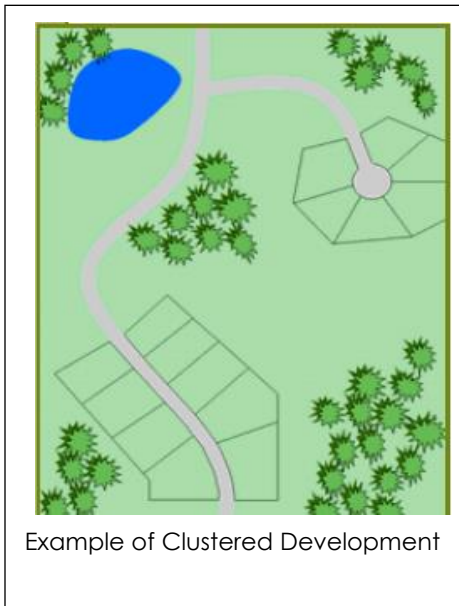
CITY COUNCIL shall mean the City Council of Ellis, Kansas.



Example of a Church



Example of a Storefront Church



CITY ENGINEER shall mean the City Engineer, as hired or appointed by the Mayor, City Council or the authorized deputy, agent or representative.

CITY LIMITS shall mean the established corporate boundary of the City of Ellis.

CLEAN RUBBLE shall mean inert, uncontaminated construction and demolition waste which includes concrete and concrete products, reinforcing steel, asphalt pavement, brick, soil or rock.

CLEAR VIEW ZONE See Sight Triangle.

CLINIC shall mean an office building or a group of offices for one or more professionals licensed to practice by the State Board of Healing Arts or subsequent agency, engaged in treatment of the sick or injured, which are not lodged overnight.

CLUB shall mean buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit, which does not primarily exist to render a service which is customarily carried on as a business.

CLUB, MEMBERSHIP shall mean membership clubs, including private clubs, as defined by K.S.A. 41-2601 et seq. and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.

CLUSTERED DEVELOPMENT shall mean a development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.

CODE shall mean the Municipal Code of the City of Ellis, Kansas.

COFFEE KIOSK shall mean a retail food business in a freestanding building that sells coffee, or other nonalcoholic beverages, and pre-made bakery goods from a drive-through window to customers seated in their automobiles for consumption off the premises and that provides no indoor or outdoor seating.

COMMISSION shall mean the Planning Commission of Ellis, Kansas.

COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the Owners of the individual building sites in a Planned Development or condominium development.

COMMON DEVELOPMENT shall mean a development proposed and planned as one unified project not separated by a public street or alley.

ARTICLE 2: DEFINITIONS

COMMON OPEN SPACE shall mean an area of land or water, or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc. may be included as common open space.

COMMUNICATION SERVICES shall mean establishments primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities.

COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs or events generally open to the public and designed to accommodate and serve various segments of the community.

COMMUNITY GARDEN shall mean a private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

COMPATIBILITY shall mean harmony in the appearance of two or more external design features in the same vicinity.

COMPATIBLE USE shall mean the degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.

COMPOST shall mean decomposed organic material resulting from the composting process. Used to enrich or improve the consistency of soil.

COMPOSTING shall mean processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

COMPREHENSIVE PLAN shall mean the Comprehensive Plan of the City of Ellis, Kansas as adopted by the City, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of the City of Ellis and it's planning and zoning jurisdiction.

CONDITIONAL USE shall mean a use allowed by the district regulations, that may not be appropriate throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relationship to the neighborhood or other minimal protective characteristics will not be detrimental to the public health, safety, and general welfare.



CONDITIONAL USE PERMIT shall mean the documentary evidence of authority granted by the Board of Zoning Appeals in accordance with these regulations which allow establishment of a Conditional Use at a particular location.

CONDOMINIUM shall mean a building containing two or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3710 et seq) of the State of Kansas.

CONE OF DEPRESSION shall mean the three-dimensional area of water table created by a pumping well. The pumping well creates an artificial discharge area by drawing down (lowering) the water table around the well.

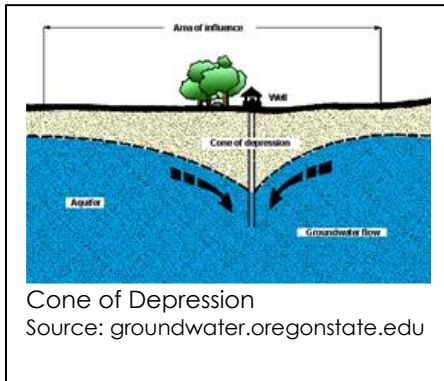
CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, and water vapor, or consists of mismatched land uses, density, height, mass, or layout of adjacent uses, or results in a loss of privacy.

CONFINED ANIMAL FEEDING OPERATION shall mean any lot, pen, pool and/or pond which is used for the confined feeding of animals or fowl for food, fur or pleasure which is not normally used for raising crops and in which no vegetation intended for animal food is growing. For purposes of these Regulations, a confined animal feeding operation shall be those operations with a minimum of 1,000 animal units as measured by standards established by the State of Kansas. Further, for the purposes of these regulations, the term confined animal feeding operation shall include stockyard and feedlot.

CONGREGATE HOUSING shall mean any structure occupied by five or more people not all related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit.

CONSERVATION shall mean the management of natural resources to prevent waste, destruction, or degradation.

CONSERVATION AREA shall mean an area of environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in the case of an overriding public interest, including but not limited to wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.



Cone of Depression
Source: groundwater.oregonstate.edu

ARTICLE 2: DEFINITIONS

CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses or preserving the ability of said land to be used for specific purposes such as on site wastewater treatment systems.

CONSERVATION SUBDIVISION shall mean wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.

CONSTRUCTION BATCH PLANT shall mean a temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

CONSTRUCTION/DEMOLITION LANDFILL shall mean a permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.

CONSTRUCTION/DEMOLITION WASTE shall mean waste building materials and rubble resulting from construction, remodeling, repair or demolition operations, but not clean rubble or asbestos.

CONSTRUCTION YARDS shall mean establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

CONVALESCENT SERVICES shall mean a use providing bed care and inpatient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

CONVENIENCE STORE shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). A convenience store may also include the sale of self-service automotive fuels. It is designed to attract, and depends upon, a large volume of stop-and-go traffic.

CONVENTIONAL SUBDIVISION shall mean a subdivision which literally meets all nominal standards of the Subdivision Regulations for lot dimensions, setbacks, street frontage, and other site development regulations.

CONTIGUOUS see Abut.



Creative/Conservation Subdivision
Source: Google Earth



Convenience Store



Conventional Subdivision
Source: Google Earth

CORPORATE LIMITS shall mean all land, structures and open space that has been annexed into the City's jurisdiction. This does not include the extraterritorial jurisdiction of the city.

COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such building or buildings.

COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.

COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of a building or buildings or lot lines on which fences, hedges, or walls are permitted.

COURTYARD shall mean an open, unoccupied space, bounded on two or more sides by the walls of the building.

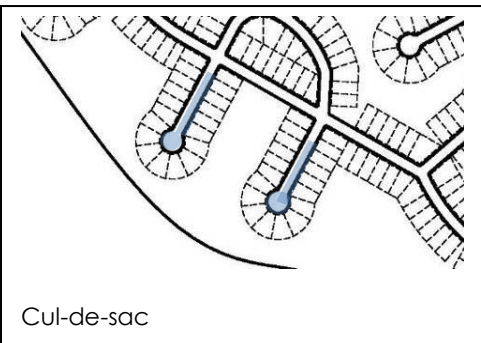
COUNTY HEALTH OFFICER shall mean the Director of the Ellis County Community Health Services, or such person designated to administer the health regulations of Ellis County.

CREATIVE SUBDIVISION shall mean a subdivision that, while complying with the Subdivision Regulations, diverges from nominal compliance with site development regulations in this Zoning Ordinance. Creative subdivisions imply a higher level of pre-planning than conventional subdivisions. They may be employed for the purpose of environmental protection or the creation of superior community design. Types of Creative Subdivisions include Cluster Subdivisions and New Urban Residential Districts.



CROP PRODUCTION shall mean the raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

CURB LEVEL shall mean the officially established grade of the curb in front of the mid-point of the lot. In the case of corner lots, as defined in this section, the curb level shall be the mean elevation.



CUL-DE-SAC shall mean a short public way, which has only one outlet for vehicular traffic and terminates in a vehicular turn-around.

CULTURAL SERVICES shall mean a library, museum, or similar registered nonprofit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

CURVED LOT see Lot, Curved.

D

DATE OF SUBSTANTIAL COMPLETION shall mean the date certified by the local Zoning Administrator when the work, or a designated portion thereof is sufficiently complete, so the owner may occupy the work or designated portion thereof for the use for which it is intended.

ARTICLE 2: DEFINITIONS

DAY CARE CENTER shall mean an establishment that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day. The term does not include the following: (a) kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (b) facilities operated in connection with a shopping center or other principal activity, where individuals are cared for temporarily while parents or custodians are occupied on the premises, or are in the immediate vicinity and readily available; or (c) special activity programs, including athletics, crafts instruction and similar activities conducted on a periodic basis by civic, charitable and governmental organizations.

DAY CARE HOME shall mean a facility licensed by the State of Kansas to provide for the care of not more than 10 children under 14 years of age, not more than six of whom are under kindergarten age, between the hours of 6:00 a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names.

DAY CARE HOME, REGISTERED FAMILY shall mean a home within a provider's own residence in which care is provided by the applicant for not more than six children from birth to 16 years of age with not more than three children under 18 months of age. All children under 12 years of age related to the provider are included in the total. In addition, there are specific criteria for meeting this definition as administered by KDHE.

DECIDUOUS SCREEN shall mean landscape material consisting of plants which lose their leaves in winter and eventually will grow and be maintained at six feet in height, at least.

DECK shall mean a flat, floored, roofless structure. Roofless does not include a roll-out awning or a canopy provided that all the vertical sides, other than the residential structure are open.

DENSITY shall mean the number of dwelling units per gross acre of land.

DETENTION BASIN shall mean a facility for the temporary storage of stormwater runoff.

DETENTION FACILITY shall mean a publicly or privately operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.

DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.

DEVELOPMENT CONCEPT PLAN see Site Plan.



Example of Deck



Detention Basin



Deciduous Screen



Example of a Dog Park



Example of a Drainageway



Example of a Drive-In Facility

DEVELOPMENT REVIEW shall mean the review, by the City, of subdivision plats, site plans, rezoning requests, or permit review.

DISTANCE shall mean horizontal distances unless otherwise noted.

DISTRICT OR ZONE shall mean a section or sections within the Zoning Area for which uniform regulations governing the use of land, the height, use, area, size, and intensity of use of buildings, land, and open spaces are established.

DOG shall mean any canine species over six months of age.

DOG DAY CARE FACILITY shall mean a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming, or behavioral counseling, provided that overnight boarding is not permitted.

DOG KENNEL see Kennel, Boarding or Training, and Kennel, Commercial.

DOG PARK shall mean a specifically designated and fenced off area for the exercise of canines and other domestic animals.

DOMESTIC ANIMALS see Household Pet.

DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district, such as from commercial district to residential district or from a multiple family residential district to single family residential district.

DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided, that when there is doubt as to whether a depression is a watercourse or drainageway, it shall be presumed to be a watercourse.

DRINKING ESTABLISHMENT shall mean a premise, which may be open to the general public, where alcoholic liquor by the individual drink is served.

DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.

DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.

DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal, or dead animals. Such use shall not involve any industrial or commercial process.

ARTICLE 2: DEFINITIONS

DUPLEX shall mean a building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING shall mean any building or portion thereof, which is designed and used exclusively for residential purposes, excluding mobile homes.

DWELLING, CARGO CONTAINER see Dwelling Units, Special Types

DWELLING, COTTAGE COURT shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.

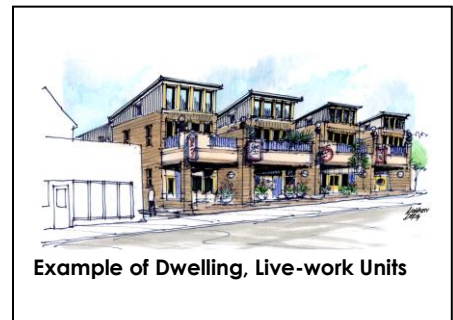
DWELLING, COURTYARD BUILDING (MULTI-FAMILY) shall mean a residential structure where the units have internal access and are built around an outer or inner courtyard.

DWELLING, GRAIN BIN see Dwelling Units, Special Types

DWELLING, LIVE-WORK UNIT shall mean a small- to medium-sized attached or detached structure consisting of one dwelling unit above or behind a ground floor space accommodating non-residential uses.

DWELLING, MANUFACTURED HOME shall mean a manufactured home on a permanent foundation which meets the construction and design standards of the City of Ellis. A residential design manufactured home shall be used only for a single-family dwelling and shall meet the following criteria:

1. The home shall have no less than 600 square feet of floor area, above grade, for single story construction.
2. The home shall have no less than a 22-foot exterior width.
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run.
4. The exterior material is of a color, material, and scale comparable with those existing in residential site-built, single-family construction.
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or is a standing seam residential grade steel material, or rock.
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed.
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.



DWELLING, MULTI-FAMILY shall mean a building, or portion thereof, arranged, intended, or designed for occupancy by three or four families. As used herein, this may also be referred to as duplex, triplex or quadplex.



Example of Dwelling, Multi-family

DWELLING, QUONSET see Dwelling Units, Special Types

DWELLING, SEASONAL shall mean a dwelling designed and used as a temporary residence and occupied less than six months in each year.

DWELLING, SHOUSE see Dwelling Units, Special Types

DWELLING, SINGLE FAMILY shall mean a building having accommodations for and occupied exclusively by one family. A residential design manufactured home shall be considered a single-family dwelling.



Example of Dwelling, Single-Family Attached

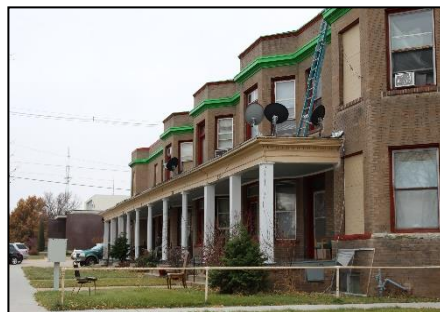
DWELLING, SINGLE FAMILY ATTACHED shall mean a one-family dwelling unit that is attached to one or more additional single-family dwellings. Said dwelling units are separated by an un-pierced common wall(s) (as required by local codes) through the center of the structure that also sits along the property line separating ownership of the structure.

DWELLING, TINY HOUSE see Dwelling Units, Special Types

DWELLING, TOWNHOUSE shall mean a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical wall(s).

DWELLING, TREE HOUSE see Dwelling Units, Special Types

DWELLING, TWO FAMILY DWELLING, COTTAGE COURT shall mean a residential form for either renter-occupied or owner-occupied which contains multiple units, likely grouped in pairs around an open space or courtyard.



Example of Dwelling, Single-Family Attached

DWELLING, STACKED shall mean a residential building with two units stacked one on the other. These can be an older single-family dwelling unit converted into two separate units.

DWELLING, TRIPLE STACKED shall mean a residential structure containing three to six units stacked through three stories.

DWELLING, TWO FAMILY see Duplex

DWELLING UNIT shall mean a building, or part thereof, containing complete housekeeping facilities for one family.



Example of Dwelling, Triple stacked

DWELLING UNIT, SPECIAL TYPES shall mean any dwelling type consisting of single-family detached, single-family attached, multi-family, or mobile home that does not meet the typical construction style of traditional stick framed structures.

1. **Cargo Container Dwelling:** A dwelling unit constructed of one or more new or used cargo containers used for multi-modal shipping.
2. **Grain Bin Dwelling Unit:** A dwelling unit constructed of one or more grain bins, new or used, meeting the definition of dwelling unit above.
3. **Quonset home:** A home constructed beneath and in a structure referred to as a Quonset.
4. **Shouse:** A structure that outwardly resembles a shed (typically having a roll-formed steel-sheet exterior) that is primarily used as a dwelling / house. Though not required to fulfill the definition, a shouse generally has a garage(s) incorporated into the structure. This shall not include a traditional residence with an attached garage.
5. **Tiny House:** A structure containing living spaces including sleeping and kitchen areas which measure 500 square feet or less in area. Tiny houses can be either portable, on wheels similar to a recreational vehicle, or on a permanent foundation.
6. **Tree House:** A dwelling unit where the primary structure of the unit is based on one or more tree clusters.



Example of a Cargo Container Dwelling



Example of a Grain Bin Dwelling



Example of a Quonset Dwelling



Example of a Shouse Dwelling

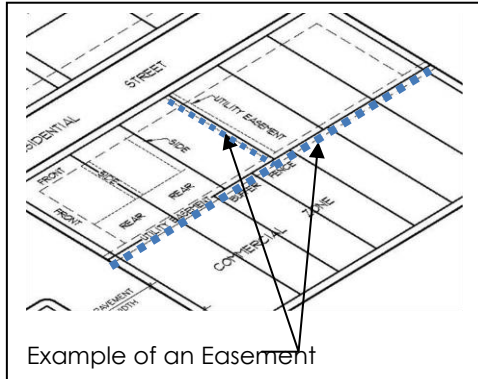


Example of a Tree House Dwellings



Example of a Tiny House

E



EASEMENT shall mean a grant, made by a property owner, to the use of his or her land by the public, a corporation, or persons, for specific purposes, such as access to another property or the construction of utilities, drainage ways or roadways.

EDUCATIONAL INSTITUTION shall mean a public, or private institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, or collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must meet all criteria and standards established by the Kansas State Board of Education or other respective authority having jurisdiction over the institution.

EFFECTIVE DATE shall mean the date that this Code shall have been adopted, amended, or the date land areas became subject to the regulations contained in this Code as a result of such adoption or amendment.

ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.

ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.

ELECTRICAL VEHICLE CHARGING STATION shall mean a charging station, also known as a charging point or electric vehicle supply equipment (EVSE), that supplies electrical power for charging plug-in electric vehicles (including electric cars, electric trucks, electric buses, neighborhood electric vehicles, and plug-in hybrids).

EMERGENCY GENERATOR shall mean a device run by a fuel source and/or battery to create electricity when power from the grid is not available.

EMERGENCY RESIDENTIAL SERVICES shall mean a facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

EMERGENCY SHELTER shall mean a facility providing 24-hour residential care and protection for a period not to exceed 30 days and which provides the resident with access to the surrounding community.

ENCROACHMENT shall mean an obstruction or illegal or unauthorized intrusion into a delineated floodway, right-of-way, or adjacent property.

ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.

ARTICLE 2: DEFINITIONS

EQUESTRIAN FACILITIES AND STABLES shall mean commercial horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, and pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

EQUIPMENT RENTAL AND SALES shall mean the sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.

EQUIPMENT REPAIR SERVICES shall mean the repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

ERECTED shall mean constructed upon or moved onto a site.

ESTABLISHED SETBACK shall mean the average setback on each street on which a lot fronts established by three or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.

EVERGREEN OR CONIFEROUS SCREEN shall mean landscape material consisting of plants which retain leaves or needles throughout the year which eventually will grow and be maintained at six feet in height, at least.

EXISTING AND LAWFUL shall mean the use of a building, structure, or land was in actual existence, operation, and use, as compared to the use being proposed, contemplated, applied for, or in the process or being constructed or remodeled. In addition, the use must have been permitted, authorized, or allowed by law or any other applicable regulation prior to the enactment of a zoning regulation when first adopted or permitted, authorized, or allowed by the previous zoning regulation prior to the adoption of an amendment to that zoning regulation.

EXOTIC BIRDS OR ANIMALS shall mean birds or animals not commonly kept domestically or that are not native to Ellis County and/or the United States. Exotic birds or animals includes, but are not limited to, bears, lions, tigers, cougars, wolves, half-breed wolves, and snakes. Birds in the ratite family, llamas and buffalo shall not be considered as exotic birds or animals.

EXTRATERRITORIAL JURISDICTION shall mean the area beyond the corporate limits of the City, in which the State and County has granted the City the power to exercise zoning jurisdiction.

F

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

FAÇADE shall mean the exterior wall of a building exposed to public view from the building's exterior.

FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.

FACTORY-BUILT HOME shall mean a mobile home, manufactured home, or modular home as defined in this Zoning Ordinance.

FAMILY shall mean either (a) an individual or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus, in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.



Example of a Farmer's Market
Copyright American Planning Association

FAMILY DAY CARE HOME shall mean a facility licensed by the State of Kansas to provide children under 18 years of age with food and lodging for less than 24 hours per day. This term is further construed to include similar units with different names.

FARM WINERY shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent of the finished products are grown in this state.

FARMER'S MARKET shall mean an occasional or periodic market held in an open area or in a structure where groups of sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include secondhand goods) dispensed from booths located on-site.

FARMING shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Kansas with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

FEDERAL shall mean the federal government of the United States of America.

ARTICLE 2: DEFINITIONS

FEEDLOT shall mean (1) A livestock feedlot, or feed yard, having more than 1,000 head of livestock at one time during the licensed year; or (2) any other livestock feedlot whose operator elects to come under this act.

FEEDLOT, COMMERCIAL shall mean a livestock feedlot or feed yard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the Kansas Livestock Commission.

FEEDER LINE shall mean any power line that carries electrical power from one or more energy sources to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

FENCE shall mean a free-standing structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried posts in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

FENCE, INVISIBLE shall mean an electronic pet containment system that includes the burying of wire and the use of transmitters for complete enclosure of a yard or creating sectional areas within a yard.

FENCE, OPEN shall mean a fence, including gates, which has 50 percent or more of the surface area in open spaces, which affords direct views through the fence.

FENCE, SOLID shall mean any fence which does not qualify as an open fence.

FINANCIAL SERVICES shall mean the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies.

FLOOD shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, or (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN shall mean any land area susceptible to being inundated by water from any source.

FLOOD PROOFING shall mean any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY shall mean the channel of a watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.



Example of a Feedlot

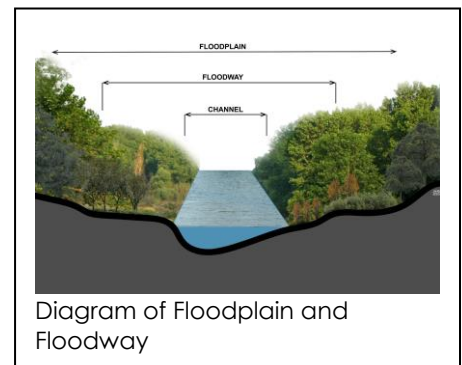


Diagram of Floodplain and Floodway



Freestanding Canopy

FLOOR AREA shall mean the gross floor area of all floors in the building including:

1. Stairwells, elevator shafts and mechanical equipment enclosures, except roof-mounted mechanical equipment.
2. Penthouses.
3. Basement Floor Area.
4. Interior balconies and mezzanines.
5. Enclosed porches.
6. Floor area devoted to accessory uses.
7. Interior and exterior walls, except where adjoining units share a common wall. In such a case, measurement shall be from the center of the common wall.

FOOD SALES shall mean establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.

FOOT CANDLE shall mean a unit of illumination. Technically, the illumination of all points one-foot distance from a uniform point source of one candle power.

FOUNDATION shall mean that part of a building or wall, wholly or partly below grade, that constitutes a structural base for such building or wall.

FRATERNAL AND/OR SERVICE CLUBS shall mean an association formally organized for either fraternal, social, educational, philanthropic or other similar purposes, including union and professional organizations, 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. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county and local laws.

FREESTANDING CANOPY shall mean a permanent, freestanding, unenclosed roof structure, typical of gas stations and financial institutions, designed to provide patrons shelter from the elements.

FREQUENCY shall mean the number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

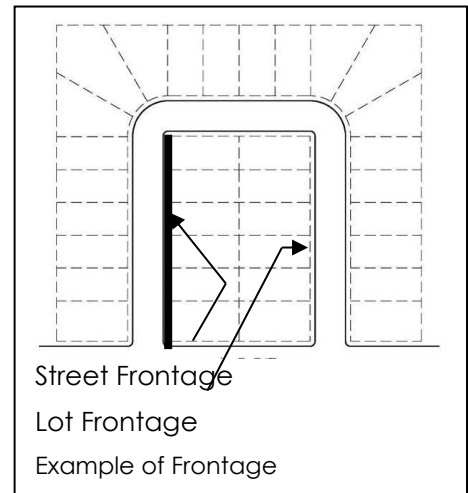
FRONT shall mean the part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.

ARTICLE 2: DEFINITIONS

FRONTAGE shall mean that side of a lot abutting on a street and ordinarily regarded as the front of the lot.

1. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
2. Lot Frontage: The distance for which the front boundary line of the lot and the right-of-way are coincident.

FUNERAL HOME/MORTUARY shall mean a building used for the storage, preparation and display of the deceased and for the performance of rituals and ceremonies connected therewith before burial or cremation. Crematoriums are permitted as an accessory use to a funeral home/mortuary providing they are licensed by the Board of Mortuary Science Examiners and have received an establishment permit to operate, required by the State of Kansas and meet all federal regulations.



G

GARAGE, PRIVATE shall mean an enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises. Also see Carport.

GARAGE, PUBLIC shall mean any garage that is not a private garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Also, see Service Station.

GARBAGE shall mean any waste food material of an animal or vegetable nature, including that which may be used for the fattening of livestock.

GARDEN APARTMENT BUILDING shall mean an apartment building located on a lot either singly or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.

GARDEN CENTER shall mean a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, import most of the items sold and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels and other garden and farm variety tools and utensils.

GAS GATHERING SERVICES shall mean the gathering or preparation of natural gas for transportation, including transportation to a main transmission line or to any exit tap on a gas gathering system, whether such services are performed for hire or in connection with the purchase of natural gas by the person gathering or preparing the gas or a marketer affiliated with the person gathering or preparing the gas. "Gas gathering services" does not include the gathering of natural gas by an owner or operator of gathering facilities who: (A) Does not hold such facilities out for hire on or after the effective date of this act; and (B) does not purchase the gas for resale. Existing, new, or additional exit taps added to a gas gathering system shall not cause a gas gathering system to be regulated as a public utility as that term is used in K.S.A. 66-104, and amendments thereto, or as a common carrier as that term is used in K.S.A. 66-105, and amendments thereto.

GAS GATHERING SERVICES, EXIT TAP shall mean the point on a gas gathering system at which natural gas is delivered to a consumer, homeowner, business, agricultural user, person, gas marketer or public utility.

GEOHERMAL HEAT PUMP SYSTEM shall mean a well, constructed for the purpose of utilizing the geothermal properties of the earth.

1. Open Loop Heat Pump well shall mean a well that transfers heat via pumped ground water which is discharged above and/or below ground.
2. Closed Loop Heat Pump well shall mean a well, constructed for the purpose of installing the underground closed loop pipe necessary to recirculate heat transfer fluid.
3. Horizontal Closed Loop means a trench or pit essentially parallel to the horizon and into which a closed loop pipe is placed for the purpose of heat transfer.
4. Vertically Closed Loop means a borehole essentially perpendicular to the horizon into which a closed loop pipe is placed for the purpose of heat transfer.

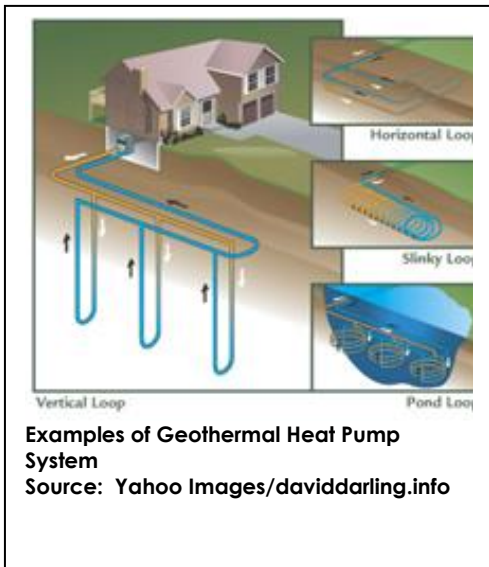
GENERAL OFFICES shall mean the use of a site for business, professional or administrative offices. Typical uses include real estate, insurance, management, travel or other business offices; organization and association offices; banks or financial offices; or professional offices.

GOVERNING BODY shall mean the City Council of the City of Ellis, Kansas.

GRADE, ESTABLISHED shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

GRAIN HANDLING SYSTEMS shall mean the moving, transferring, handling, storing, aerating and/or drying of grains by mechanical or natural means, which may include, but not limited to, stationary storage units (i.e. grain bins, hoppers, silos) grain-dump pits, fans, dryers, conveyors, augers, leg systems and /or catwalks.

GRANNY FLAT see, Accessory Dwelling Unit



ARTICLE 2: DEFINITIONS

GRAVEL AND CRUSHED ROCK (as pertains to roads) shall mean materials added to the surface of dirt roads to provide all weather travel. This type of road surface is usually found in the rural areas of the County and generally less traveled in nature.

GRASSED WATERWAY shall mean areas planted with grass or other permanent vegetative cover where water usually concentrates as it runs off a field. They can be either natural or man-made channels. Grass in the waterway slows the water and can reduce gully erosion and aid in trapping sediment.

GREEN BUILDING shall mean structures that incorporate the principles of sustainable design in which the impact of a building on the environment will be minimal over the lifetime of that building. Green buildings incorporate principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. A building shall be considered "green" if it meets the requirements of the most current LEED certification or any other nationally recognized green building certification program.

GREENHOUSE shall mean a building or premises used for growing plants, preparing floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.

GREENHOUSE, NONCOMMERCIAL shall mean a building constructed primarily of glass, plastic or similar material in which temperature and humidity can be controlled for the cultivation of fruit, herbs, flowers, vegetables or other plants intended for private use and not for sale.

GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set-aside for a walkway, bicycle trail, bridle path, or other similar access-way.

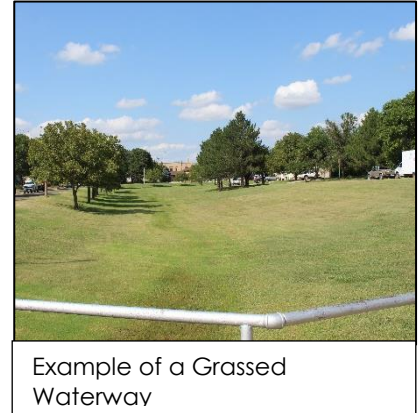
GROSS FLOOR AREA see Floor Area

GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity.

GROUNDWATER shall mean water naturally occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.

GROUP BOARDING HOME OR RESIDENTIAL CENTER FOR CHILDREN / ADULTS shall mean a facility licensed by the State of Kansas to provide 24-hour care for not less than five nor more than 10 persons.

GROUP DAY CARE HOME shall mean a facility licensed by the State of Kansas for the care of seven to 12 children under 14 years of age, and which is maintained for less than 24 hours per day.



GROUP HOME shall mean a residential facility licensed by the state Department of Social and Rehabilitation Services, the Behavioral Service Regulatory Board or the State Board of Healing Arts that is occupied or intended to be occupied by persons with a "disability," as that term is defined in K.S.A. 12-736 as amended, and staff residents, none of whom need be related by blood or marriage.



Example of an Outdoor Gun Shooting Range
Source: [safe gun ranges outdoor - Bing images](#)

GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.

GUEST HOUSE shall mean living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

GUEST ROOM shall mean a room designed to be occupied by one or more guests for sleeping purposes, having no kitchen facilities, not including dormitories.

GUN CLUB shall mean any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms.

GUN SHOOTING RANGE shall mean an indoor/outdoor area designated for the firing of firearms at stationary or mobile targets within the area.

H

HALF-STORY shall mean a story under a sloped roof which has the intersection of the roof line and exterior wall face not more than three feet above the floor of such story.

HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.

HARD-SURFACING shall mean any street or road surface other than dirt including concrete, asphaltic concrete, rock, ground concrete and asphalt millings.

HAZARDOUS MATERIAL shall mean materials, products, or substances that, by reason of their toxic, caustic, corrosive, explosive, abrasive, radioactive, infectious properties or other characteristics, that cause or may be detrimental or harmful to the health of any person or to the environment. For specific and more detailed information, current definitions, lists of hazardous material and quantities determined to pose a hazard, reference Title 40, Code of Federal Regulations, Parts 261 and 302, and /or any subsequent amendments thereto.

ARTICLE 2: DEFINITIONS

HAZARDOUS SUBSTANCES shall mean any substance or materials that, by reason of their toxic, caustic, corrosive and/or abrasive nature are harmful when coming into contact with such material or substance.

HAZARDOUS WASTE shall mean any discarded material, refuse or waste products, in solid, semi-solid, liquid or gaseous form, that cannot be disposed of through routine waste management techniques because they pose a present or potential threat to human health or to other living organisms, because of their biological, chemical, or physical properties.

HAZARDOUS WASTE DISPOSAL FACILITY shall mean any facility which meets the requirements as defined in K.S.A. 65-3402, as amended.

HEALTH CLUB shall mean a privately owned facility operated for profit, such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

HEDGE shall mean a plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

HELIPORT shall mean any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling and emergency service facilities.

HELISTOP shall mean an area designed to be used for the landing or takeoff of one helicopter, the temporary parking of one helicopter and other facilities as may be required by federal and state regulations, but not including operation facilities such as maintenance, storage, fueling or terminal facilities.

HIGHWAY shall mean a street designated as a highway by an appropriate local, state, or federal agency.

HIGHWAY, LIMITED ACCESS shall mean a freeway, or expressway providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.

HIGHWAY SETBACK LINE shall mean the future right-of-way line or plan lines of any highway.

HOBBY BREEDER PREMISES shall mean any premises where all or part of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold, offered or maintained for sale. This provision applies only if the total number of dogs or cats, or both, sold, offered or maintained for sale is less than 30 individual animals.



Example of a Heliport



Example of a Limited Access Highway

HOLDING ZONE shall mean a zoning district, usually a very low-density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive plan until such time as community facilities are economically available and thereby avoiding the “leap frogging” of land uses.

HOME-BASED BUSINESS shall mean an accessory use of a single-family or two-family residential structure which does not meet the definition of a home occupation. A home-based business would consist of service-oriented uses and typically be more intense than a home occupation, due to factors such as intensity of use or clients coming to the residence. A home-based business typically will allow a minimum amount of employment from outside the individuals residing on the property.

HOME OCCUPATION shall mean a business, profession, occupation, or trade conducted for gain or support, entirely within a residential building, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the residential building for dwelling purposes and does not change the character thereof.

HOMEOWNERS ASSOCIATION shall mean a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities. The Homeowners Association usually holds title to reserves, manages and maintains the common area, and enforces certain covenants and restrictions. Condominium Associations differ from Homeowners Associations in that Condominium Associations do not have title to the common property.

HORTICULTURE shall mean the growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

HOSPICE shall mean a facility serving as a medical and residential facility for end-of-life treatment, providing inpatient services and support services for families of the residents and patients.

HOSPITAL shall be deemed, unless otherwise specified, to include sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis, treatment, or other care of human ailments.

HOTEL or MOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes but is not limited to motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court and motor hotel.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

I

IMPERVIOUS COVERAGE shall mean the total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

IMPERVIOUS SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel or clay and conventionally surfaced streets, roofs, sidewalks, parking lots and driveways.

INCIDENTAL USE shall mean a use subordinate to the main use of a premise.

INCOMBUSTIBLE shall mean a material which will not ignite nor actively support combustion during an exposure for five minutes to a temperature of 1200 degrees Fahrenheit.

INDUSTRIAL, GENERAL shall mean enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines.

INDUSTRIAL, HEAVY shall mean enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or hazardous, explosive, flammable, radioactive or other commonly recognized hazardous materials.

INDUSTRIAL, LIGHT shall mean establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, apparel assembly from fabrics, electronics, manufacturing, print shops and publishing houses.

INDUSTRIAL LANDFILL shall mean a permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.

INDUSTRIAL PARK shall mean a special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or governmental organizations.

INDUSTRIAL SOLID WASTE shall mean non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.

INDUSTRIAL USES shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and any storage facilities operated in conjunction with an industrial use or for a fee, including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INFILL DEVELOPMENT shall mean the construction of a building or structure on a vacant parcel located in a predominantly built-up area.

INFILL SITE shall mean any vacant lot, parcel or tract of land within developed areas of the City and where water, sewer, streets, schools and fire protection have already been constructed or are provided in a predominately built-up area.

INFRASTRUCTURE shall mean facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications and public facilities such as fire stations, parks, schools, etc.

INOPERABLE MOTOR VEHICLE shall mean without limitation, any automobile, truck, tractor or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time and is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed.

INTENSE BURNING A rate of combustion described as a material that burns with a high degree of activity and is consumed rapidly.

INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensity uses.

J

JUNK shall be any old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel and other old or scrap ferrous or nonferrous material. This shall not apply to the storage of agricultural equipment used for parts and repairs primarily for the operations conducted by that equipment owner.

JUNK YARD shall mean any lot, land parcel, building or structure or part thereof for storage, collection, purchase, sale, salvage or disposal of machinery, farm machinery and including motor vehicles, parts and equipment result from dismantling or wrecking, or keeping of junk, including scrap metals or other scrap materials, with no burning permitted. For motor vehicles, see "Automobile Wrecking Yard".

K

KENNEL, BOARDING, or TRAINING shall mean any place, area, building or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed, or trained by other than the owner.

KENNEL, BREEDER shall mean any place, area, lot, building or structure where more than five dogs are kept for any purposes.

KENNEL, COMMERCIAL shall mean a kennel that breeds or whelps' dogs, cats and/or other domesticated animals, sells or transfers any animal to a dealer or pet shop kennel, or sells or transfers more than 60 dogs per calendar year.

KENNEL, PRIVATE shall mean an establishment where five or more dogs or cats, or combination thereof, other household pets, or non-farm/non-domestic animals at least four months of age, excluding vicious animals, are raised, bred or boarded.

L

LABORATORY, MEDICAL shall mean an establishment which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

LAGOON shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock waste. All lagoons shall meet the minimum design criteria established by the KDHE. All lagoons shall have the proper permits approved prior to starting construction.

LANDFILL shall mean a site established for disposing of solid wastes in a manner that minimizes environmental hazards which is operated in accordance with the regulations of the KDHE.

LANDSCAPE shall mean plant materials, topography and other natural physical elements combined in relation to one another and to man-made structures.

LANDSCAPED AREA shall mean the area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, trees, shrubs, vines, ground cover and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.

1. Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
2. Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.

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

LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying and/or ironing facilities for customers on the premises.

LEED shall mean a professional credential that means Leadership in Energy and Environmental Design as administered and regulated by the United States Green Building Council.

LEED-ND shall mean a professional credential within the overall LEED program meaning Leadership in Energy and Environmental Design – Neighborhood Design as administered and regulated by United States Green Building Council.

LICENSED MENTAL HEALTH CARE PROVIDER shall mean a person or agency who provides mental health services, and which is licensed under the following regulations of the State of Kansas:

1. The Department of Social and Rehabilitation Services pursuant to K.S.A. 75-3307b or 65-425 et. seq., and amendments thereto; or
2. The Behavioral Sciences Regulatory Board pursuant to K.S.A. 75-5346 et. seq. or 74-5301 et. seq., and amendments thereto; or
3. The State Board of Healing Arts pursuant to K.S.A. 65-2801 et. seq., and amendments thereto.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals, culminating in full health and continuing care nursing home facility. Also, see Congregate Housing.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

LINE OF SIGHT shall mean a visual path emanating from an average eye level adjusted to five feet above ground level.

ARTICLE 2: DEFINITIONS

LIQUOR SALES shall mean establishments or places of business engaged in retail sale for off-premises consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales of liquor, beer or wine for off-site consumption.

LIVESTOCK SALES YARD shall mean the use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

LOADING AREA/SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LOT shall mean a parcel or tract of land which is or may be occupied by a use herein permitted, together with yards, and other open spaces herein required, that has frontage upon an improved street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Regulation, or a parcel of real property delineated on an approved record of survey, lot-split or sub-parceling map as filed in the office of the Ellis County Register of Deeds and abutting at least one improved public street or right-of-way, two thoroughfare easements, or one improved private road.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets.

LOT, CURVED shall mean a lot with one or more curvilinear sides.

LOT, DOUBLE FRONTAGE, or THROUGH shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean an interior lot, the majority of which has frontage and access provided by means of a narrow corridor.

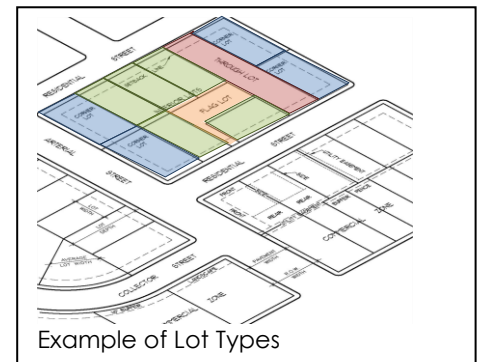
LOT, INTERIOR shall mean a lot other than a corner lot.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.



LOT LINE shall mean the property line bounding a lot.

LOT LINE, FRONT shall mean the property line abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line.

LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.

LOT OF RECORD shall mean a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Ellis County or a lot described by metes-and-bounds, the description which has been recorded in the office of the Register of Deeds, both of which were prior to the adoption of these Regulations.

LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

M

MANUFACTURE shall mean any method of processing, developing, fabricating, or assembling either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

MANUFACTURED HOME see Dwelling, Manufactured Home.

MANUFACTURED HOME, CERTIFIED shall mean a structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such structure shall have been constructed after June 15, 1976. Such units shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term "manufactured home," when used by itself, shall not include a "residential design manufactured home" as defined in these regulations.

MANUFACTURED HOME, NON-CERTIFIED shall mean a manufactured home as defined above that has not been certified as meeting the federal Manufactured Home Construction and Safety Standards Act established pursuant to 42 USC 5403.

MANUFACTURED HOME, ACCESSORY BUILDING OR STRUCTURE shall mean a subordinate building or structure which is an addition to or supplements a manufactured home such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.

MANUFACTURED HOME LOT shall mean a plot of ground within a manufactured home subdivision for the placement of one manufactured home for single family occupancy and the exclusive use of its occupants and which provides the necessary utility services for water, sewage, and electricity.

ARTICLE 2: DEFINITIONS

MANUFACTURED HOME PAD shall mean that portion of an individual lot on which the manufactured home unit and any attached structure is placed.

MANUFACTURED HOME PARK shall mean an area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MANUFACTURED HOME PARK PERMIT shall mean a written document of certification issued by the Zoning Administrator permitting the construction, alteration, or extension of a manufactured home park.

MANUFACTURED HOME SALES AREA shall mean an open area, other than a street, used for display or sale of new or used manufactured homes and where no repair work is performed except minor incidental repair of manufactured homes to be displayed and sold on the premises.

MANUFACTURED HOME SKIRTING shall mean the enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

MANUFACTURED HOME SUBDIVISION shall mean a subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built single-family dwellings, all of which are required to be placed on permanent foundations.

MANUFACTURED HOME UNIT, DOUBLE WIDE shall mean a manufactured home which does not meet the designated standards of the City of Ellis for residential designed manufactured homes.

MANUFACTURED HOME UNIT, SINGLE WIDE shall mean a manufactured home which measures less than twenty-two feet in width when affixed to the manufactured home pad.

MANUFACTURING shall mean the mechanical or chemical transformation of materials or substances into new products. Manufacturing uses are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Assembling component parts of manufactured products is also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer or to order for industrial users, rather than for direct sale to the domestic consumer.

MANUFACTURING, CUSTOM shall mean an establishment primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing and candle making shops.

MASSAGE PARLOR shall mean an establishment other than a regularly licensed and established hospital or dispensary where non-medical manipulative exercises or devices are practiced upon the human body manually or otherwise by any person other than a licensed physician, surgeon, dentist, occupational or physical therapist, chiropractor or osteopath with or without the use of therapeutic, electrical, mechanical or bathing devices.

MASTER FEE SCHEDULE shall mean a fee schedule maintained by the City of Ellis and passed, and amended periodically, which establishes the required fees to be collected for specific Planning, Zoning and Subdivision activities.

MECHANICAL EQUIPMENT shall mean equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning and similar purposes.

MEDICAL OFFICES shall mean the use of a site for facilities which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Medical offices are operated by doctors, dentists or similar practitioners licensed for practice in the State of Kansas.

MINI-STORAGE OR MINI-WAREHOUSE see Self-Service Storage Facility.

MISCELLANEOUS STRUCTURES shall mean structures, other than buildings, visible from public ways. Examples are memorials, staging, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels and transformers.

MIXED USE shall mean properties where various uses, such as office, commercial, institutional and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

MIXED USE BUILDING shall mean a building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.

MIXED USE DEVELOPMENT shall mean a single development that incorporates complementary land use types into a single development.

ARTICLE 2: DEFINITIONS

MOBILE FOOD UNIT shall mean a temporary food service establishment that is vehicle-mounted and is designed to be readily movable.

MOBILE HOME according to KSA 58-4202, shall mean a structure which is not subject to the federal act and which is transportable in one or more sections which, in the traveling mode, is eight body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

MOBILE HOME PARK shall mean a parcel of land under single ownership that has been planned and improved for the placement of manufactured or mobile housing used or to be used for dwelling purposes and where manufactured or mobile home spaces are not offered for sale or sold. The terms "manufactured home park" or "mobile home park" do not include sales lots on which new or used manufactured or mobile homes are parked for the purposes of storage, inspection, or sale. The terms "manufactured home park" or "mobile home park" shall include the term "trailer camp", as defined in the Ellis Code.

MOBILE HOME SUBDIVISION shall mean a parcel of land that has been subdivided and used or intended to be used for the purpose of selling lots for occupancy by manufactured or mobile homes.

MODERATE BURNING shall mean a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

MOTEL see Hotel.

MOTOR FREIGHT TERMINAL shall mean a building or area in which freight brought by motor truck is received, assembled, or stored and dispatched for routing by motor truck which may include motor truck storage.

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled wheelchairs.

MOTOR VEHICLE GRAVE YARD shall mean any establishment which is maintained, used, or operated for storing, keeping, buying, or selling three or more wrecked, scrapped, ruined, dismantled or inoperative motor vehicles; provided, however, such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.

MOTOR VEHICLE OR AUTOMOBILE REPAIR SHOP shall mean a building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles and automobiles.

N

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also, see Bar.

NONCOMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NONCONFORMING BUILDINGS, LAND AND/OR USE shall mean the use of a building or land which was lawful at the time this Code became effective but which, because of the passage of this Code, does not conform to the regulations of the district in which it exists.

NONCONFORMING LOT shall mean an unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

NONCONFORMING SIGN shall mean a sign that was legally erected prior to the adoption, revision, or amendment of this zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance.

NONCONFORMING STRUCTURE shall mean a structure which was lawful prior to the adoption, revision or amendment of this zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance. No action can be taken which would increase the non-conforming characteristics of the structure.

NONCONFORMING USE shall mean any use existing and lawful at the time of adoption of these regulations occupying a building, structure or land but is no longer allowed.

NON-FARM BUILDINGS shall mean all buildings except those buildings utilized for agricultural purposes on a farm.

NOXIOUS MATTER shall mean material which can cause injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

NUISANCE shall mean anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses such as noise, dust, odor, smoke, gas, pollution, congestion, lighting and litter.

NURSERY shall mean the use of a premises for the propagation, cultivation and growth of trees, shrubs, plants, vines and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, fungicides, insecticides, chemicals, peat moss, humus, mulches and fertilizers as are intended to be used in preserving the life and health of the plants may be sold.

ARTICLE 2: DEFINITIONS

NURSING OR CONVALESCENT HOME shall mean an institution or agency licensed by the State for the reception, board, care or treatment of five or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.

NURSING FACILITY FOR MENTAL HEALTH shall mean any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

O

OCTAVE BAND shall mean a prescribed interval of sound frequencies which classifies sound according to its pitch.

OCTAVE BAND FILTER shall mean an electronic frequency analyzer designed according to standards of the American Standards Association and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

ODOROUS MATTER shall mean any material that produces an olfactory response among human beings.

ODOR THRESHOLD shall mean the lowest concentration of odorous matter in air that will produce an olfactory response in a human being.

OFFICE shall mean a building or a portion of a building wherein services are performed involving primarily administrative, professional or clerical operations.

OFFICIAL ZONING DISTRICT MAP shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Ellis City Council.

OFF-STREET PARKING AREA shall mean all off-street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.

OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

OPEN SPACE shall mean open space designed and intended for use by all residents of a residential area, including publicly dedicated space.

OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.

OUTDOOR ADVERTISING see Advertising Structure and Sign.

OUTDOOR STORAGE shall mean the storage of goods and materials outside of any building or structure, but not including storage of a temporary nature or an emergency nature.

OUTDOOR STORAGE CONTAINERS shall mean a fully enclosed, detached, and self-supporting structure, by itself incapable of motion or movement and not exceeding eight feet in width, 12 feet in height, and 40 feet in length or a total enclosed floor area of 320 square feet. The unit must be manufactured/assembled off-site and transportable, by means other than its own, to a location where it is set into place on a graded surface of concrete, asphalt, or gravel and not upon a foundation or wheels. It shall be made of metal or a similar stable, durable and acceptable material and shall not include a foundation, electricity, plumbing or other mechanical systems as part of its assembly or use.

OVERLAY DISTRICT shall mean a district in which additional requirements are imposed upon a use, in conjunction with the underlying zoning district. The original underlying zoning district designation does not change in this situation.

OWNER shall mean an individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

P

PACKAGE LIQUOR STORE shall mean an establishment in which alcoholic beverages in original containers are sold for consumption off the premises.

PAINTBALL COURSE shall mean a commercial recreational park containing obstacle courses for the purpose of staging paintball battles. Said facility generally collects a fee, either as membership or on a visit-by-visit basis, that allows individuals to participate in paintball activities.

PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control, which may be considered as a unit for purposes of development.

PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.

PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.

ARTICLE 2: DEFINITIONS

PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.

PARKING LOT shall mean an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet, plus such additional area as is necessary to afford adequate ingress and egress.

PARTICULATE MATTER shall mean material other than water which, if suspended in or discharged into the atmosphere, is in a finely divided form as a liquid or solid.

PAVED shall mean permanently surfaced with poured concrete, concrete pavers or asphalt.

PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development.

PERMANENT FOUNDATION shall mean a base constructed from either poured concrete or laid masonry rock or brick and placed on a footing located below ground level to a point below the frost line upon which a building or structure is permanently attached.

PERMANENT STORAGE shall mean the long-term storage on-site within an accessory building or structure.

PERMITTED USE shall mean any land use allowed without condition within a zoning district.

PERMANENTLY ATTACHED shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure to relocate it to another site.

PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Ellis, Kansas.

PERSONAL SERVICES shall mean uses providing human services exclusively to private individuals as the ultimate consumer. Personal services shall not be limited to, but include, grocery shopping services, tailoring and alterations, hair salons, spas, nail salons, barber shops, private household services and temporary personal in-home care.

PET SHOP shall mean a retail establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds and reptiles, excluding exotic animals and farm animals.

PITCH shall mean the frequency of sound.

PLANNED UNIT DEVELOPMENT (PUD) shall mean a development constructed on a tract of a minimum contiguous size under single ownership, planned and developed as an integral unit, and consisting of a combination of residential and/or non-residential uses on land within a "Planned Unit Development District" in accordance with the provisions of Section 5.17 of these regulations.

PLANNING COMMISSION shall mean the Planning Commission of Ellis, Kansas.

PLANT MATERIALS shall mean trees, shrubs, vines, ground covers, grass, perennials, annuals, bulbs and other such vegetation.

PLAT shall mean a map showing the location, boundaries and legal description of individual properties.

POLE BUILDING shall mean a structure built with no foundation or footings, using poles embedded directly in the ground as its primary support to hold metal, plastic, fiberglass or wood covering to form the building.

POLICY shall mean a statement or document of the City of Ellis, such as the comprehensive plan, that forms the basis for enacting legislation or making decisions.

PORCH, UNENCLOSED shall mean a roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than thirty inches above its floor other than wire screening and a roof with supporting structure.

PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous and used as a single tract.

PRESCHOOL shall mean an early childhood program which provides primarily educational services, and the following:

1. Provides learning experiences for children who have not attained the age of eligibility to enter kindergarten as prescribed in K.S.A. 72-1107 and any amendments thereto, and who are 30 months of age or older.
2. Conducts sessions not exceeding three hours per session.
3. Does not enroll any child in more than one session per day.
4. Does not serve a meal.

The term preschool shall include educational preschools, Montessori schools, nursery schools, church sponsored preschools and cooperatives. A facility may have fewer than 13 children and be licensed as a preschool if the program and facility meet preschool regulations.

ARTICLE 2: DEFINITIONS

PRESERVATION shall mean the act of protecting an area, parcel of land or structure from being changed or modified from the present character to another that is not representative of a specific period or condition.

PRINCIPAL STRUCTURE shall mean the main building or structure on a lot within which the main or primary use of the lot or premises is located.

PRINCIPAL USE shall mean the main use of land or structure, as distinguished from an accessory use.

PRIVATE WELL shall mean a well that provides water supply to less than 10 service connections and regularly serves less than 25 individuals daily for at least 60 days per year as defined by K.S.A. 65-162a.

PROFESSIONAL OFFICE shall mean any building used by one or more persons engaged in the practice of law, accounting, architecture, engineering, medicine or in business as a real estate brokerage, insurance agency or brokerage, or financial planning or stock brokerage, or in any other similar type of occupation for which a governmental license is required.

PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use, conditional use or accessory use within a zoning district.

PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, fringe-type ribbons or piping shall be considered as a promotional device.

PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Regulation.

PUBLIC BUILDING shall mean any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state or federal government or by a public utility corporation or municipal district or authority.

PUBLIC IMPROVEMENT shall mean any drainage ditch, street, sidewalk, pedestrian way, tree, lawn, off-street parking areas, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.

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

PUBLIC SEWER AND WATER SYSTEM shall mean 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 furnishing of water.

PUBLIC UTILITY shall mean any business, the purpose of which is to furnish to the general public:

1. Telecommunication Services (telephone, cable TV, etc.)
2. Electricity Service
3. Natural Gas
4. Water and Wastewater Collection and Treatment
5. Transportation of Persons or Property
6. Solid Waste Disposal

Q

QUARRY shall mean an open pit from which building stone, sand, gravel, mineral or fill is taken to be processed for commercial purposes.

QUARRY REHABILITATION shall mean providing slopes to be covered with a layer of soil and revegetated where practical. It applies to the rehabilitation of all kinds of sand, gravel and rock excavations to obtain fill or construction materials and from which no further removal of materials is intended, as well as to resource extraction. Rehabilitation is intended to minimize the hazardous and unsightly nature of abandoned pits, and if practical, to return the area to some productive use.

R

RAILROAD shall mean the land use including the right-of-way abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.

RAILROAD RIGHTS-OF-WAY shall mean 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, care or locomotive shops or car yards.

RECREATION, COMMERCIAL shall mean recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

RECREATION, INDOOR shall mean a facility for relaxation, diversion, amusement or entertainment where such activity occurs within a building or structure.

RECREATION, OUTDOOR shall mean a facility for relaxation, diversion, amusement or entertainment in which some or all of the activities occur on the exterior but within the property of the facility.

RECREATION, PRIVATE, NON-COMMERCIAL shall mean clubs or recreation facilities operated by a non-profit organization and open only to bona fide members of such non-profit organization and their guests.

RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES shall mean any lot, plot, parcel, tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, indoor or outdoor swimming pools, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges and all common appurtenant accessory activities and facilities such as lighting, bleachers, concession stands, etc.

RECREATIONAL EQUIPMENT shall mean an item which is not used in connection with customary accessory residential uses on a lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, ski jets, houseboats, pontoons and boats over fourteen feet in length which require a trailer for transportation.

RECREATIONAL FACILITY shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming or golf.

RECREATIONAL VEHICLE (RV) shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not include hauling trailers designed and normally used for over the road transporting of belongings, merchandise, livestock and other objects, but not equipped for human habitation.

RECREATIONAL VEHICLE CAMPGROUND shall mean a lot or tract of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.

RECYCLING CENTER shall mean a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products. The facility is not junkyard.

RECYCLING COLLECTION shall mean a collection point for small refuse items, such as bottles and newspapers, located either in a container or small structure.

RECYCLING PROCESSING shall mean any site which is used for the processing of any postconsumer, nondurable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin or other recyclable commodities.

REDEVELOPMENT shall mean the act of preserving and/or rehabilitating existing buildings. In extreme cases, a building or structure could be demolished for the purpose of a new use or building.

REMODELING shall mean 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.

REMOTE PARKING shall mean a supply of off-street parking at a location not on the site of a given development.

RENEWABLE ENERGY shall mean energy sources including wind, solar power, biomass, and hydropower that can be regenerated and that is much less polluting than nuclear or fossil fuels.

RENEWABLE RESOURCE shall mean a natural resource that is able to regenerate, either by itself or with human assistance, over a short to moderate time period, including food crops and trees.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESIDENTIAL CENTER shall mean a non-secure facility licensed by the State of Kansas providing residential care for more than 10 persons unrelated to the operator(s).

RESIDENTIAL, MAIN FLOOR COMMERCIAL shall mean any residential living scenario in the rear half of a non-residential use within the Downtown Commercial District.

RESTAURANT shall mean a public eating establishment operated for profit at which the primary function is the preparation and serving of food primarily to people seated within the building.

RESTAURANT, DRIVE-IN shall mean a restaurant establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, ENTERTAINMENT shall mean a restaurant establishment where food and drink are prepared, served, and consumed, within a building or structure that integrally includes electronic and mechanical games of skill, simulation, virtual reality, play areas, video arcades or similar uses, billiards, and other forms of amusement.

RESOURCE EXTRACTION shall mean a use involving on-site extraction of surface or subsurface mineral products or natural resources, excluding the grading and removal of dirt. Typical uses are quarries, borrow pits, sand and gravel operations, and mining.

RETAIL SALES shall mean establishments engaged in selling goods or merchandise to the general public for personal or household consumption.

RETAIL SERVICES shall mean establishments engaged in selling goods or merchandise (excluding service and installation).

RETENTION BASIN shall mean a pond, pool, or basin used for the permanent storage of stormwater runoff.

ARTICLE 2: DEFINITIONS

RETIREMENT RESIDENCE shall mean a building or group of buildings which provide residential facilities for more than four residents of at least sixty-two years of age, or households headed by a householder of at least sixty-two years of age. A retirement residence may provide a range of residential building types and may also provide support services to residents, including but not limited to food service, general health supervision, medication services, housekeeping services, personal services, recreation facilities, and transportation services. The retirement residence may accommodate food preparation in independent units or meal service in one or more common areas. Retirement residences may include additional health care supervision or nursing care.

REZONING shall mean an amendment to or change in the zoning regulations either to the text or map or both.

RIDING ACADEMY OR STABLES shall mean any structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered accessory to the use of the premises for a riding stable.

RIGHT-OF-WAY shall mean a strip of land, generally linear, occupied or intended to be occupied by a system that conveys people, traffic, fluids, utilities, or energy from one point to another. Rights-of-way may include streets and roads, crosswalks, bicycle paths, recreational trails, railroads or fixed guideway transit, electric transmission lines, gas pipelines, water mains, or sewer mains.

ROAD, PRIVATE shall mean a way, other than driveways, open to vehicular ingress and egress established for the benefit of certain, adjacent properties. Also, see Right-of-way and Street.

ROAD, PUBLIC shall mean all public rights-of-way reserved or dedicated for street or road traffic. Also, see Right-of-Way and Street.

ROOM shall mean an unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

S

SALVAGE SERVICES shall mean places of business engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms.

SANITARY LANDFILL shall mean a disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump, or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 et seq., and amendments thereto.

SANITARY SEWER shall mean a municipal or community sewage disposal system of a type approved by the Kansas Department of Health and Environment.

SANITARY TRANSFER STATION shall mean a collection point for temporary storage of refuse. No processing of refuse would be allowed. The transfer station must be in conformance with the requirements of all State and Federal Agencies.

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves. Also, see Antenna.



Example of a School

SCHOOL shall mean any building or buildings, housing public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction.

SCHOOL, BUSINESS OR TRADE shall mean a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, or university, or public or private educational facility.

SCHOOL, ELEMENTARY, JUNIOR HIGH or HIGH shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State of Kansas.

SCREENING shall mean a structure or planting that conceals from public view the area behind such structure or planting.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

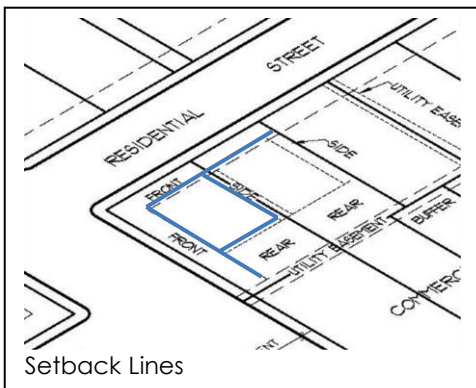
SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SEPTIC SITE shall mean the area bounded by the dimensions required for the proper location of the septic tank system.

SERVICE STATION shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK shall mean the minimum distance, as prescribed by this regulation, measured from the edge of the eave or other similar building component located closest to the lot line.

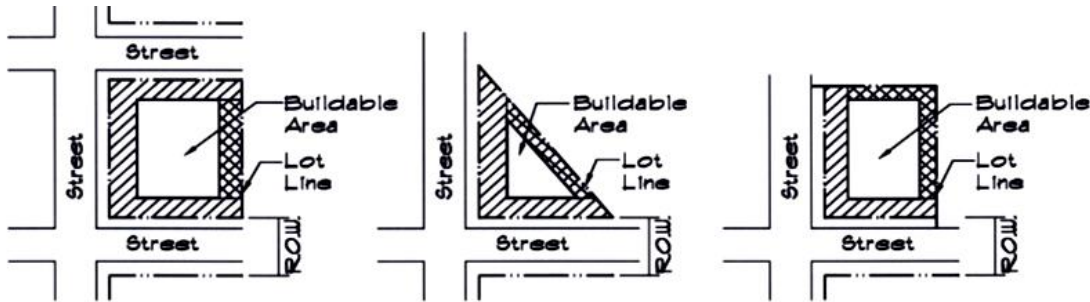


Setback Lines

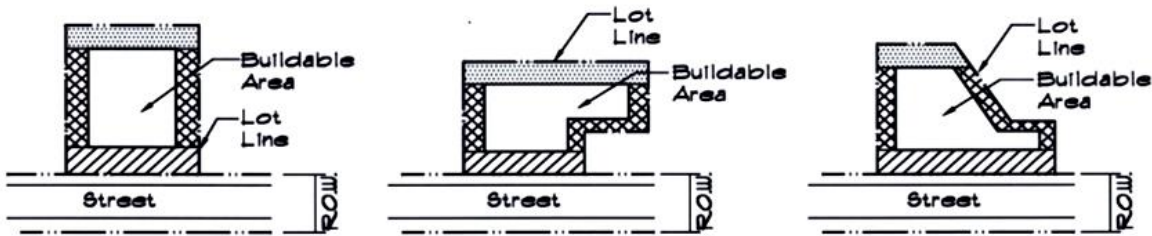
SETBACK LINE, FRONT YARD see Yard, Front

SETBACK LINE, REAR YARD see Yard, Rear

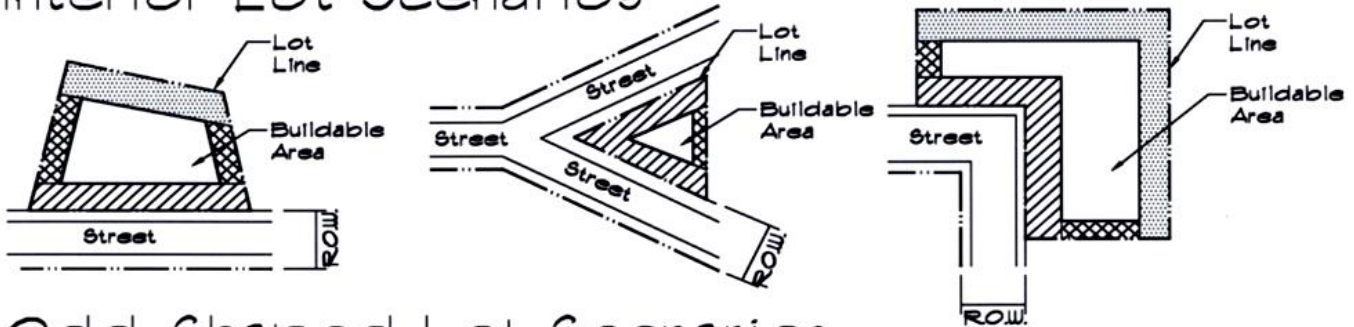
SETBACK LINE, SIDE YARD see Yard, Side



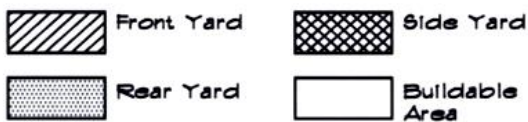
Corner Lot Scenarios



Interior Lot Scenarios



Odd-Shaped Lot Scenarios



SHRUB shall mean a multi-stemmed woody plant other than a tree.

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area shall be separated from the public sidewalk by railings or fencing meeting City requirements.

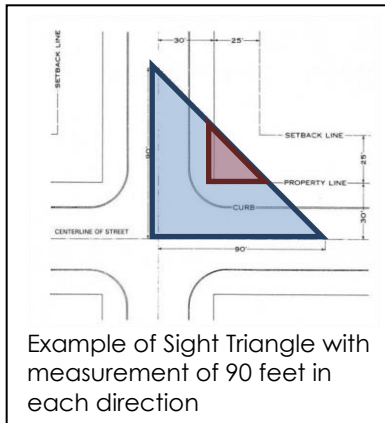


Example of a Sidewalk Cafe

SIGHT TRIANGLE is an area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets along the centerline of the streets.

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform or to promote any business, product activity, service or any interest, except the following:

1. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Legal notices: Identification, informational or directional signs erected or required by governmental bodies.
4. Integral decorative or architectural features of buildings, except letter, service marks, trademarks, moving parts or moving lights.
5. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.



Example of Sight Triangle with measurement of 90 feet in each direction

SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.

SITE shall mean the parcel of land to be developed or built upon. A site may encompass a single lot; a portion of a lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.

SITE BREAK shall mean a structural or landscape device used to interrupt long vistas and create visual interest in a site development.

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features, and other principal site development improvements for a specific parcel of land.

ARTICLE 2: DEFINITIONS

SKATES, ROLLER/ROLLER BLADES/IN-LINE shall mean any footwear or device that may be attached to the foot or footwear to which wheels are attached, including wheels that are "in-line" and where such wheels may be used to aid the wearer in moving or propulsion.

SKATE PARK shall mean a recreational facility containing skateboard ramps and other obstacle courses and devices for the use of skateboards and in-line skates.

SKATEBOARD shall mean a foot board mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lies upon the device while it is in motion.

SKATEBOARD HALF PIPE shall mean an outdoor structure that is shaped into a half circle or oval that is designed and principally intended to permit people on skateboards to move continuously from one side to the other.

SKATEBOARD RAMP shall mean an outdoor structure with an upward inclined surface, essentially one of the sides of a pipe, which are designed and principally intended to permit persons on skateboards to move from horizontal to vertical and back to horizontal.

SKILLED NURSING HOME shall mean a facility where services are performed by or under the immediate supervision of registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles. All facilities shall be operated in accordance with the regulations of KDHE.

SLOW BURNING shall mean a rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion, for example, wood and materials with fire retardant treatments.

SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.

SMOKE shall mean small gas-borne particles other than water that form a visible plume in the air.

SOLID WASTE shall mean garbage, refuse and other discarded materials including, but not limited to solid, semisolid, sludge, liquid and contained gaseous waste materials resulting from commercial, agricultural, and domestic activities. Such term shall not include hazardous waste.

SOUND LEVEL METER shall mean an instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

SOUND PRESSURE LEVEL shall mean the intensity of sound or noise in decibels.

SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.

STABLE AND/OR RIDING ACADEMIES shall mean the buildings, pens and pasture areas used for the boarding and feeding of horses, llamas or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping and showing or the riding of horses/equine for hire.

STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank and a standard soil absorption system.

STOCKPILING shall mean the accumulation of manure in mounds, piles, or other exposed and non-engineered site locations for storage or holding purposes for a period of not more than one year.

STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise or vehicles on the same tract or premises.

STORAGE CONTAINER, PORTABLE shall mean any container that can be loaded onto the chassis of a semi-trailer for the purpose of hauling materials and commodities. Portable storage containers are intended to be used as a load on-site and haul-off for storage off-site. Another name for these containers is Portable On Demand Storage.

STORM DRAIN shall mean a conduit that carries natural storm and surface water drainage but not sewage and industrial wastes, other than unpolluted cooling water.

STORMWATER DETENTION shall mean any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.

STORMWATER MANAGEMENT shall mean the collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating or filtering of surface water, or groundwater, and/or runoff, together with applicable managerial (non-structural) measures.

STORMWATER RETENTION AREA shall mean an area designed by a licensed professional engineer and approved by the City to retain water to control the flow of stormwater.

STORMWATER RUNOFF shall mean surplus surface water generated by rainfall that does not seep into the earth but flows over land to flowing or stagnant bodies of water.

STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.



An Example of Stormwater Management
An Example of Stormwater Retention

ARTICLE 2: DEFINITIONS

STORY, HALF shall mean a story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.

STREET shall mean paved or improved area existing on public right-of-way or on private easement (exclusive of sidewalks, driveways, or related uses), and which is used for the conveyance of automobile traffic.

STREET CLASSIFICATION shall mean:

1. Freeway: Inter-regional, high-speed roadways which provide efficient, non-stop travel with little or no property access.
2. Arterial: Heavily trafficked streets which provide limited or restricted access to residential or business properties.
3. Collector: Streets which provide for traffic movement between arterials and local streets, with limited access to residential lots.
4. Local: Streets which provide for local traffic movement and direct access to abutting land, whether in residential, commercial, or industrial areas.

STREET GRADE shall mean the officially established grade of the street upon which a lot fronts or in its absence the established grade of other street upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the streets at such midpoint shall be taken as the street grade.

STREETLIGHTS shall mean lights installed within the public right-of-way which illuminate public streets and sidewalks.

STREET LINE shall mean the legal line between street right-of-way and abutting property.

STREET, PRIVATE shall mean a right-of-way which affords principal access to property abutting thereon which right-of-way is owned, controlled, and maintained by persons other than the public.

STREET, PUBLIC shall mean a right-of-way which affords the principal means of vehicular access to property abutting thereon which right-of-way has been dedicated to the public for such use.

STREET, RESIDENTIAL WAY shall mean a right-of-way that serves a maximum of 30 dwelling units or has an average daily traffic of less than 200 vehicles per 24-hour period, shall be so designed to encourage reduced vehicle speed, and may be cul-de-sacs, loop streets or minor cross streets but shall not function as a collector.

STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.

STREET FRONTAGE shall mean the distance for which a property line adjoins a public street from one property line intersecting said street to the opposite property.

STREET, FRONTAGE ACCESS shall mean a street adjacent to a major street, major inter-regional highway or major collection road and primarily for service to the abutting properties and being separated from the major street by a dividing strip.

STREET HARDWARE shall mean man-made objects other than buildings that are part of the streetscape. Examples are lamp posts, utility poles, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREETSCAPE shall mean the scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, plantings, street hardware and miscellaneous structures.

STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

STRUCTURE, TEMPORARY shall mean a structure which is permitted within a land use district without any foundation or footing and which is removed by a designated time-period, activity or use for which the temporary structure was erected has ceased.

STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components.

SUBDIVISION shall mean the division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or another instrument.

SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

SURPLUS SALES shall mean businesses engaged in the sale of used or new items involving regular, periodic, outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

SWIMMING POOL, PRIVATE shall mean a pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

T

TANNING STUDIO shall mean any business that uses artificial lighting systems to produce a tan on an individual's body. These facilities may be either a stand-alone business or as an accessory use in spas, gymnasiums, athletic clubs, health clubs and styling salons. This use is not included with any type of adult establishment.

ARTICLE 2: DEFINITIONS

TATTOO PARLOR/BODY PIERCING STUDIO shall mean an establishment whose principal business activity is the practice of tattooing and/or piercing the body of paying customers.

TAVERN see Bar.

TAXIDERMY SERVICES shall mean an operation conducted solely within an enclosed building to include on-site preparation, stuffing and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.

TERRACE shall mean a raised earthen embankment with the top leveled. A terrace may be supported by a retaining wall.

THEATER shall mean a building or structure used for dramatic, operatic, motion pictures or other performance for admission to which entrance money is received and limited audience participation or meal service.

TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio or telephone communications. Also, see Antenna.

TOWNHOUSE shall mean a one-family dwelling unit, with a private entrance, in a group of three or more units where the unit and land are in the ownership of the same owner, which part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light and ventilation.

TOXIC MATTER shall mean materials which can cause injury to living organisms by chemical means when present in relatively small amounts.

TRACT shall mean an area or parcel of land, other than a platted lot of record, described and recorded in the Office of the Ellis County Register of Deeds as a single parcel of land under individual ownership.

TRAILER, AUTOMOBILE shall mean a vehicle without motor power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.

TRAILER shall mean a vehicle standing on wheels or on rigid supports which is used for transporting boats or cargo or property.

TRAILER PARK shall mean a tract of tract, lot or parcel of land upon which temporary accommodations are provided for two or more travel trailers; such park being open to the public either free or for a fee.

TRANSFER STATION shall mean a facility, including land and buildings, used for the handling and processing of solid waste to be bundled, bailed, or otherwise packaged for transport to another site for disposal in a solid waste landfill. Transfer stations can include material recovery operations, recycling facilities and any other ancillary and/or accessory operation associated with the management of solid waste.

TRANSITIONAL HOUSING shall mean a project designed to provide housing and appropriate supportive services to homeless people to facilitate movement to independent living. The housing is short-term, typically less than 24 months. In addition to providing safe housing for those in need, other services are available to help participants become self-sufficient.

TRAILER, TRAVEL shall mean a structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.

TRUCK, HEAVY shall mean any truck exceeding a gross vehicle weight rating of 18,500 pounds or any truck-tractor or semitrailer.

TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding or other work that may include noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses, but excluding pickups and other vehicles designed for the transport of under eight passengers.

TRUCK WASH shall mean a mechanical facility for the washing, waxing and vacuuming of heavy trucks and buses and may include a washout for livestock waste.

U

UPPER STORY HOUSING shall be defined as one or more dwelling units located above the first floor when allowed within a commercial district.

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single-family residential district to a multiple family residential district.

USABLE OPEN SPACE shall mean land or water which is free of buildings, structures and/or substantial improvements and which is readily accessible by the public or residents of a residential development. Usable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes more than 50 percent.

USE shall mean the purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

ARTICLE 2: DEFINITIONS

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such use represents the best use of public facilities, and promotes health, safety and general welfare.

USE, CONDITIONAL shall mean a use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving agency.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Junk Yards" or "Automobile Wrecking Yards".

UTILITARIAN STRUCTURE shall mean a structure or enclosure relating to mechanical or electrical services to a building or development.

UTILITY EASEMENT see Easement

UTILITY HARDWARE shall mean devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants and buffalo boxes that are used for water, gas, oil, sewer and electrical services to a building or a project.

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION SYSTEM OF" shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir or terminal facility which is served from a main supply line, main transmission line or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer or other chemical utilities. Local electric distribution systems shall include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, relay stations and treatment plants.

UTILITY SERVICE shall mean any device, including wire, pipe, and conduit which carries gas, water, electricity, oil and communications into a building or development.

V

VALUE shall mean the estimated cost to replace a structure in kind, based on current replacement costs.

VARIANCE shall mean a relief from or variation of the provisions of this chapter, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean trees, shrubs and vines.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

VEHICLE, MOTOR see Motor Vehicle.

VEHICLE STORAGE shall mean storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VEHICLE STORAGE, LONG TERM shall mean storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage.

VENDING MACHINE shall mean any unattended self-service device that, upon insertion of a coin, coins, tokens, debit and/or credit cards or by similar means, dispenses food, beverage, goods, rental materials, wares, merchandise or services.

VENDING MACHINE, REVERSE shall mean an automated mechanical device that accepts at least one or more types of empty beverage containers, including but not limited to aluminum cans and glass or plastic bottles and that issues a cash refund or a redeemable credit, provided that the entire process is enclosed within the entire machine. A reverse vending machine may be designed to accept more than one container at a time, paying by weight instead of the container.

VETERINARY SERVICES shall mean services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries and veterinary hospitals for livestock and large animals.

VIBRATION shall mean the periodic displacement measured in inches of the ground.

VIBRATION, FREQUENCY shall mean the number of oscillations per minute of a vibration.

VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

W

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment.

WAREHOUSING (ENCLOSED) shall mean uses including storage, warehousing, distribution and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses and van and storage companies.

WAREHOUSING (OPEN) shall mean uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, materials yards and open storage.

WASTE TIRE shall mean a whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect as defined in K.S.A. 65-3424, et seq, and amendments thereto.

WASTE TIRE ABATEMENT shall mean the processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.

WASTE TIRE BENEFICIAL USE shall mean the use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling to the owner of the tires. This shall not include the disposal of waste tires on the owner's land simply to avoid proper disposal as prescribed by this Ordinance and/or state law.

WASTE TIRE COLLECTION CENTER shall mean a site where used or waste tires are collected from the public prior to being offered for recycling or disposal.

WASTE TIRE PROCESSING FACILITY shall mean a site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.

WASTE TIRE SITE shall mean a site at which 1,000 or more whole tires are accumulated.

WASTEWATER LAGOON see Lagoon.

WATERCOURSE shall mean natural or once naturally flowing water, either perennially or intermittently, including rivers, streams, creeks and other natural waterways. Includes waterways that have been channelized, but does not include manmade channels, ditches and underground drainage and sewage systems.

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

WETLAND shall mean an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soiled conditions, commonly known as hydrophytic vegetation.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or buyers acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers; sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers and commission merchants; petroleum bulk storage, assemblers, buyers and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In addition to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

WIRELESS COMMUNICATION TOWER shall mean a structure for the transmission or broadcast of cellular, radio, television, radar, or microwaves which exceed the maximum height permitted in the district in which it is located; provided however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered wireless communication towers.

X

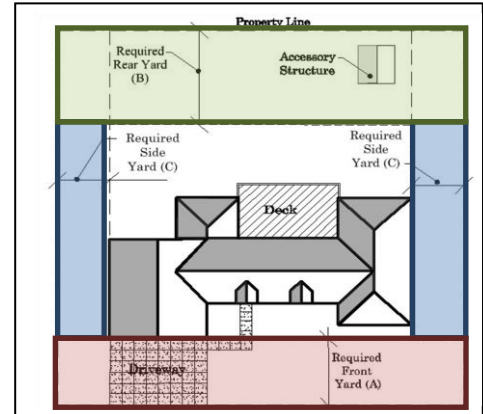
Y

YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Regulation.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard or from the front lot line where no front yard is required by this Regulation, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.



Z

ZONE OR DISTRICT shall mean a section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.

ZONING ADMINISTRATOR shall mean the person or persons authorized and empowered by the City to administer and enforce the requirements of this chapter.

ZONING DISTRICT see District

ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the City.

Article 3: Districts and Official Map

Section 3.01 Districts

As provided by K.S.A. 12-753 the Ellis City Council, by adoption of an Ordinance, may provide for the adoption or amendment of zoning regulations in the manner provided by this act. The City Council may divide the territory subject to its jurisdiction into districts of such number, shape, area and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed suited to carry out the purposes of this act. Such regulations may include, but not be limited to, provisions restricting and regulating the height, number of stories and size of buildings; the percentage of each lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the location, use and appearance of buildings, structures and land for residential, commercial, industrial and other purposes; the conservation of natural resources, including agricultural land; and the use of land located in areas designated as flood plains and other areas, including the distance of any buildings and structures from a street or highway. Such regulations shall define the boundaries of zoning districts by description contained therein or by setting out such boundaries upon a map or maps incorporated and published as part of such regulations or by providing for the incorporation by reference in such regulations of an official map or maps upon which such boundaries shall be fixed.

Section 3.02 Provision for Official Zoning Map

1. The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3.02 of Ordinance No. (____) of the City of Ellis, Kansas", together with the date of the adoption of this Ordinance. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.
2. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by Ordinance adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor and attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (Ordinance No. (____)) of the City of Ellis Kansas." Unless the prior Official Zoning Map has been lost, or has been destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Article 4: General Provisions

Section 4.01 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance or municipal law, the ordinance or municipal law with the most restrictive provisions shall govern.

Section 4.02 Zoning Affects Every Building and Use

All building or land uses shall hereafter follow the requirements listed below:

1. New Structures – All structures built after the effective date of this ordinance shall comply with all provisions of these zoning regulations. Any structures moved from one site to another shall comply with all pertinent regulations.
2. Old Structures – If the use of any structure is hereafter changed to another use, then the new use must comply with all district regulations unless stated otherwise herein.
3. Remodeling – If any structure is hereafter remodeled resulting in additional square feet:
 - A. The entire structure as remodeled shall comply with all district regulations.
 - B. Any alterations, enlargements or additions shall comply with the bulk requirements of these regulations.

Section 4.03 Special Lot Requirements

1. Every building hereafter erected, reconstructed, converted, moved, or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.
2. More than one principal building may be located upon a lot or tract in the following instances after a site review as part of a conditional use permit as established in this Ordinance.
 - A. Institutional buildings
 - B. Public or semi-public buildings
 - C. Multiple-family dwellings
 - D. Commercial or industrial buildings
 - E. Home for the aged
 - F. Agricultural buildings
 - G. Planned Unit Developments
3. In the event a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:
 - A. That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet.
 - B. Where a court having direct street access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
4. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.
5. Except as herein provided for accessory buildings and structures, whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
6. *Double Frontage Lots/Corner Lots:*
 - A. The required front yard shall be provided on each street; except where otherwise provided in this code.
 - B. The portion of the lot which is on the side of the primary structure will be permitted to place a fence at the easement edge and not be required to meet the front yard setback, provided the fence does not infringe or impair the sight line on the neighboring houses on that block.
 - C. Any accessory structure placed on the side of the primary structure which is on the portion of the lot which is a frontage will be permitted to be placed six feet from the fence or six feet from the easement edge, whichever is more. Said accessory structure will not be required to adhere to the front yard setback in this condition.

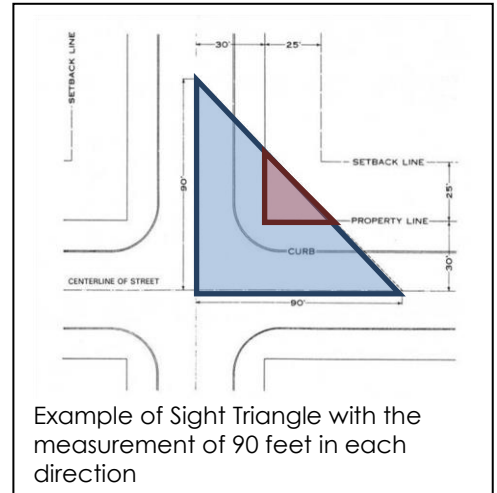
7. *Building Groupings:* For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one building occupying one lot.
8. *Front Yards:* When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
9. *Side Yards:* The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 24 feet, except where a side yard is adjacent to a business or industrial district, in which case the depth of the yard shall be as required in the district in which the building is located.

Section 4.04 Reductions in Lot Area Prohibited

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

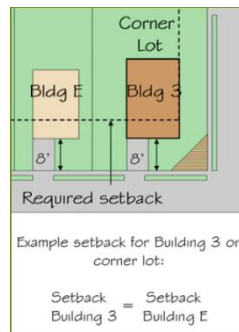
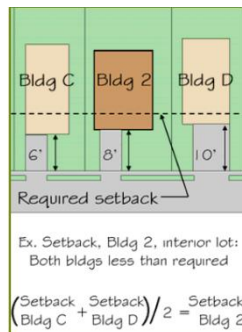
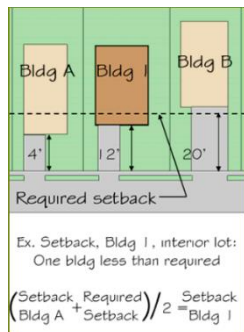
Section 4.05 Obstructions to Vision at Street Intersections Prohibited

On a corner lot, within the area formed by the center line of streets at a distance of 90 feet from their intersections, there shall be no obstruction to vision between a height of two and one-half feet and a height of 10 feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets. At the intersection of major or arterial streets, the 90-foot distance shall be increased to 120 feet for each arterial leg of the intersection. The requirements of this section shall not be deemed to prohibit any necessary retaining wall. A sight triangle of 15 feet shall be required where two lot lines intersect at an alley. See "Sight Triangle," as defined in Article 2 of this Ordinance.



Section 4.06 Yard Requirements

1. Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
2. No part of a yard, or other open space, or off-street parking or loading space, required in connection with any building for the purpose of complying with this regulation, shall be included as part of a yard, open space, or off-street parking or loading space required for another building and or lot.
3. No yard or lot existing at the time of passage of this regulation shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this regulation shall meet the minimum requirements herein.
4. All accessory buildings when connected to the principal building (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
5. The Zoning Administrator may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that 1.) More than 24 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and 2.) A minority of such structures have observed or conformed to an average setback line, see illustration for different provisions (illustration is for reference example only):



6. Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than 25 feet and the owner shall install and maintain landscaping and planting suitable to provide effective screening.
7. Any yard for a commercial or industrial use located within any Commercial or Industrial Zoning District, which is adjacent to any residential use, or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening; except in the Downtown Commercial District.
8. The rear yard setback may be the lesser of the required setback in the district or 20% of the depth of the lot.

Section 4.07 Drainage

No building, structure, or use shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands.

Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 4.08 Special Building Setbacks Lines along Arterial and Collector Streets

Arterial Streets: No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus 50 feet.

Collector Streets: No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus 40 feet.

Front Yards:

- A. There shall be a front yard having a depth of not less than 25 feet, except as required for arterial and collector streets above.
- B. Where a lot or group of lots have double frontage, the required front yard shall be provided on both streets, except as otherwise provided herein.
- C. Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record shall not be reduced to less than 35 feet, except as may be required to preserve a minimum setback of six feet from the lot line.

Side Yards:

- A. Except as hereinafter required in the lot, yard and bulk requirements, area and use regulations of this ordinance, there shall be a side yard having a width of not less than six feet on each side of the principal and/or accessory building, except as provided for in zero lot line development.
- B. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

Rear Yards:

There shall be a rear yard having a depth of not less than 25 feet.

Section 4.09 Permitted Obstructions in Required Yards

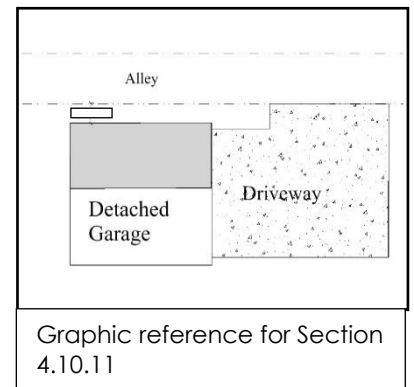
The following shall not be considered obstructions when located in the required yards:

1. *All Yards:*
 - Steps in combination with an accessibility ramp used for wheelchair and other assisting devices which are four feet or less above grade which will not exceed minimum requirements of the Americans with Disabilities Act are necessary for access to a permitted building or for access to a lot from a street or alley.
 - Chimneys projecting 24 inches or less into the yard.
 - Approved freestanding signs.
 - Arbors and trellises.
 - Flag poles.

- Window air conditioners projecting not more than 18 inches into the required yard; and
 - Fences or walls subject to applicable height restrictions are permitted in all yards.
2. *Rear and Side Yards:*
- Playground and other recreational equipment.
 - Clothes lines.
 - Open off-street parking spaces
 - Outside elements of central air conditioning systems.
 - Emergency egress systems for basements on an existing structure.
 - Satellite dish-type antennas
 - Emergency generators, necessary components and connecting equipment that meet state and federal codes (Rear Yard only)
 - Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

Section 4.10 Accessory Building and Uses

1. Except as provided in this ordinance, no accessory building shall be constructed upon a lot, tract or parcel until the construction of the main building has been commenced.
2. Accessory buildings, as defined in this ordinance, shall require the existence of a main building on the same or immediately adjacent lot, tract, or parcel of the same ownership on which the accessory building is located unless the same are constructed in compliance with the following provisions of this ordinance.
3. Any accessory building shall not exceed 1,200 square feet in size, if it doesn't result in more than 30 percent of the total coverage area of the lot, inclusive of the main building, or 40 percent of the lot is 50 feet wide or less.
4. When an accessory building is not located on the same or adjacent lot, parcel, or tract the building shall meet the following provisions:
 - A. Maximum of 10-foot sidewalls
 - B. The building shall have a minimum of two windows.
 - C. The building shall have residential siding, unless otherwise allowed.
5. Any accessory building constructed under this section must conform with the residential character of the neighborhood.
6. In no event shall an accessory building be used as a dwelling, except as provided herein.
7. In no event shall a portable storage container be used as permanent storage/accessory building within any residential district, except as provided herein.
8. No detached accessory building or structure shall exceed the maximum permitted height allowed in the individual district, unless otherwise provided.
9. No accessory building shall be constructed in the required front yard.
10. Detached accessory buildings or structures shall be located no closer than six feet to any other accessory or principal building.
11. Within the R-1, R-2, and R-3 Districts, accessory buildings and structures may be located in a required rear yard; however, no accessory building may be located closer than six feet from a rear lot line.
12. Setbacks for accessory buildings and structures shall meet the requirements in Section 4.08.
13. When a detached garage or other outbuilding is built within the required setback for a principal structure, the principal structure and detached building shall remain as separate structures and maintain the required separation distances found in this Section.
14. When a detached garage has access to an alley, the rear yard setback shall be increased to 10 feet for garages directly accessing the alley from the garage and door is parallel to the alley. Otherwise, it shall be a minimum of six feet.
15. Temporary and portable carports may be allowed in designated zoning districts provided the following criteria shall be met:
 - A. The carport shall be anchored to the ground with a permanent footing.
 - B. Carport shall not be allowed to have more than two sides covered with siding material.
 - C. Shall meet all minimum setbacks.



16. Detached private garages and outbuildings in the Residential Districts within the corporate limits of Ellis for automobiles and/or storage use and other structures customary and appurtenant to the permitted uses and detached accessory garages shall be constructed of materials customarily used in residential construction and meet the following:
- A. Be constructed of materials that are in good repair,
 - B. The sidewalls of said building shall not exceed 12 feet in height.
 - C. Garages shall have a maximum width of 40 feet,
 - D. Garages and outbuildings shall be constructed and finished in materials customary to residential construction. Non-corrugated metal siding (rib panel) shall be permitted on accessory structures located within the same lot or adjacent lot as the principal structure.
 - E. Regulation of accessory uses shall be as follows:
 - 1) Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - 2) Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further if canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
 - 3) Storage of any boat, boat trailer, camp trailer, or other vehicle shall be permitted in the side or rear yard.
 - 4) Open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than five feet to the rear lot line nor closer than three feet to a side lot line. No alley may be used in meeting this requirement.
 - 5) Accessory storm shelters which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
17. If the property which the proposed building is to be located is found within the flood plain, compliance with flood plain regulations shall control which may inhibit placement of the building on the lot or restrict the maximum square footage.

Section 4.11 Permitted Modifications of Height Regulations

1. The height limitations of this Ordinance shall not apply to:
- | | |
|--|---|
| Air-Pollution Prevention Devices | Flag Poles |
| Belfries | Ornamental Towers and Spires |
| Chimneys | Public Monuments |
| Church Spires | Radio/Television Towers less than 125 feet tall |
| Conveyors | Silos and grain elevators |
| Cooling Towers | Smokestacks |
| Elevator Bulkheads | Stage Towers or Scenery Lots |
| Commercial Elevator Penthouses | Tanks |
| Fire Towers | Water Towers and Standpipes |
| Web cameras and meteorological equipment | |

Provided the appropriate yard setbacks are increased by one foot for every two feet in excess of the maximum height requirement for the given zoning district.

2. When permitted in a district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 4.12 Occupancy of Basements and Cellars

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed, and any required emergency egress requirements of the City of Ellis have been installed as required per state and life-safety codes.

Section 4.13 Non-Conforming, General Intent

This section addresses the few instances when existing development does not conform to provisions of these Regulations (nonconformities). The continued existence of nonconformities may be inconsistent with the

purposes of these Regulations. Therefore, this section provides for the gradual elimination of nonconformities. This section restricts further expansion of nonconforming structures or uses.

1. Non-Conforming Uses Which May Be Continued:
 - A. The following lawful non-conforming uses of land may be continued:
 - 1) A use of land which existed prior to the effective date of this Zoning Ordinance.
 - 2) The use of land existing at the time of the annexation.
 - 3) 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.
 - B. The lawful use of a building located upon any land, except as provided in Section 4.13 (2) below, may be continued although such use does not conform with the provisions of this Zoning Ordinance, and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a non-conforming use of the building may be changed to another non-conforming use if deemed by the Planning Commission/Board of Zoning Appeals to be of a similar non-conforming use or a non-conforming use that is more appropriate to the district. The foregoing provisions shall also apply to any uses of buildings which may be made non-conforming by any subsequent amendment or change of this Zoning Ordinance.
 - C. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a non-conforming use.
 - D. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety, who declares such structure to be unsafe and dangerous, and orders its restoration to a safe condition.
 - E. The property owner shall be responsible for establishing that said nonconformity is a legal nonconformity.
2. Non-Conforming Uses Which May Not Be Continued:
 - A. When a non-conforming use is discontinued or abandoned, for a period of 12 consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with these Regulations.
 - B. No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.
 - C. No non-conforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
 - D. Whenever a non-conforming use of building has been changed to a conforming use, such use shall not thereafter be changed back to a non-conforming use.
 - E. A non-conforming building which has been damaged to the extent of more than 50 percent of its fair market value by any means including fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the zoning district. In the event a question may arise on the fair market value of such a building, the same shall be determined by three appraisers: One shall be selected by the Governing Body, one shall be selected by the owner of the building, and the third appraiser shall be selected by the two selected appraisers. If the first two appraisers selected cannot agree on the selection of the third such appraiser, the Judge of the appropriate court shall be requested to appoint the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

Section 4.14 Nonconforming Lots of Record

In any district notwithstanding limitations imposed by other provisions of these Regulations, a structure and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of these Regulations, provided such development shall be subjected to all applicable bulk regulations of the zoning district, unless otherwise permitted by variance.

Section 4.15 Repairs and Maintenance

1. On any building devoted in whole or in part to any nonconforming use, work including ordinary repairs or

on repair or replacement of non-bearing walls, fixtures, wiring or plumbing may be done provided that the cubic content of the building as it existed at the time of passage of amendment of these Regulations shall not be increased.

2. Nothing in these Regulations shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe and dangerous by order of the Building Official.

Section 4.16 Uses under Conditional Use Permit not Nonconforming Uses

Any use for which a special exception has been issued as provided in previous ordinances shall not be deemed a nonconforming use but shall without further action be deemed a conforming use in such district.

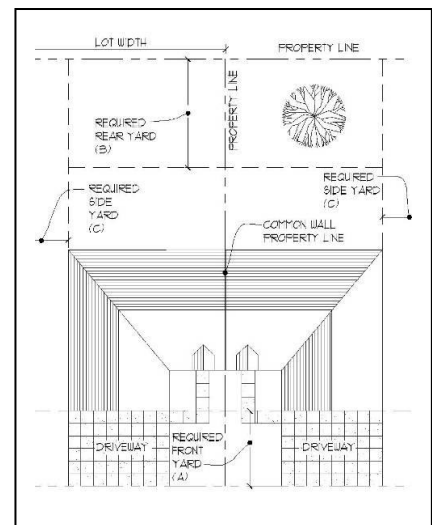
Section 4.17 Zero Lot Line

1. Zero lot line concept is where a single- or two-family dwelling has one exterior wall on or within one foot of a side property line and the remaining side yard is double the normal side yard required by the district regulations. Zero Lot Line Developments may be built under the following conditions:

- A. When submitted as part of a new subdivision plat or an amendment to an existing subdivision and each lot to be developed using the zero-lot line concept is so designated showing which lot line is the zero-lot line.
- B. On an existing lot in a partially developed subdivision when submitted to and approved by the Board of Zoning Appeals as a variance under Article 11 of the zoning regulations.

2. On any lot approved for the zero-lot line concept by platting, replatting or approval of the Board of Zoning Appeals, the following stipulations shall apply:

- A. A maintenance easement at least five feet in width shall be provided and recorded on the property adjoining the designated zero lot line.
- B. There shall be no door or window openings on the side of the house which is built on the zero-lot line.
- C. No portion of a roof, gutter or other part of the structure shall project past the zero-lot line and all roof drainage will be installed to keep all run-off water off of the adjoining property.



Section 4.18 Temporary Uses and Permits

1. The administrator shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots thereon. The permits shall not exceed 180 days in duration unless the following conditions apply:

- A. Model homes or apartments, if contained within the development to which they pertain.
- B. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
- C. Public assemblies, displays, and exhibits.
- D. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
- E. Construction site offices, if located on the construction site itself.
- F. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
- G. Construction Batch Plants, provided that:
 - 1) No plant may be located within 600 feet of a developed residential use, park, or school.
 - 2) Hours of operation do not exceed 12 hours per day.
 - 3) The duration of the plant's operation does not exceed 180 days but may be extended by the Zoning Administrator if unforeseen circumstances have delayed the project.

2. Required Conditions of All Temporary Uses

- A. Each site shall be left free of debris, litter, or other evidence of its use upon its completion or removal.
- B. The Planning Commission, or its designee, may establish other conditions which he/she deems necessary to ensure compatibility with surrounding land uses.

3. Permit Application and Issuance
 - A. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
 - B. The Planning Commission, or its designee, may authorize a temporary use only if he/she determines that:
 - 1) The use will not impair the normal operation of present or future permanent use on the site.
 - 2) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
 - C. The duration of the permit shall be explicitly stated on the permit.

Section 4.19 Sanitation Requirements

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

Section 4.20 Prohibited Uses

All uses which are not specifically permitted or are not permissible as a Conditional Use throughout each district of this Ordinance are prohibited until such time as the Ordinance is amended accordingly.

Section 4.21 Fees

The payment of all fees for any zoning or subdivision related action or permit request shall be required prior to the issuance or investigation of any said action or permit request. Such fees shall be adopted and published by the City Council by separate resolution.

Article 5: Zoning Districts

Section 5.01 Districts; Use

For the purpose of this Chapter, the Municipality is hereby divided into 11 districts, designated as follows:

- (TA) Transitional Agricultural District
- (R-1) Low Density Residential District
- (R-2) Medium Density Residential District
- (R-3) High Density Residential District
- (RM) Mobile Home Residential District
- (C-1) Downtown Commercial District
- (C-2) General Commercial District
- (C-3) Highway Commercial District
- (I-1) Light Industrial District
- (I-2) Medium Industrial District
- (PUD) Planned Unit Development

Section 5.02 Districts; Boundaries and Official Zoning Map

The boundaries of the districts are hereby established as shown on the map entitled "Official Zoning Map of the City of Ellis, Kansas." Said maps and all explanatory matter thereon accompany and are hereby made a part of this Ordinance as if fully written herein. The Official Zoning District Map shall be identified by the signature of the Mayor and attested by the City Clerk. No changes shall be made to the Zoning District Map except as may be required by amendments to this Ordinance. Such changes shall be promptly indicated on the Zoning District Map with the Ordinance number, nature of change, and date of change noted on the map.

Section 5.03 Rules for Interpretation of District Boundaries on the Official Zoning Map

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shore line.
6. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) to (6) above shall be construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) to (7) above, the Board of Zoning Appeals shall interpret the district boundaries.
9. Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
10. When a district boundary line splits a lot, tract, or parcel that is in sole ownership, the zoning district with the most restrictive requirements may be extended over the entire property without amending the zoning map through the public hearing process.
11. When a lot, tract, or parcel is bisected by the extraterritorial jurisdiction boundary line, the jurisdiction with the greatest portion of the property shall have controlling interest.

Section 5.04 Land Use Categories Matrix Explanation

The Matrix found in Section 5.06 of this Ordinance is a listing of uses that may be allowed within the variety of Zoning Districts.

1. The different uses are grouped into specific "Land Use Categories".
2. The "Land Use Categories" are listed in each of the Zoning Districts in lieu of specific uses. It is important to

note, if a “Land Use Category” is listed within a specific Zoning District, it DOES NOT indicate every use in the “Land Use Category” is allowed within the specific District.

The different uses within Section 5.06 are Permitted (P), Allowed upon approval of a Conditional Use Permit (C), Temporary (T) or not permitted (-).

In order to determine if a specific use is allowed in a Zoning District, the following steps need to be followed:

1. Find the Use Type that matches your application.
2. Look across the table and determine which of the Zoning Districts the use is allowed.
3. Determine any special criteria for the use(s) by referring to the specific District.
4. Determine where the specific Zoning Districts are by reviewing the Official Zoning Map.
5. Determine the necessary procedures to receive required permits after the land or property is the control of the applicant.
6. When doubt, please confer with Planning staff.

The Table in Section 5.06 also lists Accessory Uses which may be allowed or not allowed in any specific Zoning District. The Accessory Use listing can be found at the end of the Table.

Section 5.05 Annexation and Conformance with the Land Use Plan

All territory which may hereafter be annexed to the city shall be zoned in accordance with the adjacent property.

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Section 5.06 Land Use Categories/Matrix

Use Type		A = Allowed Outright (no Permit required) PR = Permit Required (Permit required) AU = Accessory Use/Building (Permit required) C = Conditional Use Permit (Permit required) T = Temporary (Permit required) "-" = not permitted										TA-1 = Transitional Agriculture R-1 = Low Density Single Family Residential R-2 = Single Family Residential R-3 = High Density Residential RM = Residential Mobile Home C-1 = Downtown Commercial C-2 = General Commercial C-3 = Highway Commercial I-1 = Light Industrial I-2 = Heavy Industrial									
		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes									
Agriculture & Horticulture Uses																					
	Agricultural buildings for general Ag. use	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Agricultural operations	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Community Gardens	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR							
	Crop Production	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Confined Feeding Operations	-	-	-	-	-	-	-	-	-	-	-	-	-							
	Livestock for 4-H purposes as a Secondary use	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Livestock sales yard	A	-	-	-	-	-	-	-	-	-	C	C	-							
	Livestock grazing	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Wineries/Vineyards	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Cover crops (alfalfa, brome, oats)	A	-	-	-	-	-	-	-	-	-	-	-	-							
Agricultural Sales & Service																					
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.	C	-	-	-	-	-	C	-	C	C	-	-	-							
	Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for personal use.	A	-	-	-	-	-	-	-	-	-	-	-	-							
	Agricultural implement & vehicle sales and service	PR	-	-	-	-	-	C	C	C	C	-	-	-							
	Agricultural research farm	A	-	-	-	-	-	-	-	C	C	-	-	-							
	Agricultural processing	C	-	-	-	-	-	-	-	C	C	-	-	-							
	Commercial agriculture feed mixing and blending, seed sales and grain handling operations	C	-	-	-	-	-	-	-	C	C	-	-	-							
	Equestrian centers and stables	PR	-	-	-	-	-	-	-	-	-	-	-	-							
	Horses and other non-commercial livestock on residential lots	PR	-	-	-	-	-	-	-	-	-	-	-	-							
Residential Living																					
	Seasonal dwelling or cabins	PR	-	-	-	-	-	-	-	-	-	-	-	-							
	Multi-family dwelling (max. of 4 units per building)	-	-	C	PR	-	C	-	-	-	-	-	-	-							
	Multi-family dwelling (more than 4 units per building)	-	-	-	PR	-	C	-	-	-	-	-	-	-							
	Condominiums (max. of 2 units)	-	-	C	PR	-	-	-	-	-	-	-	-	-							
	Condominiums (3 units or more)	-	-	C	PR	-	-	-	-	-	-	-	-	-							
	Mobile Home Dwelling	-	-	-	-	PR	-	-	-	-	-	-	-	-							
	Mobile Home Dwelling as secondary dwelling	C	-	-	-	-	-	-	-	-	-	-	-	-							
	Residential designed Manufactured homes	PR	PR	PR	PR	PR	-	-	-	-	-	-	-	See Section 9.03							
	Single-family attached dwelling (max. of 2 units)	-	C	P	P	PR	-	-	-	-	-	-	-	-							
	Single-family attached dwelling (more than of 2 units)	-	-	C	C	PR	-	-	-	-	-	-	-	-							
	Single-family detached dwellings	PR	PR	PR	PR	PR	-	-	-	-	-	-	-	-							
	Two-family/Duplex	-	C	C	P	P	-	-	-	-	-	-	-	-							
	Upper story housing	-	-	-	-	-	PR	PR	PR	-	-	-	-	-							
	Lower-level housing in back 50%of structure	-	-	-	-	-	C	C	-	-	-	-	-	-							

Use Type		A = Allowed Outright (no Permit required) PR = Permit Required (Permit required) AU = Accessory Use/Building (Permit required) C = Conditional Use Permit (Permit required) T = Temporary (Permit required) "-" = not permitted										TA-1 = Transitional Agriculture R-1 = Low Density Single Family Residential R-2 = Single Family Residential R-3 = High Density Residential RM = Residential Mobile Home C-1 = Downtown Commercial C-2 = General Commercial C-3 = Highway Commercial I-1 = Light Industrial I-2 = Heavy Industrial					Additional Requirements/Notes
		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2						
	Accessory Dwelling Units	C	C	C	C	C	-	-	-	-	-						
	Special Dwelling Types (Tiny House-site built)	PR	PR	PR	PR	PR	-	-	-	-	-	See Section 9.22					
	Special Dwelling Types (except Tiny Houses)	C	C	C	C	C	-	-	-	-	-	See Section 9.22					
Residential/ Commercial Institutions																	
	Adult care homes	PR	PR	PR	PR	PR	PR	-	-	-	-						
	Assisted Living Facilities	PR	PR	PR	PR	-	C	C	C	-	-						
	Bed and Breakfast	PR	PR	PR	PR	PR	-	-	-	-	-						
	Convents	C	C	C	C	C	-	-	-	-	-						
	Emergency Residential Services/Shelters	PR	PR	PR	PR	PR	-	-	-	-	-						
	Group Care Home	PR	PR	PR	PR	PR	PR	-	-	-	-						
	Group Home	PR	PR	PR	PR	PR	-	-	-	-	-						
	Hospice	PR	PR	PR	PR	PR	PR	-	-	-	-						
	Life Care Facility	PR	PR	PR	PR	PR	PR	-	-	-	-						
	Monasteries	C	C	C	C	C	-	-	-	-	-						
	Nursing Homes	PR	-	-	C	-	C	C	C	-	-						
	Retirement Homes	PR	-	-	C	-	C	C	C	-	-						
	Transitional housing	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
Community Services/Civic Uses																	
	Animal shelters	PR	-	-	-	-	C	C	C	C	C						
	Cemetery	PR	PR	PR	PR	PR	-	-	-	-	-						
	Churches, synagogues, temples & similar	PR	PR	PR	PR	PR	PR	PR	PR	-	-						
	Church, Storefront	-	-	-	-	-	C	C	C	-	-						
	Community centers & buildings	C	C	C	C	C	PR	PR	PR	PR	PR						
	Fire and Rescue facilities	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
	Fraternal Organization	-	-	-	-	-	C	C	PR	PR	PR						
	Governmental offices and uses	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
	Law enforcement centers	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
	Public Libraries and museums	PR	PR	P	PR	PR	PR	PR	PR	PR	PR						
	Philanthropic Organizations	C	C	C	C	C	PR	PR	PR	PR	PR						
	Museums	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
	Planetariums	PR	-	-	-	-	-	-	PR	C	C						
	Senior citizen centers	PR	PR	PR	PR	PR	PR	PR	PR	C	C						
Treatment, Rehabilitation, Incarceration Facilities																	
	Community correction centers	PR	-	-	-	-	-	-	-	C	C						
	Drug & alcohol rehabilitation centers	PR	C	C	C	C	C	C	C	C	C						
	Halfway houses	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR						
	Public Detention Center	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	See Section 9.04					
	Private Prisons	C	-	-	-	-	-	-	C	C	C						

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		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes									
Day-Care, Public & Private Schools																					
	Adult day-care home	PR	PR	PR	PR	PR	PR	PR	PR	PR	-										
	Childcare Center	C	C	C	C	C	C	C	C	C	C	See Section 9.04									
	Colleges and Universities	PR	PR	PR	PR	-	PR	PR	PR	PR	PR										
	Day Care centers	C	C	C	C	C	C	C	C	C	C	See Section 9.04									
	Day Care Home	PR	PR	PR	PR	PR	-	-	-	-	-	See Section 9.04									
	Day Care Home, Registered Family	PR	PR	PR	PR	PR	-	-	-	-	-	See Section 9.04									
	Family Daycare Home	PR	PR	PR	PR	PR	-	-	-	-	-	See Section 9.04									
	Preschools	PR	PR	PR	PR	PR	C	C	C	C	C	See Section 9.04									
	Public & private schools (K-12)	PR	PR	PR	PR	C	PR	PR	PR	PR	PR										
	Trade, career & technical schools	PR	PR	PR	PR	-	PR	PR	PR	PR	PR										
Public Parks & Open Space																					
	Arboretums	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Athletic fields	PR	C	C	C	C	-	-	C	-	-										
	Campground	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Nature centers	PR	-	-	-	-	-	-	-	-	-										
	Parks, trails, picnic areas, & playgrounds	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	State parks	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Public pools and/or water parks	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
Public/Private Utilities & Communication Services																					
	Natural gas exploration and pumping	C	-	-	-	-	-	-	-	C	C										
	Natural gas depots	C	-	-	-	-	-	-	-	C	C										
	Private Wells	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Wind Energy Conversion Sys. – Commercial/Utility Grade	C	-	-	-	-	-	-	-	C	C										
	Public works facilities incl. storage/maintenance areas	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Wireless telecommunication facilities sys. - new tower	C	-	-	-	-	C	C	C	C	C	See Section 9.02									
	Wireless telecommunication facilities sys. - collocated	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	See Section 9.02									
	Radio and tower transmitter (Shortwave and Ham operations) (no offices)	C	C	C	C	C	C	C	C	C	C										
Animal Care																					
	Animal Shelter	PR	-	-	-	-	-	PR	PR	PR	PR										
	Kennel boarding or training	PR	-	-	-	-	-	PR	PR	PR	PR	See Section 9.06									
	Kennel, commercial	PR	-	-	-	-	-	PR	PR	PR	PR	See Section 9.06									
	Kennel, private	PR	C	C	C	C	PR	PR	PR	-	-	See Section 9.06									
	Pet cemetery	PR	-	-	-	-	-	C	C	-	-										
	Pet crematorium	PR	-	-	-	-	-	C	C	C	C										
	Pet grooming,	PR	C	C	C	C	C	C	C	C	C										
	Pet training	PR	C	C	C	C	C	C	C	C	C										
	Animal hospital	PR	-	-	-	-	PR	PR	PR	PR	PR	See Section 9.05									

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		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2						
Business and Household Services																	
	Building maintenance & cleaning services	PR	C	C	C	C	PR	PR	PR	PR	PR						
	Copying, printing, mailing, & packaging services	PR	C	C	C	C	PR	PR	PR	PR	PR						
	Lawn, garden & yard maintenance services	PR	C	C	C	C	PR	PR	PR	PR	PR						
	Locksmiths and key duplication	PR	C	C	C	C	PR	PR	PR	PR	PR						
	Pest control services	PR	-	-	-	-	C	C	PR	PR	PR						
	Small appliances & household equipment repair	PR	C	C	C	C	PR	PR	PR	PR	PR						
	Well drilling/septic tank cleaning	PR	-	-	-	-	-	-	PR	PR	PR						
Financial Services																	
	Accounting services																
	Automatic Teller Machine (ATM)/Automatic Interactive Tellers (AIT)	-	-	-	-	-	PR	PR	PR	PR	PR						
	Banks, Savings Banks, and Credit Unions	-	-	-	-	-	PR	PR	PR	PR	PR						
	Insurance offices	-	-	-	-	-	PR	PR	PR	PR	PR						
	Financial advisory services, brokerages	-	-	-	-	-	PR	PR	PR	PR	PR						
	Specialty loan services	-	-	-	-	-	PR	PR	PR	PR	PR						
Food And Beverage Services																	
	Banquet/reception facility	C	-	-	-	-	C	PR	PR	PR	PR						
	Brew-on Premises Store	C	-	-	-	-	PR	PR	PR	PR	PR						
	Brewery	C	-	-	-	-	C	C	PR	PR	PR						
	Brew pub	-	-	-	-	-	PR	PR	PR	-	-						
	Craft Brewery (Commercial)	C	-	-	-	-	PR	PR	PR	PR	PR						
	Catering service	C	C	C	C	C	PR	PR	PR	PR	PR						
	Donut and pastry shops	-	-	-	-	-	PR	PR	PR	-	-						
	Mobile Food Units	T	T	T	T	T	T	T	T	T	T						
	Restaurants	-	-	-	-	-	PR	PR	PR	-	-						
	Roadside produce stands	T	T	-	-	-	T	T	T	T	T						
	Sidewalk Café	-	-	-	-	-	PR	PR	PR	-	-						
	Tavern or bar	-	-	-	-	-	PR	PR	PR	-	-						
	Coffee houses, coffee shops	-	-	-	-	-	PR	PR	PR	-	-						
	Micro-brewery (Commercial)	C	-	-	-	-	PR	PR	PR	PR	PR						
	Coffee kiosks	-	-	-	-	-	PR	PR	PR	-	-						
General Commercial																	
	Antiques, collectables shop, and secondhand store, thrift or consignment store	-	-	-	-	-	PR	PR	PR	-	-						
	Art galleries	PR	-	-	-	-	PR	PR	PR	-	-						
	Artisan production shop	PR	-	-	-	-	PR	PR	PR	-	-						
	Artist Studio	PR	-	-	-	-	PR	PR	PR	-	-						
	Bridal sales & services	-	-	-	-	-	PR	PR	PR	-	-						
	Clothing & accessories	-	-	-	-	-	PR	PR	PR	-	-						
	Computer hardware/software sales	-	-	-	-	-	PR	PR	PR	-	-						

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 R-1 = Low Density Single Family Residential
 R-2 = Single Family Residential
 R-3 = High Density Residential
 RM = Residential Mobile Home
 C-1 = Downtown Commercial
 C-2 = General Commercial
 C-3 = Highway Commercial
 I-1 = Light Industrial
 I-2 = Heavy Industrial

Use Type	TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes
	Dance studios & schools	-	-	-	-	-	PR	PR	PR	-	
Electronic/appliance sales & service	-	-	-	-	-	PR	PR	PR	PR	PR	
Equipment sales/storage/rental	-	-	-	-	-	PR	PR	PR	-	-	
Equipment repair services	-	-	-	-	-	PR	PR	PR	PR	-	
Fabric and sewing supply stores	-	-	-	-	-	PR	PR	PR	-	-	
Farmer's Market	-	-	-	-	-	PR	PR	PR	-	-	See Section 9.16
Firearms and ammunition sales	C	C	C	C	C	C	C	C	C	PR	
Florists	-	-	-	-	-	PR	PR	PR	-	-	
Food store (specialty) including bakeries, meat lockers, butchers, delicatessen, not a full-service grocery	-	-	-	-	-	PR	PR	PR	-	-	
Funeral homes and mortuaries, including crematoriums	C	C	C	C	C	PR	PR	PR	PR	PR	
Garden center	C	-	-	-	-	C	C	PR	-	-	
Gift store	-	-	-	-	-	PR	PR	PR	-	-	
Grocery	-	-	-	-	-	PR	PR	PR	-	-	
Hardware store	-	-	-	-	-	PR	PR	PR	-	-	
Heating and cooling sales and services	-	-	-	-	-	PR	PR	PR	PR	PR	
Lawn and garden equipment sales and service	-	-	-	-	-	PR	PR	PR	PR	PR	
Photographic equipment & supplies	-	-	-	-	-	PR	PR	PR	-	-	
Pottery store	-	-	-	-	-	PR	PR	PR	-	-	
Religious book, card and articles stores	-	-	-	-	-	PR	PR	PR	-	-	
Self-service laundry and Laundromat	-	-	-	-	-	PR	PR	PR	-	-	
Tanning Studio	-	-	-	-	-	PR	PR	PR	-	-	
Taxidermy Services	PR	-	-	-	-	PR	PR	PR	PR	PR	
Special Commercial											
Adult Entertainment	PR	-	-	-	-	PR	PR	PR	PR	PR	See Section 9.20
Commercial Greenhouse	C	-	-	-	-	C	PR	PR	C	C	
Business Center	-	-	-	-	-	PR	PR	PR	-	-	
Concrete and cinder block sales	-	-	-	-	-	-	-	C	PR	PR	
Convenience store	-	-	-	-	-	PR	PR	PR	C	-	
Fencing dealers	-	-	-	-	-	C	PR	PR	PR	PR	
Fireworks stands	T	T	T	T	T	T	T	T	T	T	
Gasoline filling stations, including Self-Service	-	-	-	-	-	PR	PR	PR	C	C	
Liquor stores/sales	-	-	-	-	-	PR	PR	PR	-	-	
Monument sales	-	-	-	-	-	PR	PR	PR	PR	PR	
Motels and hotels	-	-	-	-	-	C	C	PR	-	-	
Nurseries, retail sales	-	-	-	-	-	C	C	PR	PR	PR	
Piercing Studio	-	-	-	-	-	PR	PR	PR	PR	PR	
Tattoo Parlor	-	-	-	-	-	PR	PR	PR	PR	PR	
Vending Machines	-	-	-	-	-	AU	AU	AU	AU	AU	
Vending Machine, Reverse	-	-	-	-	-	AU	AU	AU	AU	AU	

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		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes									
Medical Uses																					
	Acupuncture offices	C	C	C	C	C	PR	PR	PR	-	-										
	Chiropractor offices	C	C	C	C	C	PR	PR	PR	-	-										
	Massage therapy	C	C	C	C	C	PR	PR	PR	-	-										
	Medical offices including doctors, dentists, orthodontists	-	-	-	-	-	PR	PR	PR	-	-										
	Optical sales & services	-	-	-	-	-	PR	PR	PR	-	-										
	Rehabilitation facilities including out-patient services	-	-	-	-	-	PR	PR	PR	-	-										
Office Uses																					
	Business offices	-	-	-	-	-	PR	PR	PR	PR	PR										
	Photographic studios	-	-	-	-	-	PR	PR	PR	PR	-										
	Professional offices for these and similar uses; consultants, attorneys, architects, engineers, planners, landscape architects.	-	-	-	-	-	PR	PR	PR	PR	PR										
	Real Estate offices	-	-	-	-	-	PR	PR	PR	PR	PR										
	Utility and telephone company offices	-	-	-	-	-	PR	PR	PR	PR	PR										
Recreational Commercial																					
	Amusement arcade	A	-	-	-	-	PR	PR	PR	PR	PR										
	Commercial stables	A	-	-	-	-	-	-	-	-	-										
	Entertainment complex	A	-	-	-	-	PR	PR	PR	PR	PR										
	Golf courses, public & private	A	C	C	C	-	C	C	C	-	-										
	Golf driving ranges	A	PR	-	-	-	-	-	-	PR	-										
	Gun clubs and shooting parks, indoor or outdoor	A	-	-	-	-	-	-	-	C	C										
	Miniature golf courses	A	-	-	-	-	PR	PR	PR	-	-										
	Paintball Course	A	-	-	-	-	-	-	-	C	C										
	Recreational facility, Indoor	A	-	-	-	-	C	C	C	C	C										
	Recreational facility, outdoor	A	-	-	-	-	-	-	-	C	C										
	Recreational vehicle (RV) Park	A	-	-	-	-	-	PR	PR	PR	PR										
	Riding Academies	A	-	-	-	-	-	-	-	-	-										
Auto Services/ Commercial																					
	Auto body repair	C	-	-	-	-	C	C	C	PR	PR	See Section 9.12									
	Automotive/machinery repair shop	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.12									
	Automobile/truck sales, rental & leasing	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.13									
	Automobile/truck washes, self-services or automatic	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.13									
	Bus Stop/Terminal/Depot	-	-	-	-	-	-	-	C	-	-										
	Motor home dealers	C	-	-	-	-	C	C	C	PR	PR	See Section 9.13									
	Motorcycle dealers, incl. moped and scooters	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.13									
	Muffler sales & services	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.12									
	Recreational vehicle sales & rentals	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.13									
	Transmission repair shops	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.12									
	Travel trailer dealers	C	-	-	-	-	C	PR	PR	PR	PR	See Section 9.13									
	Truck Wash	C	C	-	-	-	C	C	C	C	C										

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		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes									
	Vehicle Storage, long-term or short-term	C	-	-	-	-	-	-	-	PR	PR										
	Trailer, RV, & boat storage	C	-	-	-	-	-	-	-	PR	PR										
Warehousing & Storage																					
	Fireworks storage	-	-	-	-	-	-	-	-	PR	PR										
	Mini warehouses & self-service storage	A	-	-	-	-	-	-	-	C	PR	See Section 9.11									
	Motor Freight Terminals	C	-	-	-	-	-	-	-	C	PR										
	Outdoor Storage	A	-	-	-	-	-	-	-	PR	PR										
	Outdoor Storage Containers	A	-	-	-	-	-	-	-	PR	PR	See Section 9.14									
	Portable On-demand storage facilities	T	T	T	T	T	T	T	T	T	T	See Section 9.14									
	Warehouse and distribution	C	-	-	-	-	-	-	-	C	PR										
	Warehousing (enclosed)	C	-	-	-	-	-	-	-	PR	PR										
	Warehousing (Open)	C	-	-	-	-	-	-	-	C	PR										
	Wholesale business and storage	C	-	-	-	-	-	-	-	PR	PR										
Contractors, Contractor Yards, Storage & Supply																					
	Bulk materials or machinery storage (fully enclosed)	-	-	-	-	-	-	-	-	PR	PR										
	Carpenters	C	C	C	C	C	C	C	C	PR	PR										
	Carpet & rug cleaning plants	-	-	-	-	-	-	-	-	PR	PR										
	Construction batch plants	-	-	-	-	-	-	-	-	PR	PR										
	Construction yards incl. offices & equipment storage yards excl. heavy machinery	-	-	-	-	-	-	-	-	PR	PR										
	Electricians	C	C	C	C	C	C	C	C	PR	PR										
	Heating & ventilating contractors	C	C	C	C	C	C	C	C	PR	PR										
	Masons & bricklayers	C	C	C	C	C	C	C	C	PR	PR										
	Plumbers	C	C	C	C	C	C	C	C	PR	PR										
	Trade shops (incl. cabinet makers)	C	C	C	C	C	C	C	C	PR	PR										
Large Contracting/Materials Manufacturing																					
	Asphalt contractors	C	-	-	-	-	-	-	-	PR	PR										
	Concrete block manufacturing	C	-	-	-	-	-	-	-	PR	PR										
	Concrete contractors	C	-	-	-	-	-	-	-	PR	PR										
	Concrete products	C	-	-	-	-	-	-	-	PR	PR										
	Excavating contractors	C	-	-	-	-	-	-	-	PR	PR										
	Heavy construction companies	C	-	-	-	-	-	-	-	PR	PR										
	Highway/street construction co.	C	-	-	-	-	-	-	-	PR	PR										
	Manufactured housing fabrication	C	-	-	-	-	-	-	-	PR	PR										
	Prefabricated buildings & components manufacturing	C	-	-	-	-	-	-	-	PR	PR										
	Wrecking & demolition contractors	C	-	-	-	-	-	-	-	PR	PR										
Food Processing																					
	Bakery Products Manufacturing	C	-	-	-	-	-	-	-	PR	PR										
	Beverage Blending and Bottling (Except Breweries)	C	-	-	-	-	-	-	-	PR	PR										
	Coffee, Tea and Spice Processing and Packaging	C	-	-	-	-	-	-	-	PR	PR										
	Creamery and Dairy Operations	C	-	-	-	-	-	-	-	PR	PR										

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		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	Additional Requirements/Notes									
	Dairy Products Manufacturing	C	-	-	-	-	-	-	-	PR	PR										
	Egg Processing Plants	C	-	-	-	-	-	-	-	PR	PR										
Mining & Excavation																					
	Brick, firebrick and clay products manufacturing	C	-	-	-	-	-	-	-	-	C										
	Monument & architectural stone manufacturing	C	-	-	-	-	-	-	-	-	C										
	Quarry	C	-	-	-	-	-	-	-	-	C										
Metal Processing, Stamping																					
	Culvert manufacturing	C	-	-	-	-	-	-	-	C	PR										
	Welding	C	-	-	-	-	-	-	-	C	PR										
	Wire Rope and Cable Manufacturing	C	-	-	-	-	-	-	-	C	PR										
Waste Handling																					
	Landfill, Construction Material	C	-	-	-	-	-	-	-	-	C										
	Landfill, Solid Waste	C	-	-	-	-	-	-	-	-	C										
	Recycling Center	C	-	-	-	-	-	-	-	C	C										
	Recycling Processing	C	-	-	-	-	-	-	-	C	C										
	Sanitary Transfer Station	C	-	-	-	-	-	-	-	C	C										
General Manufacturing																					
	Basket & hamper (wood, reed, rattan, etc.) manufacturing	-	-	-	-	-	-	-	-	PR	PR										
	Millwork manufacturing	-	-	-	-	-	-	-	-	PR	PR										
	Electronics manufacturing	-	-	-	-	-	-	-	-	PR	PR										
	Machinery manufacturing	-	-	-	-	-	-	-	-	PR	PR										
	Musical instruments manufacturing	-	-	-	-	-	-	-	-	PR	PR										
	Tool, die, gauge and machine shops	-	-	-	-	-	-	-	-	PR	PR										
	Wind turbine manufacturing	-	-	-	-	-	-	-	-	C	C										
General Manufacturing (High Hazard)																					
	Ammunition production and manufacturing	C	-	-	-	-	-	-	-	C	C										
	Bio-Fuels Manufacturing, including Ethanol production	C	-	-	-	-	-	-	-	-	-										
	Grain Elevator and Storage Facilities	C	-	-	-	-	-	-	-	C	C										
	Salvage Operations	C	-	-	-	-	-	-	-	-	-										
	Scrap or Salvage Yards	C	-	-	-	-	-	-	-	C	C										
	Waste Recovery Facilities – Commercial, Industrial & Residential	C	-	-	-	-	-	-	-	-	-										
	Wood Preserving Treatment	C	-	-	-	-	-	-	-	-	-										
Accessory Uses																					
	Accessory off-street parking and loading spaces	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR										
	Awnings	A	A	A	A	A	A	A	A	A	A										
	Barns	PR	PR	-	PR	-	-	-	-	-	-										
	Bins, silos, grain storage	A	-	-	-	-	-	-	-	PR	PR										
	Carports	A	A	A	A	A	A	A	A	A	A	See section 4.10									
	Decks, gazebos, patios (elevated or on-grade)	A	A	A	A	A	A	A	A	A	A	See section 4.10									

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	Use Type											Additional Requirements/Notes
		TA-1	R-1	R-2	R-3	RM	C-1	C-2	C-3	I-1	I-2	

Section 5.07 TA-1 – Transitional Agricultural District

5.07.01 Intent:

This district is intended to provide a location for land situated on the fringe of the urban area to be used for agricultural purposes, but which will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, and intensity of use of land authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.

5.07.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District. Refer to Section 5.06 to determine specific uses allowed as Permitted Uses.

5.07.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.07.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.07.05 Accessory Uses:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.07.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (acres)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Street Side Yard (Corner Lots)	Max. Height (feet)	Max. Building Coverage (%)
Uses on private water wells and septic	5	100	40	25*	40	25	35/80 ¹	-
Uses on public water and private septic	3	100	40		40	40	35/80 ¹	-
Uses on public water and sewer systems	2	100	40		40	40	35/80 ¹	-
Agricultural buildings and/or structures	2	100	90 ²	25/90 ²	40/90 ²	90 ²	35/80 ¹	-
Other Permitted Uses not requiring an enclosed structure	2	100	40	25*	40	40	-	-
Accessory Structures	-	-	40	5	40	40	45	-

¹ When a building or structure is within 150 feet of a dwelling district zone, said building or structure shall not exceed 35 feet in height. When a building or structure is more than 150 feet from a dwelling district zone, said building or structure shall not exceed 80 feet in height. Buildings and structures used for nonagricultural purposes shall not exceed 35 feet in height.

² Agricultural buildings or structures shall be no closer than 90 feet to the centerline of a principal street/road/highway.

Note:

At county road intersections, no permanent structures, including grain bins shall be allowed to be constructed in the "No Build Zone", see Section 4.05 This shall also apply to trees being placed within the space.

5.07.07 Supplementary Regulations

- Roadside stands for sale of agricultural produce shall not exceed 800 square feet in area.
- No salvage or wrecking yard shall be located within 1,000 feet of any public right-of-way and shall be screened from any right-of-way by a solid growth of natural plant materials not less than eight feet in height or an oblique fence not less than eight feet in height.

Table 5.07.08: Separation distances for specific uses to dwellings & dwellings to uses

Shooting Ranges	½ mile
Landfills (all types)	¾ mile
Racetracks, including horse racetracks, auto and motorcycle racetracks and courses, off road courses or tracks	½ mile
Schools, colleges, trade schools, and/or athletic fields	¼ mile
Private Air Strips not including landowner's residence	½ mile
Commercial storage of flammable products or fuel including propane, fertilizer, gasoline, diesel, etc.	½ mile

*Distances shall be measured to dwellings and dwellings to the listed uses

Section 5.08 R-1 Low Density Single Family Residential

5.08.01 Intent:

The “R-1” Low-Density Single-Family District is established to provide for single-family rural residential development at a low density and to allow certain public facilities. It is the intent of the district regulation to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures. This zone is intended for application in developing areas outside the corporate limits of the City and is intended to minimize conflicts of incompatible uses of land and protect the public health and welfare until the area is more fully developed.

5.08.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.08.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-1 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.08.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.08.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.08.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Street Side Yard (Corner Lots)	Max. Height (feet)	Max. Building Coverage (%)***
Uses on private water wells and septic	5 acres	140	25**	25*	6**	25	35	30
Uses on public water and private septic	3 acres	140	25**	25*	6**	25	35	30
Uses on public water and sewer systems	9,000 sq. ft.	70	25**	25*	6**	25	35	30
Accessory Structures	-	-	25**	5	6**	25	21	-

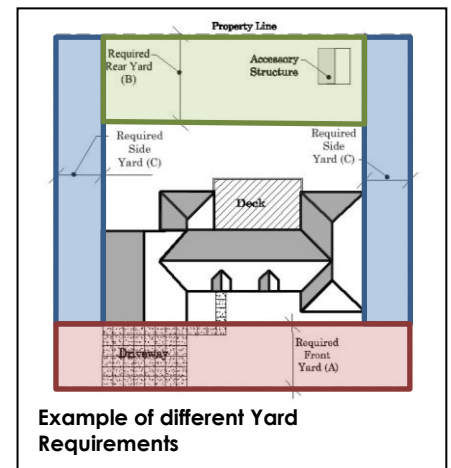
** See Section 4.18

*** See Section 4.08

**** On lots which are 50 feet in width or less, the maximum building coverage may be increased to 40%

5.08.07 Other Applicable Provisions:

1. Within newer subdivisions, the following use regulations shall apply:
 - A. There shall be only one residential sales office in any one subdivision.
 - B. All sales shall be limited to the sale of new properties located within that subdivision.
 - C. Any sales office within a subdivision shall be located within a permanent residential structure. Mobile homes, manufactured homes, and construction trailers shall not be permitted to be used as a residential real estate sales office.
 - D. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
 - E. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
2. On platted lots, agricultural activities may be conducted as accessory activities, such as growing of cover crops, growing of hay and/or sweet corn, or other similar activities. However, at no time shall such activity be classified or permitted as the primary usage of the land; said usage being as a residential home site.
3. This district is limited to those areas where adequate water, sewage disposal and other infrastructure presently exists; or may be approved outside such areas only when adequate water, sewage disposal



Example of different Yard Requirements

and other infrastructure, as well as the delivery of support services can be demonstrated and proved to the satisfaction of the city.

Section 5.09 R-2 Single Family Residential

5.09.01 Intent:

The “R-2” Single-Family Residential District is established for the purpose of low density, single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted in this district tending to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

5.09.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.09.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-2 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.09.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.09.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.09.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Street Side Yard (Corner Lots)	Max. Height (feet)	Max. Building Coverage (%)****
Single-family Residential	7,000	50	25***	25*	6**	25	35	30
Single-family attached	7,200	20/unit, end units shall be 35 feet	25***	25*	6**	25	35	30
Two-family residential/Duplexes	7,200	70	25***	25*	6**	25	45	30
Other Permitted Uses	7,000	50	25***	25*	6**	25	45	30
Conditional Uses	7,000	50	25***	25*	6**	25	45	30
Other Permitted Uses not requiring an enclosed structure	7,000	50	25***	25*	6**	25	45	30
Accessory Structures	-	-	25***	5	6**	25	21	-

*** See Section 4.18

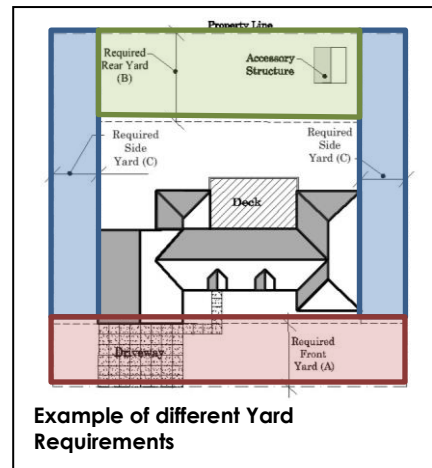
**** See Section 4.08

***** See Section 4.08

***** On lots which are 50 feet in width or less, the maximum building coverage may be increased to 40%

5.09.07 Other Applicable Provisions:

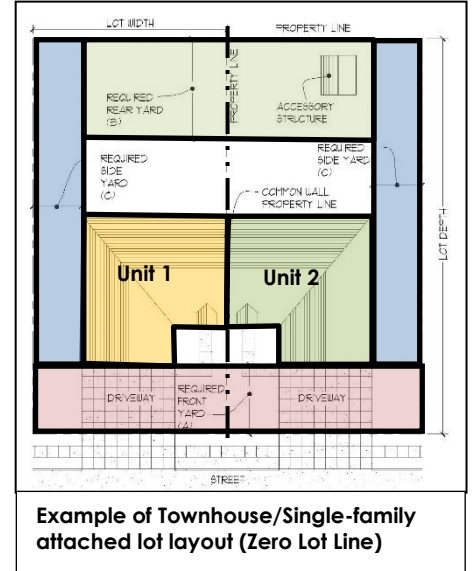
1. Within newer subdivisions, the following use regulations shall apply:
 - A. There shall be only one residential sales office in any one subdivision.
 - B. All sales shall be limited to the sale of new properties located within that subdivision.
 - C. Any sales office within a subdivision shall be located within a permanent residential structure. Mobile homes, manufactured homes, and construction trailers shall not be permitted to be used as a residential real estate sales office.
 - D. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.



Example of different Yard Requirements

ARTICLE 5: ZONING DISTRICTS: LAND USE CATEGORIES AND ZONING MATRIX

- E. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
- 2. Single-family Attached/Townhouses
 - A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than three units shall be connected in this district, unless a conditional use permit is approved.



Section 5.10 R-3 High Density Residential District

5.10.01 Intent:

The regulations set forth in this Section or set forth elsewhere in this code when referred to in this Section, are the regulations in the "R-3" High Density Residential District.

The purpose of this District is to maintain a generally spacious residential environment of existing single-family neighborhoods, and at the same time permit multi-family dwellings within those neighborhoods as in-fill development. Also, it is intended to accommodate new developments of multi-family dwellings adjacent to, or near areas planned for higher density development.

5.10.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.10.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.10.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.09.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.10.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Street Side Yard (Corner Lots)	Max. Height (feet)	Max. Building Coverage (%)
Single-family dwelling	6,000	50	25***	25*	6**	25	45	40
Single-family attached****	3,000/unit	20/unit, end units shall be 35 feet	25***	25*	6**	25	45	40
Two-family dwelling/duplex	3,000/unit	100	25***	25*	6**	25	45	40
Condominium----	3,000/unit	20/unit	25***	25*	6**	25	45	40
Multi-family residential	2,500/unit with minimum of 10,000	100	25***	25*	6**	25	45	
Dormitories, lodging houses, nursing homes	500/occupant	100	25***	-	-	25	-	-
Other Permitted Uses	6,000	50	25***	25*	6**	25	45	40
Conditional Uses	6,000	50	25***	25*	6**	25	45	40
Other Permitted Uses not requiring an enclosed structure	6,000	50	25***	25*	6**	25	45	40
Accessory Structures	-	-	25***	5	6**	25	21	-

*** See Section 4.18

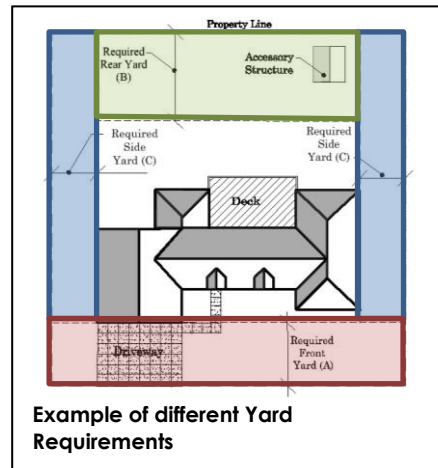
*** See Section 4.08

**** See Section 4.08

The minimum side yard on single-family attached/townhouses and condominiums shall be zero feet for all interior lots and shared property lines.

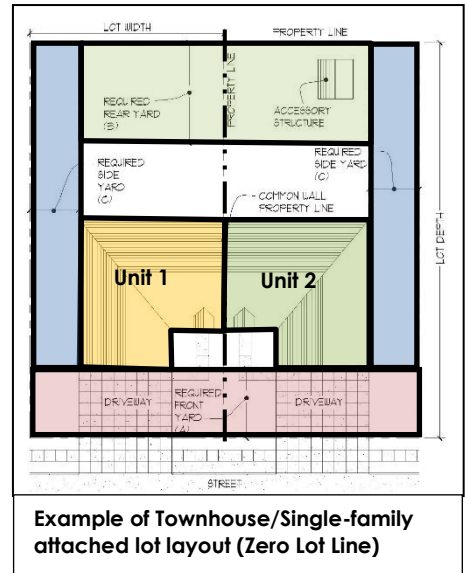
5.10.07 Other Applicable Provisions:

1. Within newer subdivisions, the following use regulations shall apply:
 - A. There shall be only one residential sales office in any one subdivision.
 - B. All sales shall be limited to the sale of new properties located within that subdivision.
 - C. Any sales office within a subdivision shall be located within a permanent residential structure. Mobile homes, manufactured homes, and construction trailers shall not be permitted to be used as a residential real estate sales office.



ARTICLE 5: ZONING DISTRICTS: LAND USE CATEGORIES AND ZONING MATRIX

- D. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
 - E. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
2. Single-family Attached/Townhouses
- A. Common wall shall have a zero-lot line setback and be located on the property line separating both dwellings.
 - B. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - C. Each unit shall be serviced by separate facilities.
 - D. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - E. No more than three units shall be connected in this district, unless a conditional use permit is approved.
3. More than One Principal Building
- A. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.



Section 5.11 RM Mobile Home Residential District

5.11.01 Intent:

This District recognizes that mobile home development, properly planned, can provide important opportunities for affordable housing. It provides opportunities for mobile home development within planned parks or subdivisions, along with the supporting services necessary to create quality residential neighborhoods.

5.11.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.11.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the RM District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.11.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.11.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.11.06 Special Design Criteria for this District:

1. A mobile home development shall have a lot area of not less than two acres. No mobile homes or other structures shall be located less than 65 feet from the road centerline when contiguous to or having frontage to a county road or 25 feet when contiguous from a State or Federal Highway. The setback on all other court property lines shall be 10 feet. These areas shall be landscaped. The minimum lot depth in a mobile home court shall be 200 feet.
2. Each lot provided for occupancy of a single mobile home dwelling shall have an area of not less than 4,000 square feet, excluding road right-of-way, and a width of not less than 40 feet. Each individual lot shall have:
 - A. Side yard setback shall not be less than five feet, except that on corner lots, the setback for all buildings shall be a minimum of 25 feet on the side abutting a street/road.
 - B. Front yard setback shall not be less than 25 feet.
 - C. Rear yard setback of not less than 25 feet.
3. There shall be a minimum livable floor area of 500 square feet in each mobile home.
4. Height of buildings shall be:
 - A. Maximum height for principal uses shall be 35 feet.
 - B. Maximum height for accessory uses shall be 21 feet.
5. Each lot shall have access to a hard-surfaced drive not less than 24 feet in width, excluding parking.
6. Community water and community sewage disposal facilities shall be provided with connections to each lot, in accordance with design standards for the City. The water supply shall be sufficient for domestic use and for fire protection.
7. There shall be Service buildings including adequate laundry and drying facilities.
8. Storm shelters shall be required and shall meet the following criteria:
 - A. Shelter space equivalent to two persons per mobile home lot,
 - B. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
 - C. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the maximum safe time frame as directed by FEMA.
9. All trailer pad locations shall be hard surfaced with properly reinforced Poured in Place Concrete.
10. Not less than 10 percent of the total court area shall be designated and used for a park, playground, and recreational purposes.
11. Each mobile home dwelling shall be provided with a paved patio or equivalent, other than parking spaces, of not less than 150 square feet.

5.11.07 Special Requirements:

1. All lots within a planned mobile home development shall be platted in accordance with the Subdivision Regulations of the City of Ellis and shall also contain the following information:
 - A. A development plan and grading plan of the court.
 - B. The area and dimensions of the tract of land.
 - C. The number, location, and size of all mobile home spaces.
 - D. The area and dimensions of the park, playground and recreation areas.
 - E. The location and width of roadways and walkways.
 - F. The location of service buildings and any other proposed structures.
 - G. The location of water and sewer lines and sewage disposal facilities.
 - H. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

Section 5.12 C-1 Downtown Commercial District

5.12.01 Intent:

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

5.12.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.12.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.12.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.12.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.12.06 Lot, Yard and Bulk Requirements:

The height and minimum lot requirements shall be as follows:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)	C Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Permitted Uses	-	-	-	-	-	60	100
Conditional Uses	-	-	-	-	-	60	100
Accessory Structures	-	-	-	-	-	60	-

5.12.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a permanent screen with a height of six feet, or six feet four inches if a fence, or flora planting eight feet in height, in order to minimize impacts on residentially zoned property, pursuant to Section 9.07. Said screening shall be kept in good condition.
3. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
4. Merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, except during special promotional activities and sales approved by the Governing Body with a special event permit.
5. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and/or District and so that no glare is visible to any traffic on any public street.
6. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet four inches in height.
7. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
8. Motor vehicle, boat, trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

9. All new buildings constructed within the C-1 Downtown Commercial District shall have a masonry or concrete/plaster style façade on the front face of the building. On metal buildings, this requirement applies to the lower four feet of the façade. Additions to the existing building shall be finished in a manner similar to the existing structure.

Section 5.13 C-2 General Commercial District

5.13.01 Intent:

This district has been established to provide for general commercial facilities which are to serve as convenient services to a geographic area of the community. Shops in this district should be useful to the majority of the neighborhood residents, pedestrian oriented, and economically supportable for a nearby population. The location of this district will be determined based upon the compatibility and design considerations of the limited geographic area affected.

5.13.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.13.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-2 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.13.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.13.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.13.06 Lot, Yard and Bulk Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)**	C Side Yard (feet)***	Max. Height (feet)	Max. Building Coverage (%)
Residential Uses	2,500	25	25****	25	6****	45	
Above ground multi-family/residential dwelling	1,500/unit	25	25****	25	6****	45	
Permitted Uses	-	-	25****	25	6****	45	-
Conditional Uses	-	-	25****	25	6****	45	-
Accessory Structures	-	-	25****	5	6****	45	-

* The front yard setback of 25 feet only required when no parking is present in the front yard. If parking is located in the front yard, then the front yard setback shall be increased to 50 feet.

** See Section 4.18

*** See Section 5.13.07 (2) below

**** See Section 4.08

5.13.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a permanent screen with a height of six feet, or six feet four inches if a fence, or flora planting eight feet in height, in order to minimize impacts on residentially zoned property, pursuant to Section 9.07.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.14 C-3 Highway Commercial District

5.14.01 Intent:

This district is applied to parcels along old US Highway 40 and near the entrance of Ellis at Interstate 70. The district permits a mixture of uses. Uses will tend to serve the traveling public or larger commercial properties needing space for parking and turning.

5.14.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the District.

5.14.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-3 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.14.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.14.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.14.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)*	B Rear Yard (feet)**	C Side Yard (feet)***	Street Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Uses served by public water and sewer	10,000	100	25****	25	6****	25	45	50
Permitted Uses	-	-	25****	25	6****	25	45	50
Conditional Uses	-	-	25****	25	6****	25	45	50
Accessory Structures	-	-	25****	5	6****	25	45	-

* The front yard setback of 25 feet only required when no parking is present in the front yard. If parking is located in the front yard, then the front yard setback shall be increased to 50 feet.

** See Section 4.18

*** See Section 5.14.07 (2) below

**** See Section 4.08

5.14.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a permanent screen with a height of six feet, or six feet four inches if a fence, or flora planting eight feet in height, in order to minimize impacts on residentially zoned property, pursuant to Section 9.07.
3. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted.
4. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any residential property and so that no glare is visible to any traffic on any public street.
5. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
6. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
7. Motor vehicle, boat, trailer rental or sales lots shall be drained and surfaced with crushed rock or pavement, except in those portions of the lot maintained as landscape area.

Section 5.15 I-1 Light Industrial District

5.15.01 Intent:

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

5.15.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.15.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.15.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.15.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.15.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)*	C Side Yard (feet)**	Street Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Permitted Uses	10,000	100	25****	25***	-.****	35	45	75
Conditional Uses	10,000	100	25****	25***	-.****	35	45	75

* The minimum rear yard setback is 25 feet; except when adjacent to a residential district, then the rear yard setback shall be 45 feet. Exception, if a public alley is between the industrial use and the residential district, then the setback may be reduced to 25 feet. Section 5.15.07 (2) below shall also apply.

** The minimum side yard setback is 15 feet; except when adjacent to a residential district, then the side yard setback shall be 25 feet. Section 5.15.07 (2) below shall also apply.

*** See Section 4.18

**** See Section 4.08

5.15.07 Use Limitations:

- When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
- When adjacent to any residential district, new construction shall provide a permanent screen with a height of six feet, or six feet four inches if a fence, or flora planting eight feet in height, in order to minimize impacts on residentially zoned property, pursuant to Section 9.07.
- Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
- All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
- Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

5.15.08 Performance Standards:

See Section 9.08 of the Supplemental Regulations.

Section 5.16 I-2 Heavy Industrial District

5.16.01 Intent:

The "I-2" Heavy Industrial District has been established to provide areas in the City in which industrial or manufacturing firms can engage in processing, assembling, manufacturing, warehousing, and storage, and for related incidental service facilities. The activities conducted in the "I-2" Heavy Industrial District may create sounds, glare, dust, or odor.

5.16.02 Permitted Uses:

Permitted uses are allowed outright provided the uses and/or structure meet the minimum bulk requirements of the district.

5.16.03 Conditional Uses:

Conditional uses are subject to any conditions listed in this Regulation and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-2 District as reviewed and approved by the Board of Zoning Appeals. Refer to Section 5.06 to determine specific uses allowed under a Conditional Use.

5.16.04 Temporary Uses:

Temporary uses may be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit. See Section 4.19.

5.16.05 Accessory Uses and Structures:

Refer to the definitions of Accessory Uses and Structures, as well as Table 5.06 and Sections within Article 4 for more detail.

5.16.06 Lot, Yard, and Bulk Requirements:

The height and minimum lot requirements shall be as follows unless otherwise noted:

Use	Lot Area (Sq. Ft.)	Lot Width (feet)	A Front Yard (feet)	B Rear Yard (feet)*	C Side Yard (feet)**	Street Side Yard (feet)	Max. Height (feet)	Max. Building Coverage (%)
Permitted Uses	10,000	100	30	25***	15	35	150****	75
Conditional Uses	10,000	100	30	25***	15	35	150****	75

* The minimum rear yard setback is 25 feet; except when adjacent to a residential district, then the rear yard setback shall be 45 feet. Exception, if a public alley is between the industrial use and the residential district, then the setback may be reduced to 25 feet. Section 5.16.07 (2) below shall also apply.

** The minimum side yard setback is 15 feet; except when adjacent to a residential district, then the side yard setback shall be 25 feet. Section 5.16.07 (2) below shall also apply.

*** See Section 4.18

**** When a building or structure is within 150 feet of a residential district zone, said building or structure shall not exceed 45 feet in height. When a building or structure is more than 150 feet from a residential district zone, said building structure shall not exceed 150 feet in height if not in conflict with airport approach zones.

5.16.07 Use Limitations:

1. When adjacent to any residential district, no parking, drives or signs shall be allowed in the required front yard within 15 feet of such residential district.
2. When adjacent to any residential district, new construction shall provide a permanent screen with a height of six feet, or six feet four inches if a fence, or flora planting eight feet in height, in order to minimize impacts on residentially zoned property, pursuant to Section 9.07.
3. Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in a residential or mobile home district.
4. All business, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building, unless screened from the residential district by a sight-obscuring fence permanently maintained at least six feet in height.
5. Openings to structures on sides adjacent to or across the street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.

5.16.08 Performance Standards:

See Section 9.08 of the Supplemental Regulations.

Section 5.17 PD Planned Development District

5.17.01 Intent:

The purpose of the Planned Unit Development District is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings, the consolidation of open spaces, and the clustering of dwelling units. The guidelines and objectives of this Section are intended to give a sense of the physical aspect of the City environment to those contemplating innovative and pedestrian-oriented development in the community. Pertinent to this physical appearance is the design of the site, buildings and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public. These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the City of Ellis and the Planning Area, preserve taxable values, and promote the public health, safety, and general welfare.

5.17.02 Use Regulations:

The Planned Unit Development District shall be used as an overlay district in combination with the existing conventional residential zoning districts and the "C-3" Zoning district as designated herein, and the provisions of the Planned Unit Development District shall supplement or supersede the provisions of the district regulations. The Planned Unit Development Classification shall not be applied to a land area as an independent zoning district.

5.17.03 Development Standards:

1. A Planned Unit Development established under the provisions of this Article shall contain not less than three acres, unless expressly permitted by the Planning Commission.
2. The total number of dwelling units permitted in a Planned Unit Dwelling Unit shall be determined by dividing the net development area by the minimum lot area requirement of the zoning district in which the development is proposed to be located, minus the land used for commercial and office purposes. The area of land set aside for common open space or recreational land use shall be included in the net development area.
3. All open spaces and public areas shall be fully protected by recorded covenants running with the land or a development rights transfer to the City of Ellis.
4. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for people passing the site or overlooking it from nearby properties.
5. Tract sizes, area, frontages, and other dimensions may be freely arranged according to professional design standards. All standards should be appropriate to the site and the overall development plan should be appropriate to the surrounding neighborhood. The Developer and the Planning Commission should be guided by the carrying capacity of the site, the general physiography, and location.
6. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainageways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
7. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject property.
8. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.
9. The color, size, height, lighting, and landscaping of appurtenant signs and structures shall be evaluated for compatibility with the local architectural motif and the maintenance of views and vistas of natural landscapes, recognized historic landmarks, parks, and landscaping.
10. The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

5.17.04 Application for Planned Unit Development District:**Preliminary Development Plan**

1. Any applicant requesting a Planned Unit Development District classification shall submit to the Zoning Administrator the items specified in this ordinance. A plan application shall be complete for the purpose of commencing the applicable time period for action when so certified by the Zoning Administrator.
2. The application for a preliminary development plan shall be declared complete or incomplete within a 10-day period from the date of its submission. In the event such certification of the application is not made within 10 days of the date of its submission, the application shall be deemed complete upon the expiration of the 10 day period for the purposes of commencing the applicable time period unless: 1) the application lacks information indicated on the checklist of items to be submitted as specified in the Subdivision Regulations of the City of Ellis and provided in writing to the applicant, and 2) the Zoning Administrator has notified the applicant, in writing, of the deficiencies in the application within 10 days of submission of the application. The Planning Commission and the City Engineer may subsequently require correction of any information found to be in error and submission of additional information not specified in the ordinance, as is reasonably necessary to make an informed decision. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Commission and the City Engineer.
3. The action of the Planning Commission under this Section must be taken at their regularly scheduled public hearing within 45 days of a complete application for a preliminary development plan as defined in this ordinance, or within such further time as is agreed to by the applicant and the Planning Commission. Failure of the Planning Commission to act within the period prescribed shall constitute preliminary development plan approval and a certificate of the Zoning Administrator as to the failure of the Planning Commission to act shall be issued on request of the applicant.
4. The Zoning Administrator shall cause the plan to be reviewed by the City Engineer to ensure conformance with this ordinance and acceptable engineering and construction standards. The City Engineer shall review the plan application and prepare a summary statement indicating whether the preliminary development plan is in conformance with this ordinance. If the plan is not in conformance with this ordinance, the City Engineer shall indicate in the summary statement those items which need to be addressed or corrected to bring the plan to an acceptable standard of design. The City Engineer's review of the preliminary development plan shall be sent to the Zoning Administrator, who shall distribute copies to the Planning Commission and the applicant.
5. Approval, disapproval, or continuance for cause of the preliminary development plan shall be conveyed to the applicant within five days after the Planning Commission's public hearing at which time the plan was considered. In case the plan is disapproved or continued, the applicant shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission. The Planning Commission may approve the plan according to the provisions of this Section but may impose additional requirements deemed reasonable and necessary. If approved, the applicant shall then revise the preliminary development plan as necessary to meet the requirements established by the Planning Commission and proceed with the preparation and submission of the final Planned Unit Development Plan.

Final Plan Approval

Following approval of the preliminary Planned Unit Development Plan, the applicant shall plat the land according to the Subdivision Regulations of the City of Ellis, Kansas, however, the approved preliminary development plan shall be the approved preliminary plat of subdivision. Therefore, the platting process shall commence with the submittal of a final plat of subdivision as set forth in the subdivision regulations.

1. If in the event the property is presently part of a subdivision plat, approved and recorded in the manner prescribed in the Subdivision Regulations of the City of Ellis, Kansas, the requirements for platting and the references made to subdivision plats in the following subsections shall be disregarded.
2. The final Planned Unit Development Plan and 15 copies thereof shall be submitted concurrently with the filing of the final subdivision plat so that both may be considered simultaneously by the Planning Commission. Submittal of the final Planned Unit Development Plan and the final plat of subdivision shall be made in accordance with the provisions of the Subdivision Regulations of the City of Ellis, Kansas
3. The final Planned Unit Development Plan shall be the approved preliminary development plan, with appropriate revisions as necessary, prepared on paper, Mylar or similar material providing space for the date and signatures of the following, certifying approval:
 - A. Owners and developers of the subject property.
 - B. Chairman and Secretary of the Planning Commission.

C. The Mayor and City Clerk.

Filing and Recording

The signed and recorded Planned Unit Development Plan shall be made part of the permanent file of the Zoning Administrator, and the Official Zoning Map shall be corrected to show the attachment of the Planned Unit Development District.

Amendments

A building permit shall not be issued for any building within a Planned Unit Development which does not conform to the development plan as approved and recorded, except that a reasonable variance to location and gross floor area of individual buildings may be granted after a review of said variation by the Planning Commission.

If the Planned Unit Development Plan requires an amendment because the requested variation is deemed significant by the Planning Commission, then the applicant shall proceed in the same manner established for the application of a new Planned Unit Development Plan.

Article 6: Conditional Use Permits

Section 6.01 Application of Conditional Uses

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of this Regulation or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in this Regulation. The Board of Zoning Appeals shall hold a public hearing following the provisions also outlined in this Regulation and shall review such development plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property and approve or deny the application.

The Board of Zoning Appeals may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, the Board of Zoning Appeals may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in this Regulation.

Section 6.02 Additions and Changes to Conditional Uses

All requests for additions and structural alterations to Conditional Uses previously approved by the Board of Zoning Appeals shall be considered in the same procedure as outlined in Section 6.01 herein.

Section 6.03 Conditional Uses Enumerated

All Conditional Uses are listed by District within the Table in Section 5.06 herein.

Section 6.04 Continuance of a Conditional Use

Conditional Uses shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met. If that particular use ceases to exist for a period of 12 consecutive months, it will forfeit its approved Development Plan and will not be allowed to exist again unless a new Development Plan is approved.

Section 6.05 Decisions

A majority vote of the Board of Zoning Appeals shall be necessary to grant a Conditional Use Permit.

The applicant shall have 12 months from the approval of the Conditional Use Permit to commence the use, unless specifically granted a longer period of time.

All decisions by the Board of Zoning Appeals shall be required to provide findings of fact for their decision for either approval or denial.

Section 6.06 Transferability

Any approved Conditional Use Permit is automatically transferable upon sale of the property from the original applicant to another party. However, the new owner shall assume the responsibility for complying with:

1. The conditions of the granted permit,
2. The use shall not change or be expanded unless a new Conditional Use Permit is approved,
3. Failure to comply with the conditions of the permit shall subject the new owner to the revocation process of this Article.

Section 6.07 Revocation

Any approved Conditional Use Permit may be revoked for failure to comply with the conditions approved by the Board of Zoning Appeals. Revocation shall require that the City notify the applicant of any noncompliance, in writing, and provide the applicant with 30 days to correct the issue(s).

Failure to comply with the notice shall cause a public hearing to be scheduled by the Board of Zoning Appeals, to review the permit and the approved conditions and the failure to act by the applicant. If the applicant is found to be noncompliant with the issued permit and conditions, the Board of Zoning Appeals shall revoke the permit and order the use to cease and desist.

Failure to follow a Cease-and-Desist order shall cause action to be filed by the City Attorney in Municipal Court.

Revocation may also occur if the City documents that the use has ceased operations for 12 consecutive months. The City shall notify the applicant of the revocation in writing. The permit shall become invalid within 30 days.

Section 6.08 Standards

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the approval of the Board of Zoning Appeals. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Board of Zoning Appeals may approve such Conditional Use, using the following factors as guidelines:

1. Whether approval of the Conditional Use would be consistent with the intent and purpose of this Code.
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
5. The length of time the subject property has remained vacant or undeveloped as zoned.
6. Whether the applicant's property is suitable for the proposed use.
7. Recommendations of permanent staff or professional consultant.
8. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan.
9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use.
10. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; and,
11. Such other factors as may be relevant from the facts and evidence presented in the application.

Article 7: Parking Requirements

Section 7.01 Purpose

The Off-Street Parking Regulations require developments to provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

Section 7.02 Off-Street Automobile Storage

1. Off-street automobile storage or standing space shall be provided on any lot on which any of the uses or similar uses are found in Section 7.03.
2. All off-street parking facilities shall be designed and constructed to meet the requirements set forth by the City.
3. All areas used for parking shall be maintained in good condition free of holes, dust, and debris.
4. Off-street automobile storage or standing space shall be provided with vehicular access to a street or an alley.
5. When computing the number of parking spaces available in each area, the ratio of 250 square feet per parking space shall be used. Where calculations in accordance with the foregoing list result in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
6. All parking spaces for single-family, two-family, and multi-family dwellings, rooming and boarding houses, convalescent homes, and mobile homes shall be either gravel or paved with asphalt or concrete.
7. In Districts R-1, R-2, and R-3 required off-street parking for residential uses shall be provided on the lot on which the use is located. In all other Districts, if the vehicle storage space or standing space required in section 7.03 cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Planning Commission and City Council, the City Council may permit such space to be provided on another off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
8. Where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required.
9. Some uses may require two different use types to be calculated together to determine the total parking requirement, i.e., primary schools may require one calculation for classrooms and another for assembly areas.
10. The parking requirements herein do not apply to the C-1 Downtown Commercial District.
11. All off-street parking conditions shall meet the ADA requirements in Section 7.05 of this Ordinance.

Section 7.03 Schedule of Minimum Off-Street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
	Commercial and Office including but not limited to:	
Adult entertainment establishments	1 space/2 persons of licensed capacity	None required
Agricultural Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Auditoriums/Stadiums/arenas	1 space/4 seats in main assembly area	None required
Automotive Car Wash	5 spaces/car wash bay	1 space/establishment
Automotive Rental/Sales	1 space/400 s.f. of gross floor area+1 space per each item in inventory	1 space/establishment
Automotive Servicing	4 spaces/repair stall	None required
Banks and Business offices	1 space/200 s.f. of floor area to 1000 s.f.; then 1 space/400 s.f. of add. floor space	1 space/establishment
Boarding Houses/Bed and Breakfasts	1 space/rental units	None required
Body Repair	5 spaces/repair stall	None required
Bowling Alleys	5 spaces/alley plus 1 space per 2 employees	1 space/establishment
Child Care Centers	1 space/employee + 1 space or loading stall/5 persons of licensed capacity	None required
Churches, Synagogues, and Temples	1 space/3 seats in main worship area or 1 space/17 classroom seats; whichever is greater	None required
Clubs, including fraternal organizations	1 space/500 s.f. of gross floor area	None required
Commercial Recreation	1 space/2 persons of licensed capacity	1 space/establishment
Construction Sales/Service	1 space/500 s.f. of gross floor area	1 space/establishment
Dance Hall, skating rink	1 space/100 square feet of floor area + 1 space/2 employees	None required
Dental Clinics or Offices	2 spaces/each examination chair + 1/dentist and employee	None required
Equipment Rental/Sales	1 space/500 s.f. of gross floor area	1 Space/establishment
Food sales	1 space/200 s.f. of gross floor area	2 spaces/establishment
Funeral homes, Mortuaries and Chapels	1 space/4 seats in any chapel or parlor room, or 1 space/each 50 sf of floor area, whichever is greater.	2 spaces/establishment
Furniture and Appliance Stores	1 space/800 s.f. of floor area	1 space/establishment
General retail sales establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Home Occupations	2 spaces, in addition to those required for dwelling purposes.	None required
Hospitals	1 space/2 licensed beds + 1 space/3 employees + 1space/staff doctor	3 spaces/structure
Hotels and Motels	1 space/rental unit + 1 space/each 200 s.f. of public meeting area	1 space/establishment
Libraries	1 space/4 seats in rooms for public use, or 1 space/50 sf of gross floor area for use by the public, whichever is greater + 1 space/each 2 employees.	1 space/structure
Medical Clinics	3 spaces/exam room + 1 space/doctor and employee	None required
Offices not providing customer services or sales on the premises	1 space/400 s.f. of gross floor area	None required
Personal Service Establishments in Commercial Districts, including: (a) Barber and Beauty Shops. (b) Tailor and Shoe Shops. (c) Apparel and Accessory Shops.	1 space/200 s.f. of gross floor area.	1 space/structure
Professional Offices of Attorneys C.P.A.'s, Architects, Engineers, etc.	3 spaces/1000 s.f. of gross floor area. For offices less than 1000 s.f., the minimum requirement shall be 4 spaces.	None required
Public buildings	1 space/ 3 employee, + 1 space/100 s.f. used for public assembly.	1 space/establishment
Restaurants w/ drive-thru	Greater of the two: 1 space/40 s.f. of dining area, or 1 space/150 s.f. of gross floor area	1 space/establishment
Restaurants and Night Clubs	1 space/3 seats.	2 spaces/establishment
Roadside stands	4 spaces/establishment	None required
Schools; Elementary and Intermediate	2 spaces/classroom; but not less than 1 space/teacher and staff.	1 space/establishment
Schools; Secondary and Vocational	1 space/teacher and staff, + 1 space/3 students of driving age.	1 space/establishment
Service Oriented Establishments	1 space/200 s.f. of gross floor area	1 space/establishment
Taverns, Pool and Billiard Halls	1 space/3 seats, or 3 spaces/50 s.f. of gross floor area used for assembly, whichever is greater.	None required
Theaters/Auditoriums/Places of Assembly	1 space/4 seats up to 800 seats, + 1 space/8 seats over 800 seats	1 space/establishment
Veterinary Establishments	1 spaces/500 square feet/staff doctor	None required

Residential/Housing including but not limited to:		
Assisted-living facilities	.5 space/dwelling unit	1 space/structure
Convalescent & Nursing Home Services	1 space/3 beds + 1/employee on the largest shift	2 space/structure
Duplex	2 spaces per dwelling unit	None required
Group Care Facility	1 space/4 persons of licensed capacity	2 space/structure
Group Home	1 space/4 persons of licensed capacity	2 space/structure
Multi-family / Apartments	1.5space/dwelling unit for studios or units containing 1 bedroom 2 spaces/dwelling unit for units containing 2 or more bedrooms	None required
Mobile Home Park	2/dwelling unit	None required
Residential (Single-family, attached and detached)	2 spaces/dwelling unit (1 may be enclosed or semi-enclosed)	None required
Industrial Uses including but not limited to:		
General Manufacturing	1 space/2 employee on maximum shift + 1 space/company vehicle	2 spaces/establishment
Manufacturing Uses, Research and Testing Laboratories, Creameries, Bottling Establishments, Bakeries, Canneries, Printing and Engraving Shops, Etc.	1 space/2 employee on maximum shift + 1 space/company vehicle.	2 spaces/establishment
Wholesaling / Distribution Operations	2 spaces/employee on maximum shift + 1 space/company vehicle	2 spaces/establishment

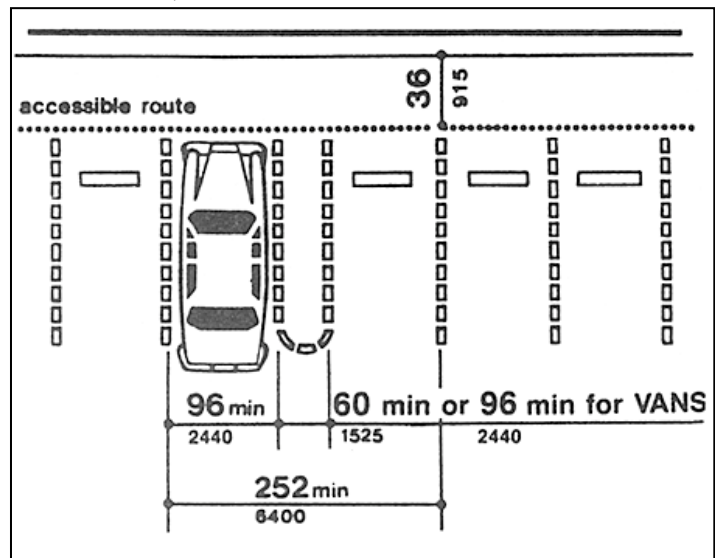
Section 7.04 Off-Street Parking: Shared Parking Requirements

Notwithstanding the provisions of Section 7.03, in cases where parking and building patterns are such that overlapping uses of a majority of the total number of parking spaces in a common parking lot is likely to occur, compliance with the standard parking ratios may be decreased by the Board of Zoning Appeals.

Section 7.05 Off-Street Parking: Parking for Individuals with Disabilities

1. In conformance with the Americans with Disabilities Act (ADA), if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces shall be provided in each parking area in conformance with the table in this section. Spaces required by the table need not be provided in the particular lot. They may be provided in a different, if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience, is ensured.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000



Source : <http://www.ada.gov/adastd94.pdf>

2. Access aisles adjacent to accessible spaces shall be 60 inches wide at a minimum.
 - A. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated "van accessible" as required by Section 7.05.(3) of this Ordinance. The vertical clearance at such spaces shall comply with 7.05 (3) of this Ordinance. All such spaces may be grouped on one level of a parking structure.
 - B. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
 - C. Parked vehicle overhangs shall not reduce the clear width of an accessible route.

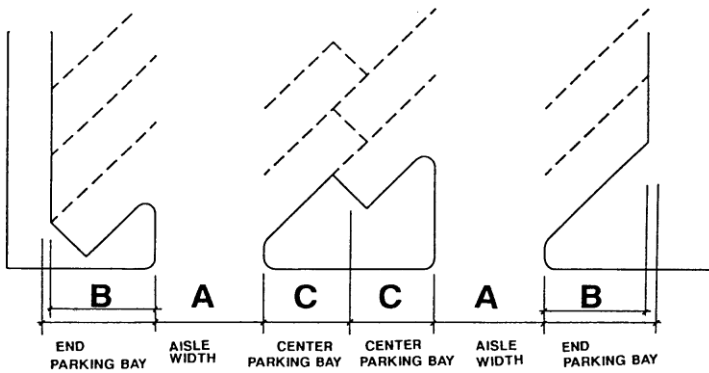
- D. Parking spaces and access aisles shall be level with slopes not exceeding two percent in all directions.
- E. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.05.03 of this Ordinance.
- F. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with 7.05 of this Ordinance shall be provided in accordance with 7.05 (1) of this Ordinance; except as follows:
 - 1) Outpatient units and facilities: 10 percent of the total number of parking spaces provided serving each such outpatient unit or facility.
 - 2) Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serve each such unit or facility.
- G. Valet parking: valet parking facilities shall provide a passenger loading zone complying with 7.05.03 of this Ordinance located on an accessible route to the entrance of the facility. Sections 7.05 (1), 7.05 (2)(A), and 7.05 (2) (C) of this Ordinance do not apply to valet parking.
- 3. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.
 - A. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
 - B. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
 - C. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with Section 7.05 (2)(A) shall have an additional sign stating the stall is "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.
 - D. Minimum vertical clearance of 114 inches at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 7.05 (2)(A), provide minimum vertical clearance of 98 inches at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).
 - E. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 240 inches long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding two percent in all directions.

Section 7.06 Off-Street Parking Design Criteria

- 1. Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would reduce the length of the parking space by two feet. Such overhang shall be measured from the face of the curb. For standard parking lots, minimum dimensions shall be as follows:

Parking Configuration

	90-degree	60-degree	45-degree
Aisle Width (A)			
One-way traffic	-----	18 feet	14 feet
Two-way traffic	24 feet	20 feet	20 feet
End Parking Bay Width (B)			
Without overhang	18 feet	20 feet	19 feet
With overhang	16 feet	18 feet	17 feet
Center Parking Bay Width (C)	18 feet	18 feet	16 feet



2. Minimum dimensions for a parallel parking space shall be nine feet by 18 feet.
3. Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
4. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.
5. Minimum parking dimensions for other configurations or for parking lots with compact car spaces shall be determined by the Board of Zoning Appeals upon recommendation of the Zoning Administrator.
6. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving the facility; and shall not create blind, hidden, or hazardous areas.
7. Where sidewalks occur in parking areas, parked vehicles shall not overhang the sidewalk unless an additional one foot is provided to accommodate such overhang.
8. Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken down into sections appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms, and similar elements.
9. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.
10. All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility. Acceptable maintenance includes keeping the facility free of refuse, debris, and litter; maintaining parking surfaces in sound condition; and providing proper care of landscaped areas.
11. Lighting:
 - A. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.
 - B. Lighting standards shall not exceed 22 feet in height and shall be equipped with top and side shields when necessary to prevent glare onto adjacent properties.
 - C. The average maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.

Article 8: Sign Regulations

Section 8.01 Compliance with Sign Regulations

All signs constructed, erected, modified, or moved after the effective date of this Ordinance shall comply with the regulations herein, unless expressly exempted.

Section 8.02 Sign Definitions

The following are the definitions relating to signs within the Ellis zoning jurisdiction.

ADVERTISING SIGN shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related to or refer to the primary use, business activity, or service conducted on the premises.

AERIAL SIGN shall mean a balloon or other airborne flotation or inflatable device which sits on a surface or is tethered to the ground or to a building that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered, regardless of whether it does or does not contain text or advertising copy.

ANIMATED SIGN shall mean any sign that uses movement or change of lighting to depict action or create a special effect or scene.

ARCHITECTURAL CANOPY SIGN shall mean an enclosed, illuminated, or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.

AUDIBLE SIGN shall mean any sign that conveys either a written message supported by an audible noise including music, spoken message, and/or sounds to attract attention to the sign. Audible signs also include signs conveying only the audible noise including music, spoken message, and / or sounds to attract attention.

AWNING OR CANOPY SIGN shall mean any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

BACK-LIT SIGN shall mean a sign whose light source is located behind fully opaque letters and/or graphics in the interior of the sign so that the rays go through the face of the sign.

BALLOON SIGN shall mean one or more balloons used as a permanent or temporary sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered, or manufactured, or to any entertainment.

BANNER SIGN shall mean any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or official flag of any institution or business shall not be considered banners.

BILLBOARD SIGN shall mean a sign advertising products or services other than those available on the premises and which have an area of 300 square feet or more per face.

BLADE SIGN, TEMPORARY shall mean a type of projecting sign mounted such that the face of the sign is perpendicular to the normal flow of traffic. A blade sign may occasionally refer to a temporary sign, in the shape of a blade, which can also be referred to as a feather sign or other temporary sign on a pole.

BUILDING SIGN shall mean any sign supported by, painted on, or otherwise attached to any building or structure.

BUILDING MARKER SIGN shall mean any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

CENTER IDENTIFICATION SIGN shall mean a sign indicating direction to a multi-tenant commercial building, building complex, shopping center or similar center which may include multiple uses and/or structures within

the development. Center identification signs shall include the name of the development and the names of major tenants of the development.

CHANGEABLE COPY SIGN shall mean a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

CLOSED SIGN shall mean a sign in which more than 50 percent of the entire area is solid or tightly closed or covered.

COMMEMORATIVE SIGN shall mean a sign set in a specific location that memorializes an individual or event.

COMMUNITY OR CIVIC SIGN shall mean a sign containing business logos and/or logos of civic organizations. The sign is intended to provide space for several businesses and/or organizations on one sign, and all advertising is similar in size. The primary intent of the community or civic sign is for informational purposes and to communicate information to the motoring public as to businesses and organizations that are active in the community. Community or civic signs are owned and operated by the local chamber of commerce or other civic organization or non-profit entity.

DESTINATION SIGN shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.

DIGITAL MESSAGE SIGN shall mean a combination sign which includes a digital changeable copy component.

DIRECT LIGHTING shall mean illumination by means of an external source.

DIRECTIONAL/INFORMATIONAL SIGN shall mean an on-premises sign which provides direction for the safe and efficient flow of vehicular or pedestrian traffic to an activity on the premise. Directional/Informational signs shall include signs marking entrances, exits, parking areas, loading areas or other operational features of the premise.

DIRECTORY SIGN shall mean an on-premises sign identifying an activity, operational feature, or business name upon such premise. Directory signs shall include building names, offices, or activities in same size letters, colors and general design and shall be limited to one sign per street entrance.

DOUBLE FACED BILLBOARD SIGN shall mean a billboard with faces/advertising on two-sides.

DWELL TIME shall mean the duration or interval of time during which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

ELECTRONIC MESSAGE BOARD SIGN shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

EXTERNALLY ILLUMINATED SIGN shall mean a sign whose illumination is derived entirely from an external source.

FLASHING SIGN shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.

FREESTANDING SIGN shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.

GROUND SIGN shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.

ILLUMINATED SIGN shall mean a sign illuminated in any manner by an artificial light source.

INCIDENTAL SIGN shall mean a sign, generally informational, that has a purpose secondary to the use on the lot which it is located.

INDIRECTLY ILLUMINATED SIGN shall mean illumination of a sign that is affected by a source of light not contained within the sign itself.

INFLATABLE SIGN shall mean any sign designed or constructed with the ability to be mechanically filled with air or gas that displays a commercial message or an identifiable corporate character or logo.

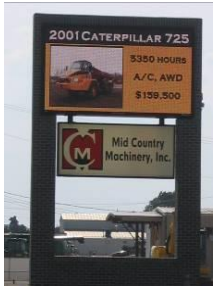














INTERNALLY ILLUMINATED SIGN shall mean a sign that is illuminated by means of a light source in the interior of the sign so that light passes through the face of the sign.


















MARQUEE SIGN shall mean any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

NAMEPLATE SIGN shall mean a sign not exceeding 2 square feet for each dwelling.

NON-CONFORMING SIGN shall mean any sign that does not conform to the requirements of this ordinance.

OBSOLETE SIGN shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.

 <p>2001 CATERPILLAR 725 5350 HOURS A/C, AWD \$159,500 Mid Country Machinery, Inc.</p> <p>Animated Sign</p>	 <p>Awning Sign</p>	 <p>SUBWAY NOW OPEN ANY 6" SUB FOR \$1.99</p> <p>Balloon Sign</p>	 <p>WELCOME SABCA Chamber of Commerce</p> <p>Banner/Flag Sign</p>	 <p>WE ARE NOW SELLING GAMES AND CONSOLES</p> <p>Banner Sign - Temporary</p>
 <p>WE BUY GOLD COMPARABLE TO</p> <p>Blade Sign - Temporary</p>	 <p>GORDON - TERRACE APTS. 4157 - 4165</p> <p>Building Marker Sign</p>	 <p>Canopy Sign</p>	 <p>PHILLIPS 66 1.39 1.43 TOUCH-PRICE WASH</p> <p>Changeable Copy Sign</p>	 <p>THE BATTLE OF WHITE OAK CREEK MAY 18, 1862</p> <p>Commemorative Sign</p>
 <p>ZOO MUSEUM OF HISTORY UNIV OF NEBR MORRILL HALL</p> <p>Destination Sign</p>	 <p>Double-faced Sign</p>	 <p>RENOVA CENTRAL THUNDER</p> <p>Electronic Message Sign</p>	 <p>Freestanding Sign</p>	 <p>Ground Monument Sign</p>

 <p>Incidental Sign</p>	 <p>Inflatable Sign</p>	 <p>Marquee Sign</p>	 <p>Off-Premises Sign</p>	 <p>Painted Wall Sign</p>
 <p>Parapet Sign</p>	 <p>Pole Sign</p>	 <p>Projecting Sign</p>	 <p>Public/Traffic Information Sign</p>	 <p>Roof Sign</p>
 <p>Roof (integrated) Sign</p>	 <p>Sign Stacking</p>	 <p>Subdivision Identification</p>	 <p>Suspended Sign</p>	 <p>Wall Sign</p>
 <p>Warning Sign</p>	 <p>Window Sign</p>			

OFF-PREMISES SIGN shall mean a sign, including the supporting sign structure, which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located. Off-premises signs are subject to KDOT regulations.

ON-PREMISE SIGN shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.

OPEN SIGN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.

PAINTED WALL SIGN shall mean a sign message painted directly onto a wall surface.

PARAPET SIGN shall mean a sign mounted on the parapet of a building.

PENNANT SIGN shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLE SIGN shall mean a sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet or more above grade.

PORTABLE SIGN shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

PROJECTING SIGN shall mean a projecting sign attached to a building in such a manner that its leading edge extends beyond the surface of such building or wall.

ROOF SIGN shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on and over the roof of a building and extending vertically above the highest portion of the roof.

ROOF (INTEGRAL) SIGN shall mean any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN, DIGITAL shall mean a sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs and light emitting diode (LED) signs.

SIGN AREA shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.

SIGN COPY, CHANGEABLE shall mean copy or other images that electronically or physically change.

SIGN SETBACK shall mean the horizontal distance from the property line to the nearest projection of the existing or proposed sign.

SIGN STACKING shall mean placing one billboard sign over the top of another billboard sign.

SIGN SURFACE shall mean the entire area of a sign.

STATIC DWELL TIME (see Dwell Time)

STATIC MESSAGE shall mean an advertisement or message which, when displayed contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.

SUBDIVISION IDENTIFICATION SIGN shall mean any type of sign placed at the entrance of a subdivision which identifies the name of said subdivision.

SUSPENDED SIGN shall mean a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.

TIME AND TEMPERATURE SIGN shall mean an electrically controlled sign which contains only public service, time, temperature, and/or date information.

TRANSITION TIME shall mean the duration or interval of time between which each individual advertisement or message is displayed on any sign which is capable of sequentially displaying more than one advertisement or message on its display surface.

VIDEO SIGN shall mean any on-premises or off-premises sign that conveys either a commercial or non-commercial message, including a business or organization name, through means of a television or other video screen.

WALL SIGN shall mean any sign attached parallel to, but within eight inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WARNING SIGN shall mean any sign limited to a message of warning, danger, or caution including but not limited to, no trespassing or extreme conditions such as high voltage, swift running water, chemical contamination, etc.

WINDOW SIGN shall mean any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes of glass and is visible from the exterior of the window.

Section 8.03 Sign Area Computation

1. *Computation of Area of Individual Signs*

The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning regulations and is clearly identical to the display itself.

2. *Computation of Height*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, parcel, or tract of land, whichever is lower. When a sign is placed on a berm, the height of the sign shall include the height of the berm above grade level at the base of the berm.

Section 8.04 Signs, Special Conditions

1. *Billboard Signs.*

Billboards shall not be permitted under these sign regulations in any City Zones except in the TA-1 zone.

- A. No billboard, signboard, or similar advertising signs shall be located at intersections to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
- B. No billboard, signboard, or similar advertising signs shall be located within 50 feet of any lot in a residential district.
- C. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.

2. *Stand-alone ATM's may have the following:*

- A. One wall sign on each exterior wall provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- B. Where a canopy is integrated into the ATM, a canopy sign may be placed on each face of the ATM, provided the overall height of the canopy and sign do not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- C. Directional signage shall be contained on the ATM, painted within a drive lane or in any curbing defining a drive lane.
- D. All signs are subject to the required permitting process of these Regulations.
- E. Said signage may be incorporated with lighting plan and backlit to provide for greater security on the premises.

3. *Coffee Kiosks and other Kiosks may have the following:*

- A. One wall sign on each exterior wall not used for drive-up service, provided each wall sign does not exceed 10 percent of the applicable exterior wall and the total shall not exceed 40 square feet in size.
- B. Where a canopy is integrated into the Coffee Kiosks/Kiosks, a canopy sign may be placed on each face of the Coffee Kiosk/Kiosks, provided the overall height of the canopy and sign does not exceed 24 inches. In addition, the overall size of all canopy signs shall not exceed 40 square feet.
- C. Directional signage shall be contained on the Coffee Kiosk/Kiosk, painted within a drive lane or in any curbing defining a drive lane.
- D. Window signs limited to menu boards and daily specials shall not require a sign permit.

- E. All signs are subject to the required permitting process of these Regulations, unless otherwise noted.
- 4. Signs hung from canopies and awnings shall maintain 80 inches of clear space, as measured from the bottom edge of the sign to the grade below.
- 5. *Temporary Signs*
 Temporary signs for which a permit has been issued shall be issued only for signs meeting the following criteria:
 - A. Temporary signs may be for a continual period. Said temporary signs shall not be in place for more than four days prior to the event and shall be removed within 36 hours of the conclusion of said event.
 - B. Temporary signs may be allowed in a manner where they are put in place during certain periods of time (set up in the morning and taken down in the evening) without a specific end date to the permit and these signs may advertise an off-premises business and/or organization.
- 6. *Digital Message Signs require the following:*
 - A. Maximum sign face is 32 square feet.
 - B. The maximum sign height is eight feet.
 - C. Digital message signs shall be similar to ground-monument signs.
 - D. The digital portion of the sign face is limited to 1/3 the sign height.
 - E. No sign shall blink or flash, display an animated message, nor be illuminated by any device to appear to blink or flash or simulate animation.
 - F. Transition between messages is permitted, but such transitions may only fade, scroll, travel, or reveal, and the transition shall not exceed a duration of one second.
 - G. *Static Dwell Time*
 - During the static dwell time for a message, there shall be no animation, movement (including moving messages, scrolling text, or full-motion or streaming video), segmented messages, or variation in light or color.
 - Digital message signs shall provide a static dwell time of at least two seconds per message.
 - H. *Sign Illumination*
 - Signs may be illuminated subject the conditions herein, except in residential districts unless otherwise provided; however, the surface/face illumination of any sign shall not exceed the levels shown in Figure 1 below for different conditions of ambient light. Prior to the issuance of a sign permit, the applicant shall provide written evidence from the sign manufacturer that the light intensity will not exceed the illumination levels below, and if computerized, the preset intensity level is protected from end user manipulation by password protected software or other method approved by the Zoning Administrator. Any computerized illuminated sign shall be equipped with a sensor and/or timer or other device to automatically adjust the day/night light intensity levels in accordance with Figure 1 below.

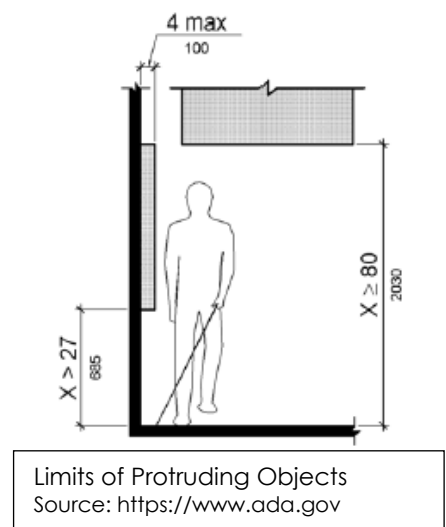
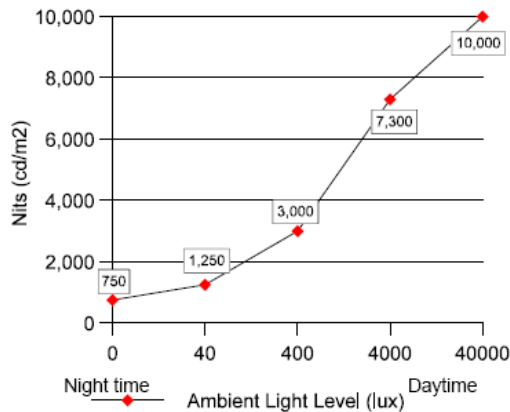


Figure 1 - Maximum Sign Brightness with Varying Ambient Light



- I. Lighting facilities used to light signs shall be so arranged that the source of light is concealed from adjacent residential properties and does not interfere with traffic and shall be measured at the property line closest to the sign.
 - J. When a light source has elements such as shields, reflectors, or refractor panels which direct and cut off the light at a cutoff angle that is less than 90 degrees, the maximum permitted height shall be 30 feet.
 - K. When a light source has a cutoff angle of 90 degrees or greater, the maximum permitted height shall be 15 feet.
 - L. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street. Signs may not be illuminated unless permitted by these Regulations or designated by permit. The lighting shall be controlled by an automatic timing device.
 - M. The ambient light levels of this section shall also apply to all Digital and Electronic Message signs.
7. *Emergency Signs (Permitted)*
 Emergency warning signs erected by a governmental agency, public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
8. *Cloth or Banner Signs*
- A. Unless otherwise provided by ordinance, cloth or muslin signs may be erected, used, and displayed for advertising. Such signs shall be fastened to a substantially built wood frame of at least one by two inches sound material and securely attached to the building or structure. Such signs shall be placed flat against the building and not project over public space over six inches.
 - B. Such signs shall not remain up over 30 days from the date of hanging.
 - C. No more than three such signs shall be allowed to be hung on any building in any calendar year.
 - D. Nothing in this section shall prohibit the display of flags or emblems on the fronts of buildings or structures while festivals, conventions or celebrations are being held.
 - E. No sign, flag, emblem, or banner of any sort shall be suspended across any street in the city without written permission from the city clerk.
 - F. No cloth or banner sign shall cover any window or opening above the first floor.

Section 8.05 Signs Exempt from Regulation Under this Ordinance

- 1. The following signs shall be exempt from regulation under this ordinance, except no sign in this provision shall create an obstruction to vision, as per Section 4.05 of this Ordinance and/or a collision hazard to the public:
 - A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance.
 - B. Signs associated with an agricultural operation.
 - C. Any religious symbol.
 - D. Construction signs when equal to six square feet or less.
 - E. Any sign identifying a public facility or public/civic event.
 - F. Any sign inside a building, not attached to a window or door, that is not legible from more than three feet beyond the lot line of the zone lot or parcel on which such sign is located.

- G. Holiday lights and decorations with no commercial message.
- H. Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meets the Manual on Uniform Traffic Control Devices standards, and which contain no commercial message of any sort; and
- I. A political sign exhibited in a residential zone in conjunction with the election of political candidates. Such signs may not exceed six square feet in any zone. All such political signs shall not be erected more than 30 days before the election and shall be removed no later than 10 days after the election. Political signs shall not create an obstruction within the right-of-way.

Section 8.06 Signs Prohibited Under this Ordinance

1. All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the City. Such signs include, but are not limited to:
 - A. Beacons
 - B. Audible Signs
 - C. No sign of combustible construction other than cloth or banner signs shall be erected in fire zones.
 - D. It shall be unlawful for any person or persons to fasten, paste, place, post, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph, or electric light pole, tree, or bridge.
 - E. It shall be unlawful to paste, place, paint, or attach any sign on any building, street, or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon, subject to approval by the Building Official.

Section 8.07 Permits Required

1. It shall be unlawful to erect any sign, ground sign or billboard in the city without first obtaining a permit to do so.
2. No permit will be required for painting of signs on wall surfaces, the repainting of any present sign, ground sign or billboard that is not structurally changed, or signs containing not over 10 square feet in area that do not project over public space and are securely hung.
3. When requested by the building inspector, a plan shall be submitted showing details of construction, methods of fastening and any other information which the building inspector deems necessary.

Section 8.08 Location

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

Business signs which call attention to an activity or product located on the tract upon which the sign is located are permitted in the "TA-1", "C-1", "C-2", "C-3", "I-1", and "I-2" Districts only.

Section 8.09 Placement

1. No sign shall obstruct a fire escape or be fastened in any manner to a fire escape, nor shall it obstruct any window or means of exit.
2. No sign shall be fastened to or placed on a parapet wall but shall be set back from such wall, on the roof, a distance of at least three feet.
3. Unless otherwise specifically provided by ordinance, signs overhanging sidewalks shall have a clearance of 10 feet. Signs overhanging a public driveway shall have a clearance of 18 feet; provided, that signs of four square-foot area or under may be hung with a clearance of eight feet over the sidewalks; provided further, that they do not project over 18 inches over public space.
4. Unless otherwise specifically provided by ordinance, no sign placed at a right or other angle to the wall of the building shall project or extend more than four feet from the building wall nor closer to the curb line than two feet.
5. All projections are to be measured from the face of the wall of the building to the point of extreme projection.
6. Unless otherwise specifically provided by ordinance, signs erected over a canopy, marquee or balcony, resting thereon and securely attached thereto, may extend the full width of such structure if not over 75 feet in area.

Section 8.10 Construction

1. No sign projecting over public space shall have greater weight than 1,500 pounds.
2. All signs shall be constructed and hung to withstand a horizontal wind pressure of 30 pounds per square foot.
3. All faces of enclosed metal signs shall be constructed of 24 gauge or heavier coated metal sheets. These faces shall be rigidly braced by channel stiffeners, at least one lineal foot per each two square feet of sign face area. Channels shall be constructed of 24 gauge or heavier metal and be at least two inches wide with one-half inch flanges and be fastened to sign faces by spot welding and occasional rivets, in such manner that no separation of channels from faces might occur.
4. The filler or box portion of the sign body shall be constructed of 22 gauge or heavier metal-coated sheets and shall be securely fastened to faces by flanging edges and welding or riveting or both, to sign faces in such a manner that no separation may occur.
5. Sign bodies having an exposed aggregate area of greater than 15 square feet shall have a structural frame within the box and such frames shall be composed of mild steel angle not lighter than one and one-half inches by one and one-half inches by one-eighth inch. Projecting irons from buildings through signs to farthest point from building shall not be lighter than two inches by two inches by three-sixteenth inch and have a minimum of 71 square inches transverse sectional area.
6. All projecting signs shall have a minimum of five galvanized messenger cable guys, and top supporting guy or guys shall be no lighter than one-fourth inch, unless the building inspector shall rule otherwise in the case of very small light weight signs. Fastenings for such guys on the body of the sign shall be rigidly bolted to the structural frame within the sign, not simply to the sheet metal housing same. When signs exceed 100 pounds in weight or where angle of support is less than 45 degrees, at least one supporting guy shall be fastened to the building by means of one-half inch or heavier bolts entirely through the building wall below the roof line with a sufficient steel plate on inside of the wall to prevent any undue strain on the wall. In lieu of a through-bolt, a structural frame may be placed on the roof of the building. Such roof frames must be securely fastened to the structural members of the roof and must not exert any pressure against the wall.
7. Transformers in signs shall be securely fastened to the sign body.
8. Signs weighing under 100 pounds may be hung with lag screws and metal expansion plugs.
9. All fittings, turnbuckles, chain, cable, and wire used in hanging signs shall be galvanized.
10. Signs shall be guyed top and bottom. Intermediate guys shall be placed on the longer signs as required by the building inspector.
11. Signs shall not exceed 16 square feet in size.

Section 8.11 Electrical Connections

Electrical connections to signs and electrical circuits serving signs shall be made under electrical permits and must be installed in compliance with the provisions of the electrical code of the city.

Section 8.12 Maintenance

1. Any person occupying any lot or premises with a billboard, ground sign or other advertising device shall be subject to the same duties and responsibilities as the owner of the lot on which the structure is located with respect to keeping the same clean, sanitary, in offensive and free and clear of all weeds and noxious substances in the vicinity of such structure and shall be subject to the provisions of the City Code to address health and welfare violations.
2. All signs shall always be kept in good repair and in a safe condition for the public by the owner.

Section 8.13 Owner's Responsibility

Any person owning or maintaining signs overhanging any street, sidewalk or public way of the city or who shall have a permit issued by the city to hang, erect or maintain any sign in any such place, shall provide proof of public liability insurance in the amount of \$100,000 for the death or injury of one person; in the amount of \$300,000 for the death or injury of two or more persons; and in the amount of \$25,000 for the loss, destruction or injury of any personal property in those cases where the principal may be liable.

Section 8.14 Unlawful Acts

It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this ordinance.

Section 8.15 Penalties

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$100.00 or be imprisoned not to exceed 30 days, or be both so fined and imprisoned, and each day that any person shall continue to violate or fail to comply with any of the provisions of this article shall be considered a separate offense.

Article 9: Supplemental Regulations

Section 9.01 Home Occupations and Home-Based Businesses

9.01.01 Intent:

A home occupation or home-based business may be /allowed with a when said occupation or business is conducted on residentially used and/or zoned property and is considered customary, traditional, and incidental to the primary use of the premises as a residence and shall not be construed as a business.

9.01.02 Procedure:

1. Home Occupations: An application for a home occupation, within residentially zoned areas shall be made to the Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.
2. Home Based Businesses: An application for a home-based business, within residentially zoned areas, shall be made to the Zoning Administrator on a form provided. Said application shall be approved, provided the performance criteria are met.

1. 9.01.03 Permitted Home Occupations:

1. Workrooms for dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, jewelry making, custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, notary public, manufacturer's representative, clergy, journalists, painters, photographers, dentists, doctors, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Child Nurseries or Childcare.
4. Personal services, including Barber and Beauty Shops (limited to one chair), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
5. Instructional services, including music, dance, art and craft classes and tutoring.
6. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers, including engines (limited to residence and garage areas).
7. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
8. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
9. Occupations associated with farming operations such as seed sales, welding, haying, and similar uses only in the TA-1 District.

9.01.04 Prohibited Home Occupations:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle repair.
4. Adult Entertainment Uses.

9.01.05 Performance Standards for Home Occupations:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home occupation shall remain a resident in the dwelling unit.
2. The operator conducting the home occupation shall be the sole entrepreneur, and the operator shall not employ any other person other than a member of the immediate family residing on the premises.
3. No structural additions, enlargements, or exterior alterations changing the residential appearance to a business appearance shall be permitted.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.
5. Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence.
6. Additional and/or separate entrance(s) that do not match the residential structural design shall not be constructed for the purpose of conducting the home occupation or home-based business.

7. Additional off-street parking or loading facilities, including additional driveway construction, other than the requirements for the permitted residence, shall be permitted.
8. The display of goods and/or external evidence of the home occupation shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
9. No retail sales are permitted on the site other than incidental sales related to services provided.
10. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
11. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
12. All businesses related to Childcare Homes and Childcare Centers shall be in accordance with Kansas State Statutes.

9.01.06 Permitted Home-Based Businesses:

1. Workrooms for custom home furnishings work, carpentry work, and furniture repair.
2. Offices for professionals such as, but not limited to, attorneys, architects, engineers, planners, real estate agents, notary public, manufacturer's representative, clergy, journalists, painters, photographers, draftspersons, insurance agents, accountants, editors, publishers, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, salespersons, and travel agents.
3. Personal services, including Barber and Beauty Shops (limited to two chairs), manicure and pedicure shops, pet grooming, catering, and chauffeuring services.
4. Repair services, including watch and clock, small appliances, computers, electronic devices, lawnmowers, including engines (limited to residence and garage areas).
5. Distribution and sales of products such as cosmetics, home/health care products, mail order, and other similar uses.
6. Offices for services provided outside the home such as lawn care, snow removal, and other similar uses.
7. Child Nurseries or Childcare.
8. Occupations associated with farming operations such as seed sales, welding, haying, and similar uses only in the TA-1 District.

9.01.07 Prohibited Home-Based Businesses:

1. Medical and dental clinics, hospitals.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle repair.
4. Adult Entertainment Uses.

9.01.08 Performance Standards for Home-Based Businesses:

1. The primary use of the structure or dwelling unit shall remain residential, and the operator of the home-based business shall remain a resident in the dwelling unit.
2. The operator conducting the home-based business shall be the sole entrepreneur. However, the operator may employ immediate family members residing on the premises, as well as an additional two unrelated individuals for purposes of conducting business.
3. Structural additions, enlargements, or exterior alterations may be completed to provide space for the home-based business. Any alterations and additions are limited to a one-time expansion and shall be limited to 25 percent of the floor area of the main floor at the time of application. All alterations and additions shall meet all building and zoning criteria of Ellis.
4. No more than 25 percent of the floor area of any one story of the dwelling unit shall be devoted to such home-based business.
5. Such home-based business shall be conducted entirely within the primary building or dwelling unit used as a residence. Home based businesses may also be located within an existing Accessory Building.
6. Home-based businesses conducted within an Accessory Building shall be confined to the structure of the said Accessory Building. In addition, the applicant must prove that the Accessory Building meets all Life Safety Codes including electrical compliance for a commercial business.

7. All alterations and additions shall be completed in a manner that matches the existing structure and shall have a residential appearance to the exterior. All separate entrance(s) shall be discrete and match the residential design.
8. Additional off-street parking or loading facilities, beyond the parking provided for the residence, shall be provided, and shall meet the following standards:
 - A. Two additional spaces for the unrelated employees.
 - B. Two additional spaces to be used for client/visitor parking.
 - C. The additional parking required in items (A) and (B) shall not be provided in any required Front, Side or Rear Yard setback.
 - D. All additional parking and loading spaces shall be screened using landscaping materials and opaque privacy fencing not more than six feet in height.
 - E. Applicant shall not relocate parking for the residence into any Front, Side or Rear Yard Setback to provide additional parking.
 - F. All new off-street parking is encouraged to be toward the rear yard portion of the property and screened from view from the street.
9. The display of goods and/or external evidence of the home-based business shall not be permitted, except for one non-animated, non-illuminated, non-flashing announcement plate, indicating not more than the name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two sq. ft. in total surface area.
10. No retail sales are permitted on the site other than incidental sales related to services provided.
11. No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
12. No electrical or mechanical equipment shall interfere with local radio communications and television reception, or cause fluctuation in line voltage off the premises.
13. All businesses related to Childcare Homes and Childcare Centers shall be in accordance with Kansas State Statutes.

9.01.09 Revocation:

1. Conditions. A home occupation and home-based business permit granted in accordance with the provisions of this section may be terminated if the Zoning Administrator makes any of the following findings:
 - A. That any condition of the home occupation or home-based business permit has been violated.
 - B. That the use has become detrimental to the public health or safety or is deemed to constitute a nuisance.
 - C. That the permit was obtained by misrepresentation or fraud.
 - D. That the use for which the permit was granted has ceased or has been suspended for six consecutive months or more; and
 - E. That the condition of the premises, or the district of which it is a part, has changed so that the use may no longer be justified under the purpose and intent of this section.
2. Appeal. Within five working days of a revocation, an appeal may be made to the Board of Zoning Appeals. The Zoning Administrator, within ten working days of the receipt of an appeal of his or her revocation, shall report his or her findings of fact and decision to the Board of Zoning Appeals. The Board of Zoning Appeals shall determine the facts and may revoke, modify, or allow to remain unchanged the home occupation or home-based business permit in accordance with the Board's final determination.
3. Nontransferable. A home occupation or home-based business permit granted in accordance with the provisions of this article shall not be transferred, assigned, nor used by any person other than the permittee, nor shall such permit authorize such home occupation at any location other than the one for which the permit is granted.

Section 9.02 Radio, Television and Wireless Communication Towers

9.02.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and the Spectrum Act of 2012, (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities, and antennas in the City in conformance with the Act without prohibiting or tending to prohibit any person from providing wireless telecommunication service. The regulation of telecommunication facilities, towers and antennas in the City, is to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use/collocation of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

9.02.02 Definitions:

All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996, the Spectrum Act of 2012 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

BASE STATION shall mean a structure that supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station at the time of the application is filed.

BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, microwaves or other electromagnetic frequencies which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial towers not exceeding 50 feet in height shall not be considered broadcast towers.

COLLOCATION shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

CONFORMING COMMERCIAL EARTH STATION shall mean a satellite dish which is two meters or less in diameter and is located in an area where commercial or industrial use is generally permitted under this regulation.

ELIGIBLE FACILITIES REQUEST is defined as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment.

IN WRITING refers to the means in which an applicant for a telecommunications tower is notified. The "in writing" clause has been defined to include the minutes of the governing body's proceedings including findings of fact.

OWNER shall mean any person with a fee simple title or a leasehold exceeding ten years in duration to any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify, or operate a tower upon such tract of land.

REPLACEMENT shall mean the removal and upgrade of transmission equipment and not the structure on which it is located.

SPECIFIC AND ABSOLUTE TIMEFRAME this refers to the timeframe allowed for processing a telecommunication application under Section 6409 (a) of the Spectrum Act of 2012.

STEALTH: Any telecommunications facility, tower, or antenna which is designed to enhance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas,

antennas integrated into architectural elements, and towers designed to look other than a tower, such as light poles, power poles and trees.

TELECOMMUNICATIONS FACILITIES shall mean any cables, wires, lines, wave guides, antennas, or any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunications facilities shall not include any Conforming Commercial Earth Station antenna two meters or less in diameter, or any earth station antenna or satellite dish antenna of one meter or less in diameter.

TOWER shall mean any structure built for the sole or primary purpose of supporting any Commission-licensed or authorized antennas and their associated facilities.

TOWER OWNER shall mean any person with an ownership interest of any nature in a proposed or existing tower.

TRANSMISSION EQUIPMENT: any equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas and other relevant equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supply.

9.02.03 Tower Construction Standards:

1. Towers shall be permitted conditional uses of land in only those zoning districts where specifically listed and authorized in this regulation.
2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning jurisdiction of the City prior to approval of its application for a Conditional Use Permit by the Board of Zoning Appeals and issuance of the permit by the City.
3. All towers, telecommunications facilities and antennas on which construction has commenced within the zoning jurisdiction of the City after the effective date of this regulation shall conform to the Building Codes and all other construction standards set forth by the City, County, federal, and state law and applicable American National Standards Institute (ANSI). Upon completion of construction of a tower and prior to the commencement of use, an engineer's certification that the tower is structurally sound and in conformance with all the aforementioned applicable regulatory standards shall be filed with the Zoning Administrator.

9.02.04 Application to Develop a Tower:

1. Prior to commencement of development or construction of a tower, an application shall be submitted to the Zoning Administrator for a Conditional Use Permit and shall include the following:
 - A. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land upon which the tower is to be located. Applicants shall include the owner of the tract of land and all people having an ownership interest in the proposed tower. The application shall be executed by all applicants.
 - B. The legal description and address of the tract of land on which the tower is to be located.
 - C. The names, addresses and telephone numbers of all owners of other towers or usable antenna support structures within a one-mile radius of the proposed tower, including publicly and privately owned towers and structures.
 - D. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain permission to install or collocate the applicants' telecommunications facilities on a tower or useable antenna support or written technical evidence from an engineer that the applicants' telecommunications facilities cannot be installed or collocated on another tower or useable antenna support structure.
 - E. Written technical evidence from an engineer that the proposed tower will meet the established Building Code, and all other applicable construction standards set forth by the City Council and federal and state and ANSI standards.
 - F. Color photo simulations showing the proposed location of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the nearest residentially used and or zoned property and nearest roadway, street, or highway.

- G. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manufacturer's literature, appurtenances such as buildings, driveways, parking areas, and fences or other security enclosures with significant detail to allow persons reviewing the application to understand the kind and nature of the proposed facility.
- H. The application, based upon the specific and absolute timeframe established by the FCC, shall be processed, and decided upon within 60 days of the application becoming completed. However, the 60-day application processing period may be extended only:
 - 1. By mutual agreement between the City of Ellis and the applicant, or
 - 2. By the City's determination that the application is incomplete.
 - a. If the City of Ellis deems the application to be incomplete, the City shall notify the applicant of the incompleteness within 30 days of the initial filing.
 - b. The City shall clearly and specifically delineate in writing the missing information.
 - c. The clock shall resume when the information is provided but may extend again if the City of Ellis notifies the applicant within 10 days that the application remains incomplete.
 - d. The City shall not request new information beyond what is already required.
 - 3. If the application is not acted upon within 60 days, the application shall be deemed to be approved by the governing body.

9.02.05 Setbacks and Separation or Buffer Requirements:

Listed below are setbacks and separation requirements for towers and exception to height restrictions of towers.

- 1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the underlying setback requirement in the applicable zoning district. Towers more than 50 feet in height shall be set back one additional foot for each foot of tower height in excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall be measured from the base of the tower to the property line of the tract of land on which it is located.
- 2. Freestanding and guyed towers shall be located so that the distance from the base of the tower to any adjoining property line or the supporting structure of a separate neighboring tower is a minimum of 100 percent of the tower height. Board of Zoning Appeals may reduce the setback with a conditional use permit if it determines that such reduction does not constitute a hazard to safety or property on adjacent properties or rights-of-way.
- 3. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be separated from all residentially zoned districts and occupied structures other than those utilized by the tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever is greater.
- 4. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower is separated from any residential structure, school, church, and/or occupied structures other than those utilized by the tower owner, by a minimum of one hundred percent (100%) of the height of the tower.
- 5. Towers must meet the following minimum separation requirements from other towers:
 - A. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice, or guyed by a minimum of 750 feet.
 - B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
- 6. Towers shall be held to all height requirements as prescribed in any Airport Hazard Area.
- 7. As part of its conditional use approval process, the Board of Zoning Appeals may, after public notice and hearing, permit the tower to exceed the height restrictions otherwise allowable in the district.

9.02.06 Structural Standards for Towers Adopted:

The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be made from time to time, except such portions as are hereinafter deleted, modified, or amended by regulation and set forth in this Article of the Zoning Regulation.

9.02.07 Illumination and Security Fences:

- 1. Towers shall not be artificially lit except as required by the FAA. Any tower subject to this Section that is required to be lit under FAA requirements and using a strobe light shall be equipped with dual

mode lighting. In no case shall said tower be allowed to operate a strobe lighting system after sunset and before dawn.

2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a manner which will preclude to the extent practical, unauthorized climbing of said structure.

9.02.08 Exterior Finish:

Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility with adjacent land uses, subject to review and approval by the Board of Zoning Appeals as part of the application approval process. All towers that must be approved as a conditional use shall be stealth design unless stealth features are impractical, or the cost of such features represents an undue burden on the applicant.

9.02.09 Landscaping:

All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas are located shall be subject to the landscaping requirements of the City.

9.02.10 Prohibitions:

According to the FCC, “[A] state or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

9.02.11 Substantial Change:

The City of Ellis may only require an amended conditional use permit for changes/modifications on a telecommunication tower/system that are defined by the FCC as substantial.

1. Substantial Change shall mean any of the following:
 - A. Towers outside the public right-of-way, a “substantial change”
 1. Increases the height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, or
 2. Protrudes from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.
 - B. Towers in the right-of-way, and all base stations, a “substantial change”
 1. Increases the height of the tower or base station by more than 10% or 10 feet, whichever is greater, or
 2. Protrudes from the edge of the structure more than six feet.
 - C. All Towers and base stations, a substantial change:
 1. Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
 2. Entails any excavation or deployment outside the current site of the tower or base station.
 3. Defeats the existing concealment elements of the tower or base station, or
 4. Does not comply with conditions associated with the prior approval of construction or modification of the tower or base station unless the non-compliance is due to any of the “substantial change” thresholds identified above.
2. Changes in Height
 - A. Changes in height are to be measured from the original support structure in cases where the deployments are or will be separated horizontally.
 - B. In other circumstances, changes in height are to be measured from the dimensions of the original tower or base station and all originally approved appurtenances, and any modifications approved prior to the passage of the Spectrum Act of 2012.
 - C. Changes are measured cumulatively; otherwise, a series of small changes could add up to a cumulative change that exceeds the “substantial change” threshold.

9.02.12 Inspections:

The City reserves the right to conduct inspection of towers, antenna support structures, telecommunications facilities, and antenna upon reasonable notice to the tower owner or operator to determine compliance with this Section and to prevent structural and equipment failures and accidents

which may cause damage, injuries or nuisances to the public. Inspections may be made to determine compliance with the City's Zoning Codes and any other construction standards set forth by the City, federal, and state law or applicable ANSI standards. Inspections shall be made by either an employee of the City of Ellis Public Works Department, or a duly appointed independent representative of the City.

9.02.13 Maintenance:

The towers, antenna support structures, telecommunications facilities and antennas shall always be kept and maintained in good condition, order and repair so that the same does not constitute a nuisance or a danger to the life or property of any person or the public.

9.02.14 Abandonment:

If any tower shall cease to be used for a period of one year, the Zoning Administrator shall notify the tower owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower has been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the tower owner shall have 75 days thereafter to dismantle and move the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee and a written request shall be directed to the City Attorney to proceed to abate said public nuisance pursuant to authority of the Revised Kansas State Statutes and City of Ellis codes, and charge the costs thereof against the real estate on which the tower is located or the owner of record of the said real estate.

9.02.15 Approval Denial Procedures for Tower Development Permit:

1. Any decision to deny an application to place, construct or modify a wireless facility must be in writing and supported by substantial evidence contained in a written record.
2. The regulation of placement, construction, and modification of personal wireless services facilities by the City of Ellis shall not unreasonably discriminate among providers of functionally equivalent services.
3. The regulation of the placement, construction, and modification of personal wireless service facilities by the City of Ellis shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
4. The City of Ellis shall not regulate the placement, construction, or modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such emissions comply with FCC regulations.

Section 9.03 Residential Design Manufactured Homes

In order for residential design manufactured homes to have substantially the appearance of an on-site, conventionally built, single-family dwelling, the following criteria and standards shall apply:

1. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
2. All roof structures shall provide an eave projection of no less than eight inches, which may include a gutter.
3. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.
4. The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, is installed under the perimeter of the manufactured home.
5. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed firmly to the primary structure and anchored securely to the ground.
6. The moving hitch, wheels and axles, and transport lights shall be removed.

Section 9.04 Group Boarding Home, Group Day Care Home, Child Care Center, Day Care Center, Detention Center, Family Day Care Home, or Residential Center

These facilities shall be required to meet the following requirements:

1. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
2. A letter from the Ellis County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation.
3. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
4. When operated out of an existing or proposed residential structure, the following standards shall be met:
 - A. That only one non-illuminated ground or wall sign not more than four square feet in area is used to advertise the home occupation.
 - B. Outside play areas shall be fenced.

Section 9.05 Hospital or Clinic for Large or Small Animals

These uses shall meet the following criteria:

1. Such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and
2. Such hospital or clinic is operated in such a way as to produce no objectionable odors outside its walls.

Section 9.06 Kennels (Boarding or breeding)

These uses shall meet the following criteria:

1. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
2. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.

Section 9.07 Fences

9.07.01 No fence shall be constructed within the zoning jurisdiction of the City of Ellis unless a permit is approved and issued by the Zoning Administrator and is constructed in conformance with the following requirements, unless otherwise noted herein:

1. Unless otherwise provided, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any municipal property, excluding public streets.
2. No fence permitted or required by this regulation shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 20 feet on each leg from their point of intersection; and at alleys the triangle shall be 15 feet for each leg, or otherwise in any manner create a traffic hazard or obstruction to visibility.
3. The finished surfaces of any fence shall face toward adjacent properties and street frontage.
4. Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.
 - A. The maximum height of an open fence within a required front yard or street side yard easement, in the instance of a corner/double frontage lot, shall be four feet. If the fence is parallel to or behind the house, the fence can be a maximum of six feet six inches if not located within the easement. Any fence located in a front yard must be a minimum of 40% open. For purposes of this provision, the designated front yard shall be determined by the line of sight of the majority of other lots on the block
 - B. The maximum height for any fence outside of a required front yard shall be six feet six inches unless otherwise approved by the Board of Zoning Appeals.
 - C. Fences shall be constructed of wood, chain-link, PVC/ resin, stone, decorative metal and/or wrought iron or masonry materials unless approved by the City. Wood fences shall utilize standard pre-treated building lumber only or be finished.

- D. Pallets, tarps, scrap metals, tires, signs or similar materials shall not be allowed as a fencing material.
- 5. Where it is demonstrated that for security purposes, the perimeter fencing around a plant or building located in an area zoned as an Industrial District must be higher than six feet in height may be approved by a Conditional Use Permit.
- 6. Fences constructed along and parallel to a lot lines separating a residential lot from property located in a Commercial or Industrial District shall not exceed eight feet in height.
- 7. Fences constructed along and parallel to rear and side lot lines adjoining arterial streets, as designated by the Kansas Department of Transportation, shall not exceed eight feet in height.

9.07.02 No fence or vegetation shall be situated or constructed in such a way as to obstruct the vehicular traffic or otherwise create a traffic safety hazard.

9.07.03 The use of barbed wire in the construction of any fence is prohibited within the corporate limits except for perimeter security fencing of buildings constructed in an Industrial District. The plans and specifications for any such fencing must be approved by the City before commencement of construction.

9.07.04 All fences shall be maintained in good repair.

9.07.05 Electric Fences: No electric fence, except for underground invisible fence for animal control, shall be constructed or maintained within the City of Ellis. An owner or lessee of such property may, upon application to the City and approval by the Zoning Administrator, maintain electrified fencing provided same shall not be energized to the extent that it can cause bodily harm to persons, be they children or adults, or to animals. Before the Zoning Administrator shall approve any electrified fencing, it shall be determined that non-electrified fencing will not adequately protect the owner's property and the owner's application for approval of electrified fencing shall set forth in detail the reasons why non-electrified fencing will not adequately protect his property.

Section 9.08 Performance Standards for Industrial Uses

9.08.01 Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily waste of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes, or similar equipment when in operable condition.

9.08.02 Fire Hazard: No operation shall involve the use of highly flammable gasses, acid, liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of the City of Ellis.

9.08.03 Vibration Standards: No activity or operation shall cause or create vibrations more than the displacement values given below. Measurements shall be made at or slightly beyond the adjacent lot line, or the nearest adjacent resident boundary line as described below. Vibration displacement shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions.

The maximum permitted displacement shall be determined by the following formula:

Where: $D=k/f$

“D” = Displacement in inches

“k” = A constant value to be determined by reference to Table 9.05.01 below

“f” = The frequency of the vibration transmitted through the ground in cycles/ second

Table 9.08.03 Constant “k” by Type of Vibration

District	Place of Measurement	Continuous	Impulsive	8 pulses per 24 hr. period
I-1	On or beyond any adjacent property lines	.003	.006	.015

I-2	On or beyond any residential	.006	.012	.030
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9.08.04 Noise:

1. No industrial operation or activity shall cause or create noise more than the sound levels given in Table 9.08.04.
2. An octave band analyzer and an impact noise analyzer shall be utilized to measure the intensity and frequency of sound.
3. The following noises and activities shall be exempt from the noise level regulations.
 - A. Construction and maintenance activities.
 - B. Emergency vehicles.
 - C. Transient noises from moving sources such as motor vehicles and trains.
 - D. Noises not directly under the control of the property owner.

Table 9.08.04 Noise Standards in Industrial Districts

Center Frequency in Cycles/second	District I-1 measured on or beyond adjacent boundaries	District I-2 measured on or beyond adjacent boundaries	District I-2 between hours of 9:00 a.m. and 6:00 p.m.
31.5	65	76	90
63	67	74	81
125	66	68	71
250	59	63	66
500	52	57	61
1,000	46	52	56
2,000	37	47	52

9.08.05 Sewage and Liquid Wastes: No operation shall be carried on which involves (a) the discharge into a sewer, water course, or the ground, (b) liquid waste of any radioactive or poisonous nature or (c) chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

9.08.06 Air Contaminants:

1. Air contaminants and smoke shall be less dark than designated Number One on the Ringelmann Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light colored contaminants of such a capacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
2. All particulate matter standards are regulated by the Kansas Department of Health and Environment and shall apply to all industrial districts in Ellis.
3. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
4. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking, or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Regulations.
5. Gasses: The gases sulfur dioxide and hydrogen sulfide shall not exceed five parts per million (5ppm). Carbon monoxide shall not exceed five parts per million (5ppm). All measurements shall be taken at the zoning lot line.
6. Glare: In the I-1 industrial district, any operation producing intense glare shall be performed in enclosed buildings in such a manner to not create a public nuisance or hazard along lot lines. All lights, other than streetlights, shall be situated and installed to reflect away from adjacent streets and residential property.
7. Toxic Hazards: All toxic hazards and hazardous materials are regulated by the State Board of Health of the Kansas Department of Health and Environment and shall apply to all industrial districts in Ellis.

9.08.07 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts:

Table 9.08.03 displays the maximum permitted sound levels that may be generated by uses in the I-1, or I-2 zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specification for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

Section 9.09 Small Wind Energy Systems

9.09.01 Purpose:

It is the purpose of this regulation to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

9.09.02 Definitions:

The following are defined for the specific use of this section.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW, and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

9.09.03 Requirements:

Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:

1. Tower Height
 - A. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
 - B. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.
2. Setbacks

No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.
3. Noise
 - A. Small wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling unit.
 - B. The noise level may be exceeded during short term events such as utility outages and/or severe windstorms.
4. Approved Wind Turbines

Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.
5. Compliance with Building and Zoning Codes
 - A. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
 - B. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Kansas and certified by a licensed professional engineer shall also be submitted.
 - C. The manufacturer frequently supplies this analysis.
 - D. Wet stamps shall not be required.
6. Compliance with FAA Regulations

Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
7. Compliance with National Electrical Code
 - A. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
 - B. The manufacturer frequently supplies this analysis.

- 8. Utility Notification
 - A. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
 - B. Off-grid systems shall be exempt from this requirement.
- 9. Setbacks

All towers shall adhere to the setbacks established in the following table:

Wind Turbine – Non Commercial WECS	
Property Lines	One times the total height
Neighboring Dwelling Units	One times the total height
Road Rights-of-Way*	One times the tower height.
Other Rights-of-Way	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA
Wetlands, USFW Types III, IV, and V	NA
Other structures adjacent to the applicant's sites	NA
Other existing WECS not owned by the applicant.	NA
River Bluffs	

* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 9.10 Solar Energy Use

No solar panel, neighborhood solar or solar farm shall be installed or constructed within the zoning jurisdiction of the City of Ellis unless a Conditional Use Permit, if applicable, and a Building Permit has been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

9.10.01 General Solar Definitions:

ACCESSORY SOLAR ENERGY SYSTEMS: include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.

CONCENTRATED SOLAR POWER: A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.

DEVELOPMENT: Any plat, subdivision, or planned unit development created under the City of Ellis subdivision and zoning regulations.

ELECTRIC UTILITY: The electric utility providing retail service to a given area.

NET EXCESS GENERATION: On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period.

NET METERING: Net metering means a system of metering electricity in which a local distribution utility:

- 2. Credits a customer-generator at the applicable retail rate for each kilowatt-hour produced by a qualified facility during a billing period up to the total of the customer-generator's electricity requirements during that billing period. A customer-generator may be charged a minimum monthly fee that is the same as other noncustomer-generators in the same rate class but shall not be charged any additional standby, capacity, demand, interconnection, or other fee or charge; and
- 3. Compensates the customer-generator for Net Excess Generation during the billing period at a rate equal to the electric utility avoided cost of electric supply over the billing period. The monetary credits shall be applied to the bills of the customer-generator for the preceding billing period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of each annualized period, any excess monetary credits shall be paid out to coincide with the final bill of that period.

SOLAR ACCESS: the ability to receive sunlight across real property for any solar energy device.

SOLAR ACCESS EASEMENT: A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.

SOLAR CONVERSION SYSTEM (SCS): An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for holding a substantial amount of useful thermal energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer thermal energy to a gas, solid or liquid or to convert into electricity.

SOLAR CONVERSION SYSTEM, COMMERCIAL: A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected in order to commercially supply the converted energy to a community and/or power grid. A CSCS shall have a one-way connection to the power grid.

SOLAR CONVERSION SYSTEM, GROUND-MOUNTED: Any SCS which is directly supported and attached to the ground.



Example of a Solar Conversion System, Ground-mounted



Example of a Solar Conversion System, Structure-mounted

SOLAR CONVERSION SYSTEM, INDIVIDUAL: An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.

SOLAR CONVERSION SYSTEM, NEIGHBORHOOD: A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.

SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED: Any SCS which is directly connected to and supported by a building.

SOLAR SKYSPACE: The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

1. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.
2. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

SOLAR ORIENTED SUBDIVISION: A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.

SOUTH OR SOUTH-FACING: True south, or 20 degrees east of magnetic south.

9.10.02 General Provisions Applying to ISCS, NSCS, and/or CSCS

The following provisions apply, typically, to two or more of the different solar conversion systems in this Section.

1. For commercial and neighborhood SCS: Applicant shall provide evidence that the project meets commonly accepted management practices for avian, wildlife, and environmental protections in place at the time of application.
2. For commercial and neighborhood SCS: Applicant shall comply with specific requirements of the Ellis Fire Department or the appropriate Rural Fire District.
3. Maintenance: All system and components shall be kept in operational condition, including appearance of all components; plus, the ground beneath the SCS shall be kept in a presentable manner based upon the ground cover decided.
4. Decommissioning: All systems when they are no longer generating power and will no longer be used shall follow a decommissioning plan that has been agreed to upfront by the City of Ellis, the electric utility, and the owner/developer.
5. Repowering: If any SCS is no longer operating for purposes of repowering, replacement, or maintenance, decommissioning provisions will not apply for up to six months. However, an SCS that is not operating or is operating at a substantially reduced capacity for more than six months will be considered abandoned and decommissioning provisions will apply.
6. Repowering does not require a new Conditional Use Permit or permit amendment if the footprint of the SCS is the same or reduced. Any increase in the footprint of the facility will require a permit amendment.
7. Any applicant for a SCS project shall meet with and shall indicate they have met the requirements of the electric utility and have in place an interconnection agreement with the electric utility.
8. All NSCS and CSCS operations shall have located at key access points signage stating specific language as outlined by the electric utility.
9. SCS may be installed in the floodway fringe subject to Section XVI, Article 2 of the Ellis Code of Ordinances, as may be amended from time to time, given that all components are installed a minimum of one foot above base flood elevation and subject to written authorization of the Floodplain Administrator.
10. No SCS shall be constructed in the identified floodway.
11. Concentrated Solar Power (CSP) systems are prohibited within the City of Ellis and the TA-1 District.
12. The solar application shall indicate and minimize all potential glare onto neighboring properties, streets and/or highways.
13. All movable solar panels shall be positioned in a manner that at no time the panels will create a "lake effect" when in a parallel position to the ground.
14. Financial assurances shall be in place as part of the Decommissioning Plan.

9.10.03 Individual Solar Conversion Systems

1. General Requirements for ISCS:
ISCS's shall conform to the required front, side, and rear lot setback requirements except as provided herein:
 - A. An SCS which is attached to an integral part of the principal building shall meet all local, state, and federal codes for building, electrical, plumbing, and accessibility.
 - B. A ground-mounted SCS may be located only in the required rear yard provided it does not exceed 12-feet in height and is located not less than five feet from the rear lot line and not closer than one foot to any existing easement as measured from the closest point of the structure including its foundation and anchorage.
 - C. No ground mounted SCS shall be in the required side yard or front yard.
 - D. All ISCS's shall have an agreed solar access easement, on the south side of the yard, from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground mounted SCS is in place and operational.
 - E. The applicant for any ISCS shall provide evidence that they have a working Net Metering agreement with the electric utility.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

4. Plot Plan:

The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.

5. Preexisting Solar Panels:

Notwithstanding noncompliance with the requirements of this section, a solar panel erected prior to the adoption of these Regulations, pursuant to a valid building permit issued by the City of Ellis, may continue to be utilized so long as it is maintained in operational condition.

6. Decommissioning:

- A. Whenever an SCS ceases operation on a property, it shall be required to report this to the City of Ellis and the electric utility.
- B. Whenever a ground mounted SCS is no longer operating, the property owner shall have six months to completely remove the structure and wiring. The location of the SCS shall be returned to a usable state based upon the surrounding property.

9.10.04 Neighborhood Solar Conversion Systems

1. General Requirements for NSCS:

NSCS's shall meet the following requirements as provided herein:

- A. An NSCS shall be set on its own lot within the neighborhood/development.
- B. The NSCS shall be designed and constructed for no more than the anticipated maximum solar usage in the designated neighborhood or development.
- C. No excess power generated shall be sold or given to a user outside the agreed upon neighborhood or development, except via a Net Metering agreement.
- D. The developer shall provide the City of Ellis with all solar easements established; however, the City of Ellis shall not be responsible for enforcing said easements.
- E. All solar easements shall be enforced by an established Homeowners Association for the development/neighborhood.
- F. A ground mounted NSCS shall be protected with fencing and/or bollards.
- G. All connections to the uses within the neighborhood shall be made underground.
- H. An access agreement between the developer, Homeowners Association, and any other necessary entity and the electric utility shall exist in case of an emergency.
- I. A Net Metering agreement between the developer, Homeowners Association, and any other entity and the electric utility shall exist in case of excess electricity; and
- J. All ground mounted NSCS's shall have an agreed solar access easement from any neighboring properties. Said easement shall be filed as an instrument to each property's deed and said easement shall stay in place as long as the ground- mounted NSCS is in place and operational.

2. Structural Requirements:

The physical structure and connections to existing structures shall conform to the applicable local, state, and federal codes.

3. Solar Oriented Subdivision/Plot Plan:

- A. Whenever a NSCS is part of a proposed new subdivision, the developer shall outline the specific lot or outlot where the NSCS will be placed.
- B. Specific developments/neighborhoods initially designed with an NSCS shall identify all solar easements on the preliminary and final plats and shall be recorded the same as other utility easements. In addition, the subdivision plats shall indicate, in addition to all other requirements in the subdivision regulations, the location of all proposed underground conduits serving the other lots in said subdivision.
- C. The application for a permit shall be accompanied by a plot plan drawn to scale showing property lines, existing structures on the lot, proposed solar panel location with respect to property lines, and dimensions of the proposed solar panel.
- D. The developer shall install all underground wiring as prescribed by the electric utility.
- E. All underground wiring shall be protected by a utility easement or located within prescribed rights-of-way.
- F. The developer shall provide the City of Ellis with As-builts of the wiring locations within the subdivision.

4. Decommissioning:

- A. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Ellis may require the posting of a bond, letter

of credit or the establishment of an escrow account to ensure proper decommissioning.

9.10.05 Commercial Solar Conversion Systems:

1. Applicability:

The purpose of this subsection is to provide standards for fixed-panel photovoltaic solar farms or CSCS consisting of ground-mounted solar panels capturing energy from the sun and converting it to electricity. The provisions of this section are based on a ground-mounted photovoltaic facility using a rammed post construction technique and panels supporting the flow of rainwater between each module and the growth of vegetation beneath the arrays and limiting the impacts of stormwater runoff. The rammed post construction technique allows for minimal disturbance to the existing ground and grading of the site. Based on the assumed solar farm design, the City of Ellis finds the use to be low intensity with minimal trip generation, low amounts of impervious cover, and low emission thus the use is compatible in urbanized, non-urbanized, or low-density areas with other uses.

2. Site Development Standards:

- A. Lot coverage: No more than one percent of the gross site area shall be occupied by enclosed buildings and structures.
- B. Setbacks: A thirty-foot side and rear setback shall apply only to the setback area measured from a lot line that abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district, or the two districts are separated by a public right-of-way.
- C. Height: The average height of the solar panel arrays shall not exceed 12 feet.
- D. Landscaping Buffer: The primary use of the property shall determine the buffer requirement. Where a ground-mounted photovoltaic solar farm is the primary use the property shall be considered industrial or agricultural for the purposes of buffer requirements, there are no requirements for screening from public streets.
- E. Stormwater Management: Fixed panel solar arrays shall be considered pervious, and the property shall be designed to absorb or detain specific runoff. The impervious cover calculation shall include the support posts of the panels, any roads or impervious driveway surfaces, parking areas and buildings on the site.
- F. A property developed pursuant to this subsection shall be required to plat, however, water and sewer connections shall not be required. Suitable fire department access shall be required.
- G. Signage shall conform to the City of Ellis Sign Code.
- H. Customer owned on-site power lines shall be buried except where connecting to existing overhead utility lines. This requirement shall not apply to fiber optic connections.
- I. Due to the unique security requirements of this land use, and to facilitate the educational value of seeing this land use, fencing up to eight feet in height is permitted provided the fencing material is predominantly open.
- J. All State and Federal codes and provisions not specified in this subsection are required, including, but not limited to tree preservation, traffic impact analysis and historic preservation.

3. Districts:

See Section 5.06 of the City of Ellis Zoning Ordinance

4. Submittal Requirements:

These requirements shall apply to both the Conditional Use Permit and Building Permit. All Plans shall contain the following:

- A. A plot plan, drawn to scale, of the property indicating the total site acreage, landscape and buffer areas, tree preservation, location of all structures, the proposed location of the solar panels, the distances of the solar panels to structures on the property as well as distances to the property lines.
- B. The plot plan shall include any roads, electric lines and/ or overhead utility lines.
- C. A description of the electrical generating capacity and means of interconnecting with the electrical grid as coordinated and pre-approved with the appurtenant Power District.
- D. A copy of the interconnection agreement with the local electric utility.
- E. Drawings or blueprints of solar panels and arrays in conjunction with the application for a building permit for a solar farm/solar power plant.
- F. Structural engineering analysis for a solar panel, array, and its foundation, as applicable.
- G. Manufacturer's recommended installations, if any.
- H. Documentation of land ownership and/or legal authority to construct on the property.

5. Decommissioning

A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The City of Ellis may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

6. Compliance with Other Regulations:

- A. Zoning permit applications for CSCS's shall be accompanied by a line drawing of electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the State's adopted electrical code and that has been pre-approved by the associated power district meeting their Distribution Generation Requirements and Guidelines, and
- B. This subsection does not waive any requirements of any state or Federal codes, electrical codes, or other technical codes as applicable.

7. Discontinuation:

A CSCS shall be considered abandoned after one year without energy production. The solar equipment owner shall remove all SCS equipment and appurtenances within 90 days of abandonment.

Section 9.11 Self-Storage Units (Mini-Warehouses)

1. Minimum lot size of the Self-Storage facility shall be 5,000 square feet.
2. Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
3. All driveways, parking, loading and vehicle circulation areas shall be surfaced with concrete, asphalt, asphaltic concrete, crushed rock, or other approved rock other than gravel. All driveways within the facility shall provide a hard surface with a minimum width of 25 feet.
4. All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
5. The total area covered by buildings shall not exceed 50 percent of the site.
6. The storage of hazardous, toxic, or explosive substances, including, but not limited to, hazardous waste, industrial solid waste, medical waste, municipal solid waste, septage, or used oil.
7. Site development shall include provisions for stormwater management in accordance with the Regulations of the City of Ellis.
8. Any self-storage units constructed next to a residential dwelling or district shall be required to provide a solid fence as a buffer.
9. Height limitations shall require a maximum height of 20 feet for any structure in the facility.

Section 9.12 Auto Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to auto repair and body repair, provided that such storage is completely screened so as not to be visible from residential areas or public rights-of-ways. No outdoor storage is permitted on any public roadways.
2. Any spray painting must take place within structures designed for that purpose and approved by the Zoning Administrator.

Section 9.13 Automobile and Equipment Rental and Sales

1. All outdoor display areas for rental and sales facilities shall be hard surfaced.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

Section 9.14 Shipping Containers

1. Freight shipping containers, rail cars, semi-trailers, boxes, metal storage containers or any other similar shipping container shall not be used as an accessory building or for storage within any residential zone. The exception may be a storage container(s), not to exceed 450 square feet of floor space, for moving or storing household goods during a remodel which may be located in the yard or driveway for no more than 30 days. A permit shall be required for this temporary use to include approval of the proposed location of unit(s). Upon application, an extension of 30 days may be

granted, however, absent a showing of extenuating circumstances there shall not be more than two additional extensions. In the event of extenuating circumstances, an application for additional extension(s) may be submitted to be considered by the city council.

2. Shipping containers may be permitted in commercial or industrial zones, provided; however, that the container has sufficient footings and is otherwise secured to ensure that it does not pose a hazard. A building permit and inspection shall be required.

Section 9.15 Mobile Food Units

Mobile Food Units are allowed in specific zoning districts; however, these uses shall be required to abide by the following requirements:

1. All units shall be located on vacant lots except in the C-1 Downtown Commercial District where on-street parking may be permitted. On-street parking shall only be allowed during times of operation.
2. All units shall only operate during hours identified on the temporary permit. In no case shall a unit be open for more than one hour after the legal closing time of local bars.
3. All refuse shall be transported off-site unless an agreement with the property owner is submitted to the City identifying an alternate.
4. All units shall not be allowed to use intense lights to attract customers.
5. During non-operation hours, these units shall be stored on a lot or in an enclosed structure.

Section 9.16 Roadside Stands not including Sanctioned Farmer's Markets

1. A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
2. A roadside stand may be located within a required front yard but no closer than 20 feet to the edge of a traveled roadway.
3. A roadside stand may operate for a maximum of 180 days in any one year.

Section 9.17 Parking or Storage of Pleasure Vehicles, Recreational Vehicles, Travel Trailers, Campers, Boats, Boat Trailers

1. Any recreational vehicle or pleasure vehicle, as defined in this Ordinance, may be parked, stored or maintained anywhere on a lot except that when parked, stored, or maintained in any Residential District, they shall be:
 - A. Parked, stored, or maintained on a driveway when so parked in the front or exterior side yard areas; provided no more than two such vehicles shall be parked, stored, or maintained in the required front and side yard areas,
 - B. No pleasure vehicles or recreational vehicles parked or stored in the side yard areas shall be parked or stored within 10 feet of any public right-of-way, sidewalk, or other area of the street at the entrance of the driveway; however, the 10 feet limitation shall not apply to alleys.
 - C. No pleasure vehicle shall be parked or stored on any corner lot within the vision clearance area as defined in this Regulation.
2. No pleasure vehicle or recreational vehicle as defined shall be parked, stored, or maintained within 10 feet of any residential structure on adjoining property except when such vehicle is stored inside of a garage or other storage structure or upon obtaining the written consent of the adjoining property owner.
3. No pleasure or recreational vehicle as defined may be parked, stored, or maintained on any public street, thoroughfare, right-of-way or other public area; provided:
 - A. Said vehicles may be parked in exception to this Section for a temporary period not to exceed 24 hours for loading and unloading purposes, or
 - B. For temporary storage or parking not to exceed 14 days if such vehicle is owned by a bona fide guest of the occupants of the premises, provided:
 - 1) When stored, parked, or maintained on any public street, thoroughfare, right-of-way or other public area no person shall sleep, live or otherwise inhabit any recreational or pleasure vehicle.
 - C. Any person or person may live or sleep in a recreational or pleasure vehicle for a period not to exceed 14 days when said vehicle is parked or stored on a lot and said persons are bona fide guests of the occupants of the premises.
 - D. No non-motorized travel trailers or boats, when on a trailer, shall be left unattached when parked or stored on any public street.

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

Section 9.18 Swimming Pools

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least 10 feet from all property lines and shall be surrounded by a fence or wall having a height of at least six feet. There shall be no opening larger than 36 square inches except for gates which shall be equipped with self-closing and self-latching devices.

Section 9.19 Chemical or Fuel Storage

1. Petroleum (gasoline and diesel fuels) and propane used for cars, trucks, machinery, and home uses shall not be stored in underground, on-the-ground or above-ground tanks in any Residential District or in the C-1 Downtown Commercial District unless in conjunction with an already existing auto service station. Residential and Downtown Commercial District storage of petroleum is limited to containers manufactured and clearly marked for such storage.
2. No Agricultural, Commercial (except the "C-1" Downtown Commercial District), nor Industrial Districts shall be restricted on petroleum storage by the above requirements except that all such storage facilities shall comply with the Occupational Safety and Health Administration (OSHA) and State of Kansas requirements.

Section 9.20 Adult Entertainment Establishments

9.20.01 Purpose; Findings and Rationale

1. *Purpose.* It is the purpose of this ordinance to regulate adult establishments in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of adult establishments within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.
2. *Findings and Rationale.* A. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Board of Supervisors, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and *Farkas v. Miller*, 151 F.3d 900 (8th Cir. 1998); *Jakes, Ltd. v. City of Coates*, 284 F.3d 884 (8th Cir. 2002); *BZAPS, Inc. v. City of Mankato*, 268 F.3d 603 (8th Cir. 2001); *SOB, Inc. v. County of Benton*, 317 F.3d 856 (8th Cir. 2003); *Scope Pictures v. City of Kansas City*, 140 F.3d 1201 (8th Cir. 1998); *ILQ Invs. v. City of Rochester*, 25 F.3d 1413 (8th Cir. 1994); *City of Lincoln v. ABC Books, Inc.*, 470 N.W.2d 760 (Neb. 1991); *Xiong v. City of Moorhead*, 2009 WL 322217 (D. Minn. Feb. 2, 2009); *Entm't Prods., Inc. v. Shelby County*, 721 F.3d 729 (6th Cir. 2013); *Lund v. City of Fall River*, 714 F.3d 65 (1st Cir. 2013); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission*, 877 N.E.2d 877 (Ind. Ct. App. 2007); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. City of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Heideman v. South Salt Lake City*, 348 F.3d 1182 (10th Cir. 2003); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Jacksonville Property*

Rights Ass'n, Inc. v. City of Jacksonville, 635 F.3d 1266 (11th Cir. 2011); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County*, 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Major Liquors, Inc. v. City of Omaha*, 188 Neb. 628 (1972); *DLH Inc. v. Nebraska Liquor Control Commission*, 266 Neb. 361 (2003); *City of Winslow v. Sheets*, 261 Neb. 203 (2001), and based upon reports concerning secondary effects occurring in and around adult establishments, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime? An Examination Using Spatial Analysis," *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Adult establishments, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Adult establishments: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Sex Store Statistics and Articles; and Law Enforcement and Private Investigator Affidavits (Adult Cabarets in Forest Park, GA and Sandy Springs, GA), McLeary and Weinstein; Do "Off-Site Adult Businesses Have Secondary Effects? Legal Doctrine, Social Theory and Empirical Evidence, Law and Policy, Vol. 31, No. 2 (April 2009), Adult Business Study: Town and City of Ellicottville, Cattaraugus County, New York (January 1998),

B. The City Council finds:

1. Adult establishments, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Adult establishments should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult establishments in one area.
3. Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. Additionally, the City's interest in regulating adult establishments extends to preventing future secondary effects of either current or future adult establishments that may locate in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

- C. The City Council hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult establishments, including the judicial opinions and reports related to such secondary effects.

9.20.02 Definitions

ADULT ARCADE shall mean any place to which the public is permitted or invited in which coin-operated, slug-operated or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas. (K.S.A. 12-740)

ADULT BOOKSTORE OR ADULT VIDEO STORE shall mean a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

1. At least 35% of the establishment's displayed merchandise consists of said items; or
2. At least 35% of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of said items; or
3. At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items; or
4. The establishment maintains at least 35% of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
5. The establishment maintains at least 500 square feet of its floor area for the display, sale, and/or rental of said items (aisles and walkways used to access said items, as well as cashier stations where said items are rented or sold, shall be included in "floor area" maintained for the display, sale, or rental of said items); or
6. The establishment regularly offers for sale or rental at least 2,000 of said items; or
7. The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

ADULT CABARET shall mean a nightclub, bar, juice bar, restaurant, bottle club, lounge, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

ADULT ESTABLISHMENT shall mean an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," or an "adult paraphernalia store."

ADULT MOTION PICTURE THEATER shall mean a commercial establishment to which the public is permitted or invited wherein an image-producing device is regularly maintained to show images to more than five persons at any one time, and where the images so displayed are characterized by their emphasis upon "specified sexual activities" or "specified anatomical areas."

ADULT PARAPHERNALIA STORE shall mean a commercial establishment that regularly offers 100 or more sexual devices for sale. This definition shall not be construed to include any establishment located within an enclosed regional shopping mall. For purposes of this definition, "sexual device" means any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps,

and physical representations of the human genital organs. "Sexual device" shall not be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

EMPLOYEE OF AN ADULT ESTABLISHMENT shall mean any person who performs any service on the premises of an adult establishment, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

ENCLOSED REGIONAL SHOPPING MALL means a group of retail and other commercial establishments that is planned, developed, and managed as a single property, with on-site parking provided around the perimeter of the shopping center, and that is generally at least forty acres in size and flanked by two or more large anchor stores, such as department stores. The common walkway or mall is enclosed, climate controlled and lighted, usually with an inward orientation of the stores facing the walkway.

NUDITY means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

OPERATOR OF ADULT ESTABLISHMENT means any person on the premises of an adult establishment who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

SEMI-NUDE OR SEMI-NUDITY means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

SPECIFIED ANATOMICAL AREAS shall mean less than completely and opaquely covered human genitals, pubic region, buttock, and/or female breast below a point immediately above the top of the areola.

SPECIFIED SEXUAL ACTIVITIES shall mean intercourse, oral copulation, masturbation or sodomy.

9.20.03 Performance Standards

1. No person shall establish, operate, or cause to be operated an adult establishment in the City of Ellis within:
 - A. 500 feet of another adult establishment; or
 - B. 500 feet of a business licensed to sell alcohol at the premises, or
 - C. 600 feet of a residential district, residential use, residence, church, educational institution, park, or recreational facility.
 - D. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of the structure containing the adult establishment to the closest point on a property boundary of another adult establishment, a business licensed to sell alcohol at the premises, a residential district, a residential use, a residence, a church, an educational institution, park, or a recreational facility.
2. No adult establishment shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.
3. No patron, employee of an adult establishment, or any other person shall knowingly or intentionally, in an adult establishment, appear in a state of nudity or engage in a specified sexual activity.
4. No person shall knowingly or intentionally, in an adult establishment, appear in a semi-nude condition unless the person is an employee of an adult establishment who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
5. No employee of an adult establishment who appears semi-nude in an adult establishment shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of an adult

establishment. No customer shall knowingly or intentionally touch such an employee of an adult establishment or the clothing of such an employee of an adult establishment on the premises of an adult establishment.

6. No person shall possess alcoholic beverages on the premises of an adult establishment.
7. No person shall knowingly or recklessly allow a person under the age of 18 years to be or remain on the premises of an adult establishment.
8. No operator of an adult establishment shall knowingly or recklessly allow a room in the adult establishment to be simultaneously occupied by any patron and any employee of an adult establishment who is semi-nude or who appears semi-nude on the premises of the adult establishment, unless an operator of the adult establishment is present in the same room.
9. A person who operates or causes to be operated an adult establishment which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:
 - A. The operator of the adult establishment shall, within one week of opening the adult establishment for business, submit to the Zoning Administrator a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches.
 - B. It shall be the duty of the operator of the adult establishment, and of any employees of the adult establishment present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - C. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five foot candles as measured at the floor level. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
 - D. It shall be the duty of the operator of an adult establishment, and of any employees of an adult establishment present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - E. It shall be the duty of the operator of an adult establishment to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - 1) That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - 2) That specified sexual activity on the premises is prohibited.
 - 3) That the making of openings between viewing rooms is prohibited.
 - 4) That violators will be required to leave the premises.
 - 5) That violations of these regulations are unlawful.
 - F. It shall be the duty of the operator of an adult establishment to enforce the regulations articulated in 9.20.03 (9)(E)(1), through 9.20.03 (9)(E)(5) above.
 - G. The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator of the adult establishment's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises have two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator of an adult establishment to ensure that at least one employee of an adult establishment is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator of an adult establishment, and it shall also be the duty of any employees of an adult establishment present

- on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- H. It shall be the duty of the operator of an adult establishment to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
 - I. It shall be unlawful for a person having a duty under subsections 9.20.03 (9)(A) through 9.20.03 (9)(H) above to knowingly or recklessly fail to fulfill that duty.
 - J. No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.
 - K. No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
 - L. No person shall knowingly or recklessly make any hole or opening between viewing rooms.
10. It shall be the duty of the operator of an adult establishment to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five-foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
11. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state shall be sufficient to establish a violation of a provision of this section 9.20.03.

Section 9.21 Special Events

9.21.01 Purpose and Intent

The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe, or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety, and convenience.

9.21.02 Special Event Defined

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by this Zoning Ordinance Code, for one or more of the following types of activities:

1. **Type 1** shall mean fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations, including any on-site signs and structures in conjunction with the event.
2. **Type 2** shall mean temporary banners attached to the wall of a building or placed across street rights-of-way.
3. **Type 3** shall mean promotional activities or devices intended to attract attention to a specific place, business, organization, event, or district, such as signs, searchlights or balloons.
4. **Type 4** shall mean commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration. This type includes special activities such as film productions, outdoor play productions and similar types of events.
5. **Type 5** shall mean public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses, or parades, or which are temporarily established for commercial reasons such as filming for movies or other such events. In addition, the temporary placement of a portable asphalt plant and attendant materials and equipment during construction work on any public road when such placement is not adjacent to said construction but will be placed within 1 1/4 miles of said construction.

The term "special event" shall not include garage sales at an individual residence, transient merchants, or off-site promotional signs.

Section 9.22 Dwelling Unit, Special Types

This section is intended to establish special conditions by which special types of dwelling units may be established within the jurisdiction of Ellis.

9.22.01 Tiny Houses

Tiny houses fall under two separate categories, Site Built and RV/Park Model/Camper.

Site Built Tiny Houses

1. Tiny homes shall have at least one habitable room with not less than 120 s.f. of gross floor area.
2. Other habitable rooms shall have not less than 70 s.f. of floor area, except for kitchens.
3. Habitable rooms shall not be less than seven feet in any horizontal dimension.
4. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
5. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
6. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
7. Tiny homes shall have a kitchen area and sink.
8. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
9. All electrical shall be in compliance with all local, state and/or federal electrical codes.
10. The unit shall meet all egress requirements found in local, state, and/or federal codes.
11. All foundations shall meet local, state, and/or federal building codes.
12. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
13. No Site Built Tiny House shall be constructed in any floodplain.

RV/Park Model/Camper

1. The unit shall be constructed upon a single chassis.
2. The unit shall have 400 s.f. or less when measured at the largest horizontal projections.
3. The unit shall be self-propelled or permanently towable by a light duty truck.
4. The unit shall not be designed for use as a permanent dwelling but as a temporary living quarter.
5. All electrical, including temporary hook-ups, shall follow all local, state and/or federal electrical codes.
6. All plumbing and other mechanical systems shall not be permanently connected to a supply or discharge source.
7. The wheels and axles shall always remain on the unit.
8. Accessory structures shall not be supported by these units.
9. No RV/Park Model/Camper shall be constructed in any floodplain.

Tiny House Cities/Communities

Tiny house cities/communities may be allowed in identified areas and shall be designed using the PDO-(Planned Development Overlay) process within this Regulation.

9.22.02 Grain Bin Homes

Any residential structure meeting the definition of a grain bin home shall meet the following criteria:

1. Grain bin homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
2. Grain bin homes shall have at least one habitable room with not less than 120 sf of gross floor area.
3. Other habitable rooms shall have not less than 70 sf floor area, except for kitchens.
4. Habitable rooms shall not be less than seven feet in any horizontal dimension.
5. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
6. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
7. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
8. Grain bin homes shall have a kitchen area and sink.
9. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.

10. All electrical shall follow all local, state and/or federal electrical codes.
11. The unit shall meet all egress requirements found in local, state, and/or federal codes.
12. Any and all extensions of the grain bin home shall be structurally designed regarding all attachments and cantilevers.
13. All modifications needed to convert the grain bin(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineer.
14. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer.
15. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
16. No Grain bin homes shall be constructed in any floodplain.

9.22.03 Cargo Container Homes

Any residential structure meeting the definition of a cargo container home shall meet the following criteria:

1. Cargo container homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
2. Multiple containers shall be structurally and permanently attached to each other
3. Cargo container homes shall have at least one habitable room with not less than 120 s.f. of gross floor area.
4. Other habitable rooms shall have not less than 70 s.f. of floor area, except for kitchens.
5. Habitable rooms shall not be less than seven feet in any horizontal dimension.
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.
8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
9. Cargo container homes shall have a kitchen area and sink.
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
11. All electrical shall follow all local, state and/or federal electrical codes.
12. The unit shall meet all egress requirements found in local, state, and/or federal codes.
13. Any and all extensions of the cargo container home shall be structurally designed regarding all attachments and cantilevers.
14. All modifications needed to convert the cargo container(s) into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineer.
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer.
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. No Cargo Container Homes shall be constructed in any floodplain.

9.22.04 Quonset Homes

Any residential structure meeting the definition of a Quonset home shall meet the following criteria:

1. Quonset homes shall be structurally anchored to a permanent foundation and said foundation shall meet local, state, and/or federal building codes.
2. No agricultural storage will be allowed within any Quonset Home.
3. Quonset homes shall have at least one habitable room with not less than 120 s.f. of gross floor area.
4. Other habitable rooms shall have not less than 70 s.f. of floor area, except for kitchens.
5. Habitable rooms shall not be less than seven feet in any horizontal dimension.
6. Ceiling height effect on room area:
 - A. Portions of a sloped ceiling measuring less than five feet or a furred ceiling measuring less than seven feet from the finished floor.
 - B. The finished ceiling shall not be considered as contributing to the minimum required habitable area for the room.
7. Ceiling heights shall be a minimum of seven feet in habitable spaces, hallways, bathrooms, and toilet rooms.

8. Every dwelling shall have toilet facilities-water closet, lavatory, and a bathtub or shower.
9. Quonset homes shall have a kitchen area and sink.
10. The unit shall provide heating and cooling systems as required by local, state and/or federal codes.
11. All electrical shall be in compliance with all local, state and/or federal electrical codes.
12. The unit shall meet all egress requirements found in local, state, and/or federal codes.
13. Any and all extensions of the Quonset home shall be structurally designed regarding all attachments and cantilevers.
14. All modifications needed to convert the Quonset into a dwelling unit shall be required to have all modifications designed and engineered by a licensed architect and/or engineer.
15. All items requiring the structure to be structurally designed/modified shall be sealed by a structural engineer.
16. All structures shall meet the maximum coverage on a lot as any ordinary single-family dwelling.
17. No Quonset homes shall be constructed in any floodplain.

Article 10: Site Development Plans

Section 10.01 Purpose and Intent

1. Good site design is a process that involves the active participation of the municipality and developers working together. The design process is an opportunity for the municipality and developers to work together to ensure that a development meets both the design goals of the community and the requirements of the developer. Site design technically consists of the arrangement of buildings, structures, lot lines, roads, utilities, and plantings on a particular piece of property, laid out as a functional system in a two-dimensional space. In a broader sense however, the total environment of a development consists not only of two-dimensional forms, but also of the spaces around them: buildings, streets, and landscaping exist in three-dimensional space.
2. Site design should then be concerned with three-dimensional spatial arrangements: the location and placement of buildings, infrastructure, roads and walkways, landscaping, and other design elements within their surroundings. Implicit in such a definition of site design is the importance of relating design to the contextual setting of the entire community. It is the intent of the site development plan review and approval process that the needs and desires of the community, defined by the fundamental principles of subdivision and site design established in these regulations and in *The Subdivision Regulations of the City of Ellis, Kansas*, are accomplished through orderly, sustainable, and harmonious growth and development.

Section 10.02 Application for Site Plan

1. Assignment.
The applicant shall have the option of seeking the direction of the Zoning Administrator as to which submittals and approvals are required for a site plan. The Zoning Administrator's determination shall be presumed to be correct. As noted in these regulations, subdivision or individual lot applications for detached single-family and two-family dwelling units shall be exempt from the site development plan review and approval procedure as set forth in this Regulation.
2. Content.
An application for site plans shall include the items specified in this ordinance which constitutes a checklist of items to be submitted for site plan review. The Zoning Administrator and/or City Engineer may subsequently require the correction of any information found to be in error and submission of additional information not specified in this ordinance, as is reasonably necessary to make an informed decision.

Section 10.03 Site Development Plan Procedure

1. Approval of Site Plan.
The Zoning Administrator, upon receipt of a complete site plan application in accordance with the provisions of this Regulation, shall cause the site plan to be reviewed by the City Engineer to ensure conformance with these regulations and acceptable engineering and construction standards. The City Engineer shall review the application and prepare a summary statement indicating whether or not the site plan is conformance with the requirements of these regulations. If the plan is not in conformance with these regulations, the City Engineer shall indicate in the summary statement those items which need to be addressed or corrected to bring the site plan to an acceptable standard of design. The City Engineers' review of the site plan application shall be sent to the Zoning Administrator, who shall distribute copies of the City Engineers' review to the applicant and to the applicant's engineer or architect.
2. Effect of Site Plan Approval.
Approval of a site plan by the City Engineer shall confer upon the applicant the following rights for a 12-month period from the date of the site plan approval:
 - A. That the general terms and conditions on which site plan approval was granted shall not be changed.
 - B. That the applicant may apply for construction permits as required; and,
 - C. That the applicant may apply for, and the Zoning Administrator may grant extension on such site plan approval for additional periods of at least one month, but not to exceed a total extension of 12 months.

Section 10.04 Landscape Standards

1. Purpose.
 - A. Landscaping shall be provided as part of site plan design. It shall be conceived in a total pattern throughout the site design, integrating the various elements of site design, preserving, and enhancing the particular identity of the site, and creating a pleasing site character.
 - B. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, and street furniture.
2. Landscape Plan.

A landscape plan shall be submitted with each site plan application unless an exception is granted pursuant to this ordinance. The plan shall identify existing and proposed trees, shrubs, and ground covers; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the applicant shall include in the plans proposed methods of protecting them during construction.
3. Site Protection and General Planting Requirements.
 - A. Topsoil preservation. Topsoil moved during construction shall be redistributed on all regraded surfaces so as to provide at least four inches of even cover to all disturbed surfaces of the development and shall be stabilized by seeding or planting.
 - B. Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the City Engineer.
 - C. Protection of existing plants. Maximum effort should be made to save fine specimens. No material or temporary soil deposits shall be placed within four feet of shrubs, or 10 feet of trees designated on the landscape plan to be retained.
 - D. Additional landscaping. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the site plan approved by the City Engineer.
 - E. Planting specifications. Size of trees and shrubs shall be allowed to vary depending on setting and type of shrub. All trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the developer during the following planting season.
 - F. Plant species. The plant species selected should be hardy for the climatic zone in which the development is located and appropriate in terms of function and size.
4. Shade Trees
 - A. Location. Shade trees may be installed on both sides of all streets, public and private, in accordance with the approved construction plans. Trees planted along streets shall use the following spacing criteria as a guide:

Tree Size (Max. Height, in feet)	Planting Interval (in feet)
Large trees (40+)	50-70
Medium trees (30-40)	40-50
Small trees (up to 30)	30-40

The trees planted will not interfere with utilities, roadways, sidewalks, sight easements, or street lights. Tree location, landscaping design, and spacing plan shall be approved by the Planning Commission as part of the landscape plan.
 - B. Planting specifications. All trees shall be of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead and dying trees shall be replaced by the applicant during the next planting season.
5. Buffering
 - A. Function and materials. Buffering shall provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or combinations thereof to achieve the same objectives.

- B. When required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Commission determines that there is a need 1) to shield neighboring properties from any adverse external effects of a development; or 2) to shield the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and siting does not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.
 - C. Amount required.
 - 1) Where more-intensive land uses abut less-intensive uses, a buffer strip 25 feet in width shall be required.
 - 2) Parking lots, garbage collection and utility areas, and loading and unloading areas should be screened around their perimeters by a buffer strip a minimum of five feet wide.
 - 3) Where residential subdivisions abut higher-order streets (collectors or arterials), adjacent lots shall front on lower-order streets, and a landscaped buffer area shall be provided along the property line abutting the higher-order street. The buffer strip shall be a minimum of 25 feet wide or wider where necessary for the health and safety of the residents. It shall include both trees and shrubs.
 - D. Design. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. If planted berms are used, the minimum top width shall be four feet, and the maximum side slope shall be 3:1.
 - E. Planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to accepted horticultural standards.
 - F. Maintenance. Plantings shall be watered regularly and, in a manner, appropriate for the specific plant species through the first growing season, and dead and dying plants shall be replaced by the applicant during the next planting season. No buildings, structures, storage of materials, or parking shall be permitted within the buffer area; buffer areas shall be maintained and kept free of all debris, rubbish, weeds, and tall grass.
6. Paving Materials
- A. Design and choice of paving materials used in pedestrian areas shall consider such factors as function, climate, characteristics of users, availability, cost, maintenance, glare, drainage, noise, appearance, and compatibility with surroundings.
 - B. Acceptable materials shall include, but are not limited to, concrete, brick, cement pavers, asphalt, and stone.
7. Walls and Fences
- A. Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
 - B. The design and materials used shall be functional and compatible with existing and proposed site architecture.
 - C. No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

Section 10.05 Waiver of Site Plan Application

The City Engineer may recommend the Zoning Administrator waive the requirement for site plan approval where there is a change in use or occupancy and no extensive construction or improvements (or de minimis construction or improvements) is sought. The waiver may be granted only upon a finding by the City Engineer that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval, and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver of site plan shall include a discussion of the prior use of the site, the proposed use, and its impact.

Section 10.06 Exception of Site Plan Requirements

- 1. The Zoning Administrator and the City Engineer, when acting upon applications for site development plans, shall recommend such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of this ordinance, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- 2. The Zoning Administrator and the City Engineer shall not recommend exceptions unless they shall make findings based upon the evidence presented to it in each specific case that:

- A. The granting of the exception will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable generally to other properties.
 - C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
3. Conditions.
In recommending variations and exceptions, the Zoning Administrator and the City Engineer may propose such conditions as will, in their judgement, secure substantially the objectives of standards or requirements of these regulations.
4. Procedures.
A petition for any such variation or exception shall be submitted in writing by the applicant at the time when the site development plan is filed for consideration review by the Board of Zoning Appeals. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

Article 11: Board of Zoning Appeals

Section 11.01 Authorization

The Planning Commission as previously established by the Governing Body has been designated to also serve as the Board of Zoning Appeals as prescribed by K.S.A. 12-759, as amended, and hereinafter in this Article will be referred to as the "Board."

Section 11.02 General Procedures

1. All members of the Board so appointed shall be residents of the City; provided, however, that if the City shall administer zoning regulations outside the City limits, one member of the Board shall be a resident of the zoning jurisdiction outside the City Limits.
2. Such Board shall consist of not less than three nor more than seven members who shall be appointed by the Mayor, by and with the consent of the City Governing Body.
3. All officers of the Planning Commission are officers of the Board and are voting members of the Board whether they reside inside or outside the City Limits and shall serve without compensation. Members serve terms of three years each, staggered.
4. Public records shall be kept of all official actions of the Board, which shall be maintained separately from the Planning Commission by the Secretary.
5. The Board shall keep minutes of its proceedings, showing evidence presented at hearings, findings of fact, decisions, and the vote of each member upon each question. If absent, abstaining or disqualified from voting, such fact shall be indicated.
6. Special meetings shall be held at the call of the Chairperson and at such other times as the Board may determine in its bylaws.
7. Board meetings may be held separately from a Planning Commission meeting or in conjunction with such a meeting wherein the Planning Commission may recess a portion of its meeting to conduct business of the Board and to reconvene to continue the Planning Commission agenda.
8. When a quorum is declared present, all actions of the Board including appeals, variances and conditional uses as exceptions shall be made by motion and decided by a majority vote of the members present. The Board shall adopt rules for its operation in the form of bylaws which shall include hearing procedures and will not conflict with the ordinance designating the Planning Commission as the Board, the applicable state statutes and the provisions of these regulations, Such bylaws shall be subject to the approval of the Governing Body. The Governing Body shall establish a scale of reasonable fees to be paid in advance by the appealing party.

Section 11.03 Powers And Jurisdictions

The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Ordinance. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
2. To interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and to correct the several districts accompanying and made a part of this Ordinance where the actual street layout varies from the street layout as shown on the zoning district map.
3. To authorize, in specific cases, a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant but will alleviate some demonstrable or unusual hardship or difficulty.
4. To grant exceptions to the provisions of the zoning regulations in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning regulations. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulations. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulations by the Governing Body, are not found to be present.

Section 11.04 Procedure

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the City or County, or any governmental agency or body affected by any decision of the official administering the provisions of this Zoning Ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances and exceptions to this Zoning Ordinance shall be prepared and submitted on forms approved by the Board.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in 11.05 below.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the City Building Inspector for filing and action if action is required.
6. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County, to determine the reasonableness of any such order or determination in accordance with Section 11.08.

Section 11.05 Notice of Hearing

For the hearing on each appeal for a decision, variance or conditional use; public notice of the date, time and place of the hearing, the legal description or a general description sufficient to identify the property under consideration, and a brief description of the subject of such hearing shall be published once in the official newspaper so that at least 20 days shall elapse between the date of such publication and the date for the hearing. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available when only a general description of the property is provided in the notice. A copy of such notice shall be mailed to each party making the appeal and to the Secretary of the Planning Commission.

For land inside the city limits, the Board shall also provide notice to all owners of record of real property located within 200 feet of the exterior boundary of the property under consideration both within the city limits and extending outside the city limits when necessary. If the applicant's property is located adjacent to but within the city limits, the area of notification in addition to the 200 feet inside the City, shall be extended to 1,000 feet in the unincorporated area. If such area is located outside the city limits, the area of notification shall extend for 1,000 feet and, if such notification extends into the city limits, then 200 feet inside the city limits must also be included. Such notice shall be mailed so that at least 20 days shall elapse between the mailing date and the hearing date. A list of such owners of record of real property with their addresses and zip codes shall be obtained by the City via County records. Failure to receive such notice after it has been properly addressed and deposited in the mail shall not invalidate any subsequent action taken by the Board. If there is no quorum present for the meeting or at the time of the hearing, the members in attendance may agree to hold another meeting in the future at a stated date, time and place for which, when announced at the present meeting, no further public notice need be given.

The Board may give additional notice to other people as it may from time to time provide by its rules. Such rules may include requirements for additional notice to be provided for by the posting of signs on the property to be considered in the appeal application.

Section 11.06 Conduct of Hearing

The Board shall select a reasonable time and place for the hearing on each appeal of a decision, variance or conditional use as an exception. All hearings shall be open to the public; however, when hearing such appeals, the Board exercises quasi-judicial functions and thus, may upon proper motion proceed to deliberate in closed session according to K.S.A. 75-4318(a). No binding action may be taken, and all voting must be conducted in an open meeting. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. Every decision of the Board shall be filed without unreasonable delay with the Zoning Administrator and shall be open to public inspection during reasonable business hours.

Section 11.07 Finality and Judicial Review of Decisions

Any order or determination of the Board on an appeal for a decision, a variance or a conditional use as an exception, shall be final decisions and shall be subject to judicial review, but not appealable to the Governing

Body. Any person, official or governmental agency, jointly or separately dissatisfied by any decision of the Board, may present to the County District Court, a petition, duly verified, stating such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom based on a determination of the reasonableness of any such order or determination. Such petition shall be filed with the Court within 30 days after the date of filing the final decision with the Zoning Administrator.

Section 11.08 Appeals

An appeal from a decision of the Zoning Administrator with respect to the interpretation, application or enforcement of these regulations may be taken to the Board by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of the Zoning Administrator.

1. Time for Appeals. Appeals shall be made within 30 days after a decision has been made by the Zoning Administrator by filing an application for appeal. Upon the Chairperson's receipt of an application for appeal and notification to the Zoning Administrator, the Administrator shall forthwith transmit to the Chairperson all the papers constituting the record upon which the decision being appealed was based.
2. Application. An application for an appeal shall (1) be filed with the Chairperson, (2) specify the grounds for such an appeal, (3) include the legal description of any property involved with the appeal, (4) be accompanied by an ownership list as required by Section 11.05 and the filing fee, and (5) provide such additional information as may be prescribed by rule of the Board.
3. Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Board, after the application for appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on petition with notice to the Zoning Administrator and based on due cause shown.
4. Hearing and Notice. A hearing on the application for such an appeal shall be held and notice thereof given as specified under Sections 11.04 and 11.05 and which are consistent with the general procedures and records required by Section 11.02.
5. Decision. The Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a zoning permit and/or occupancy certificate. No conditions may be attached to such a decision that could not otherwise have been available to the Zoning Administrator in making the initial decision. The Board shall render a written decision in the form of an Ordinance on the appeal without unreasonable delay after the closing of a hearing and, in all cases, within 45 days after the closing of the hearing.

Section 11.09 Variances

The Board may authorize such variances from the terms of these regulations which will not be contrary to the public interest and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Variances may be authorized only in those specific instances enumerated in Section 11.09 (1) and then only when the Board has made findings of fact based upon the standards set out in Section 11.09 (1) that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee or occupant of land or structures. According to K.S.A. 12-759(e), any such variance shall not permit any use not permitted by these regulations in the zoning district in which the variance is requested.

1. Application. An application for a variance shall (1) be filed with the Zoning Administrator, (2) provide the legal description of the property involved with the variance, (3) be accompanied by an ownership list as required by Section 11.05 and the filing fee, and (4) contain the following information as well as such additional information as may be prescribed by rule of the Board:
 - A. The particular requirements of these regulations which prevent the proposed use or construction.
 - B. The characteristics of the subject property which prevent compliance with the requirements of these regulations.
 - C. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction; and
 - D. The particular hardship which would result if the particular requirements of these regulations were applied to the subject property.

2. Hearing and Notice. A hearing on the application for such a variance shall be held and notice thereof given as specified under Sections 11.04 and 11.05 and which are consistent with the general procedures and records required by Section 11.02.
3. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 11.09(4), and may be granted only in the following instances and in no others:
 - A. To vary the applicable minimum lot area, lot width and lot depth requirements.
 - B. To vary the applicable bulk regulations, including maximum height and lot coverage and minimum yard requirements.
 - C. To vary the dimensional provisions for permitted obstructions in required yards including fences.
 - D. To vary the applicable number of required off-street parking spaces and the amount of off-street loading requirements.
 - E. To vary the applicable dimensional sign provisions regarding general standards and regarding district regulations.
 - F. To vary the applicable requirements in conjunction with conditional use applications for nonconforming, nonresidential structures and uses.
 - G. To vary the applicable provisions permitted by the flood plain regulations as provided for in the Appendix.
4. Standards.
 - A. The Board may grant a variance upon specific written findings of fact based upon the evidence presented to it at the hearing that all the conditions required by K.S.A. 12-759(e) have been met which are listed below:
 - 1). That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.
 - 2). That granting of the variance will not adversely affect the rights of adjacent property owners or residents.
 - 3). That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - 4). That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and,
 - 5). That granting the variance desired will not be opposed to the general spirit and intent of these regulations.
 - B. In determining whether the evidence supports the conclusions required by Section 11.09 (1), the Board shall consider the extent to which the evidence demonstrates that:
 - 1). The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced.
 - 2). The request for a variance is not based exclusively upon the desire of the owner, lessee, occupant or applicant to make more money out of the property.
 - 3). The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and,
 - 4). The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
5. Conditions and Restrictions. In granting a variance, the Board may impose such conditions upon the premises benefitted by the variance as may be necessary to comply with the standards set out in Section 11.09 (4) which would reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations, including methods for guaranteeing performance such as are provided for in Section 11.09 (4). Failure to comply with any of the conditions for a variance which are later attached to a zoning permit shall constitute a violation of these regulations.
6. Decisions and Records. The Board shall render a written decision containing specific findings of fact in the form of an Ordinance on an application for a variance without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for variances to properly issue permits.

7. Period of Validity. No variance granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the variance, unless within such 180-day period a zoning permit is obtained, and the variance requested is started. The Board may grant extensions not exceeding 180 days each, upon written application, without further notice or hearing.

Section 11.10 Conditional Uses

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

1. Application. An application for a conditional use shall (1) be filed with the Zoning Administrator, (2) provide the legal description of the property involved with the conditional use, and (3) contain the following information as well as such additional information as may be prescribed by rule of the Board:
 - A. A statement or diagram showing compliance with any special conditions or requirements imposed upon the conditional use by the applicable district regulations or Section 11.10 (4) if applicable.
 - B. A statement as to why the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
 - C. A statement as to how the proposed conditional use is to be designed, arranged, and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations; and
 - D. Present data in support of the standards specified in Section 11.10 (3).
2. Hearing and Notice. A hearing on the application for such a conditional use as an exception shall be held and notice thereof given as specified under Sections 11.04 and 11.05 and which are consistent with the general procedures and records required by Section 11.02.
3. Standards. The Board may grant a conditional use when it makes specific written findings of fact based upon the evidence presented to it at the hearing which support conclusions that:
 - A. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards, unless a concurrent application is in process for a variance. A site plan shall be submitted indicating the following information:
 - 1). Legal dimension of the tract to be used.
 - 2). Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
 - 3). Grade elevations.
 - 4). Building setback from all property lines.
 - 5). Front, side, and rear elevations of all improvements to be erected.
 - 6). Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed.
 - 7). Location and type of planting, screening, or walls.
 - 8). Such other items as the Board shall deem necessary to process the application properly.
 - B. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
 - C. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - 1). The location, nature, size and height of buildings, structures, walls, and fences on the site; and
 - 2). The nature and extent of landscaping and screening on the site.
 - D. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. Such areas will be screened from adjoining residential uses and located to protect such residential uses from injurious effects.
 - E. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.
 - F. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads.

4. Conditions. In granting a conditional use, the Board may attach such conditions upon the premises and/or the applicant benefitted by the conditional use as may be necessary to comply with the standards set out in Section 11.10 (3), to reduce or minimize any potentially injurious affect upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. Such conditions may include, but not be limited to, further restrictions on bulk regulations; time of operation and ownership limitations; screening, landscaping, and fencing; provision of utilities, drainage and other public improvements; additional access or access control; off-street parking and loading requirements; and platting, dedications and/or guarantees. In addition to the guarantees referred to below for parking and/or screening, covenants which run with the land or the property to guarantee that conditions will be carried out at a future date may be filed with the County Register of Deeds. After an application is made and a zoning permit is issued for the conditional use, failure to comply with any of the conditions placed on such use shall constitute a violation of these regulations.

In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan, and the health, safety, morals, comfort, and general welfare of the public, including, but not limited to, the following factors:

- A. The stability and integrity of the various zoning districts.
- B. Conservation of property values.
- C. Protection against fire and casualties.
- D. Observation of general police regulations.
- E. Prevention of traffic congestion.
- F. Promotion of traffic safety and the orderly parking of motor vehicles.
- G. Promotion of the safety of individuals and property.
- H. Provision for adequate light and air.
- I. Prevention of overcrowding and excessive intensity of land use.
- J. Provision for public utilities and schools.
- K. Invasion by inappropriate uses.
- L. Value, type, and character of existing or authorized improvements and land uses.
- M. Encouragement of improvements and land use in keeping with overall planning.
- N. Provision for orderly and proper urban renewal, development, and growth.

In lieu of actual construction of required off-street parking or the initial provisions for screening, the Board may accept, in the name of the City, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Board and conditioned upon actual completion of such improvement within a specified time. Such securities shall be filed with the Clerk. The Governing Body may enforce such securities by all equitable means.

5. Decisions and Records. The Board shall render a written decision containing specific findings of fact in the form of a Ordinance on an application for a conditional use without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for conditional uses to properly issue permits.
6. Period of Validity. No conditional use granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the conditional use, unless within such period a zoning permit is obtained, and the conditional use requested is started. The Board may grant extensions not exceeding 180 days each, upon written application, without further notice of a hearing.

Article 12: Administration and Procedures

Section 12.01 Zoning Administrator

1. Establishment
 - A. The Governing Body of the City of Ellis has established a Zoning Administrator pursuant to the provisions of this Ordinance. The Zoning Administrator shall be given the responsibility for ensuring orderly and expeditious processing of rezoning and site plan applications.
 - B. The duties of the Zoning Administrator shall include all those duties established in said City Ordinance and all amendments or revisions thereto, as well as all those duties outlined in these regulations.
2. Qualifications

The Zoning Administrator shall be selected in the manner proscribed by the Governing Body and Administration. The Zoning Administrator must be well versed in the procedures and regulations in this Ordinance and the Subdivision Regulation, in order to assist the Planning Commission and the Governing Body in the proper and expeditious handling of all subdivision and zoning matters brought before the city.
3. Duties
 - A. In general, the Zoning Administrator shall be responsible for processing, reviewing and recommending to the Planning Commission all subdivisions, site plans, public improvement plans, and zoning cases applied for, pursuant to the provisions of this Ordinance and the Subdivision and Site Plan Regulations of the City of Ellis.
 - B. The duties of the Zoning Administrator shall also include those duties specifically defined below:
 - 1) Issue all certificates; keep all records and certificates.
 - 2) Conduct all inspections.
 - 3) Report to the City Attorney for prosecution of all violations of these regulations and to sign all complaints to the City Attorney.
 - 4) The Zoning Administrator shall have, after obtaining the necessary court orders, the power to enter all properties within the jurisdiction of this ordinance, at reasonable times, for the purpose of inspection.
 - 5) To issue orders, in the case of violations, requiring a use or activity to cease and desist.
 - 6) To post at proper times a notice (by sign) to the public showing: BUILDING PERMIT ISSUED BY ORDER OF THE ZONING ADMINISTRATOR.
 - C. The Zoning Administrator, in concert with the Planning Commission, shall be authorized to select and recommend for the City of Ellis the services of any professional consultant as he may see fit to successfully carry out the duties of his office. These consulting services may include, but are not limited to:
 - 1) Legal Counsel.
 - 2) Architecture.
 - 3) Landscape Architecture.
 - 4) Surveying.
 - 5) Engineering.
 - 6) Community and Regional Planning.
 - D. The Governing Body shall review all proposals by the Zoning Administrator to retain any professional consulting services for the City of Ellis. The hiring of any private consultant to serve the city in this capacity shall require a majority vote by the Governing Body.

Section 12.02 Enforcement

It shall be the duty of the Zoning Administrator to enforce the provisions of this Code and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of this Code. It shall also be the duty of all officers and employees of the City of Ellis, Kansas, to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction, or land use. In case any building is erected, constructed, reconstructed, moved, altered, repaired, or converted or any building or land is used in violation of this Code, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.

Section 12.03 Zoning Permit

No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this Code shall be occupied or used for any purpose; and no land vacant on the effective date of this Code shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless a building permit shall first be applied for and a Certificate of Occupancy be obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of this Code.

Section 12.04 Application for Building Permit

The application for a building permit shall be made on forms provided by the Zoning Administrator and shall be accompanied by a site plan of the real estate upon which said application is made. Said site plan shall be drawn to scale showing the following items:

1. Legal description of the real estate involved.
2. Location and size of all buildings, structures, yards, and open space.
3. Width and length of all entrances and exits to and from said real estate.
4. All adjacent and adjoining roads or highways.
5. Sufficient grades and elevations to establish the proper placement of buildings, adequate sewage disposal systems, the proper drainage of the property, and the applicability of possible floodplains; and,
6. Location and specifications of all signs, lighting, fencing, screening, landscaping, and other such site improvements.

Site plans so furnished shall be filed by the Zoning Administrator and shall become a permanent record. A record of all building permit applications shall be kept on file in the Office of the Zoning Administrator.

Section 12.05 Issuance of Building Permit

A building permit shall be either issued or refused by the Zoning Administrator within 10 working days after the receipt of the application for said building permit, or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a building permit, the applicant shall be advised of the reasons for the refusal in writing.

Section 12.06 Revocation of Building Permit

A building permit issued in accordance with the provisions of this Code may be revoked by the Zoning Administrator if he finds that prior to the completion of the structure for which the building permit was issued there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the building permit, or the same was issued under false representation, or that any other provisions of this Code are being violated.

Section 12.07 Stop Order

Failure, refusal or neglect of any property owner, or his authorized representative, to apply for and secure a valid building permit, including the payment of the prescribed fee, shall be reason for the issuance of a "stop order" by the Zoning Administrator; provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he is in violation of Codes of the City. Said stop order shall be posted on or near the property in question, in a conspicuous place and no further construction shall proceed. Where such construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent building permit shall be quadrupled.

Section 12.08 Period of Validity

A building permit shall become null and void 180 days after the date on which it is issued unless within such 180-day period construction, building, moving, remodeling, or reconstruction of a structure is commenced or a Certificate of Occupancy is issued. A building permit shall expire upon issuance of a Certificate of Occupancy as specified herein, or within one year from the date of issuance of the building permit, regardless of the state of completion of the construction authorized by said building permit. Any construction not completed when a building permit expires shall cease and no new construction may commence until such time as a newly issued building permit is issued in conformance with this Article and this Code. Application may apply for one 6-month extension.

Section 12.09 Certificate of Occupancy

Upon the completion of any work under a building permit, the Zoning Administrator is authorized to issue his certificate of approval for the occupancy and use of the building or structure. The certificate may show the number of inspections made and the orders and corrections required during the course of the work. The Zoning Administrator is authorized to suspend water service to a building or structure if inspections are not called for, if all code requirements have not been met, or if the Certificate of Occupancy is not obtained prior to occupancy of the structure. A copy of such certificate shall be given to the owner.

Section 12.10 Right of Entry

The Zoning Administrator of the City shall be authorized to enter onto private premises during reasonable hours for the purpose of inspecting buildings and building work on such premises covered by a building permit. Such officials and inspectors shall determine whether any such building work complies with the conditions of the permit and the terms of the Building Code, and other ordinances of the City pertaining to buildings and construction and the laws of the state. If the official or inspector shall find that such work is not in compliance therewith, he may require any such work to be corrected by an order noted on the permit in writing, a copy of which shall be retained by the official or inspector for his records; provided that in the event such work is defective or insufficient and cannot be corrected, the Zoning Administrator may stop the work and order its removal and correction. Such order shall be made in writing to the contractor or builder and a copy of such order given to the owner. The building work so condemned shall not continue until the work is removed or rebuilt to comply with the building regulations pertaining to such work.

Section 12.11 Administrative Permit

A manufactured home on an individual lot may be authorized by the Zoning Administrator by issuance of an Administrative Permit on an emergency basis for a period not to exceed one year, on any lot where the permanent dwelling unit has been destroyed by fire, storm or other such calamity and the dwelling unit has been rendered uninhabitable. If the need for the emergency placement of such mobile home unit lasts longer than one (1) year, a Special Exception may be granted by the Board of Zoning Appeals for an additional period of time, provided, the procedures in Article 11 herein are followed.

Section 12.12 Vesting of Development Rights

In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development shall be protected for use of said land for the intended residential purposes for a period of five years from the time in which such property was first platted or subdivided, provided:
 - A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be in one of the following forms:
 - 1) signed and sealed certificates or plats of survey from a Registered Land Surveyor showing the several lots proposed to be created, dated and recorded with the Register of Deeds; or,
 - 2) recorded Restrictive or Protective Covenants for the development which describes the individual lots said Covenants are applicable to; or,
 - 3) recorded deeds conveying land; or,
 - 4) recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
 - B. Within said five-year period actual sales occur resulting in separate owners on the tracts of land.
 - C. The division of land was legally done in conformance with the then Ellis Subdivision Regulations.
2. Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five-year period shall be considered an unplatted lot and subsequent divisions of said lot shall be in conformance with the Ellis Subdivision Regulations then in effect.
3. Properties divided or platted for any use other than agricultural or residential purposes shall not be permitted to develop or further develop except in conformance with this Code and the Ellis Subdivision Regulations. Persons who obtain a validly issued permit under any previous rules of the City of Ellis shall be permitted to develop the property so long as the permit issued under the previous rules does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of this Code or the Ellis Subdivision Regulations then in effect.

Article 13: Amendments and Application Process

Section 13.01 Who May Petition or Apply

1. Applications for amendments, revisions, or changes to the district boundaries on the Official Zoning Map in effect for the City of Ellis and any area identified within the extraterritorial jurisdiction, may be made by any person who owns land for which such an amendment, revision or change is sought, or by the owner's agent.
2. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to the setting of any public hearing.
3. Applications for amendments, revisions or changes to the Zoning Ordinance or the Official Zoning Map may also be made by the Planning Commission or the Governing Body; provided, such, proposed amendments, revisions or changes shall first be submitted to the Planning Commission for public hearing, recommendation and report and the final decision is made by the Governing Body.

Section 13.02 Procedures for Consideration of Request for Amendments, Revisions or Changes.

1. All applications or requests for amendments, revisions or changes to the Zoning Ordinance or the Official Zoning Map shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator.
2. The payment of the application fee, as established by the Governing Body by separate Ordinance, shall be made at the time of the submission of the application.
3. Immediately upon receipt of an application for rezoning by the owner, or his agent, and the payment of the appropriate fee, the Zoning Administrator shall note thereon the date of filing and make a permanent record thereof.
4. An application shall be deemed complete when the Zoning Administrator has received:
 - A. a completed application form,
 - B. any required development plan,
 - C. the application fee, and
 - D. such other documents necessary to process the application without further delay.
5. All such proposed applications for amendment, revisions or changes to the Zoning Ordinance or the Official Zoning Map shall be submitted to the Planning Commission for recommendation.
6. The Planning Commission shall hold a public hearing thereon and shall cause a written summary to be made of the proceedings.
7. Notice of such hearing shall be published once in the official city newspaper at least 20 days prior to the date of the hearing.
 - A. Said notice shall fix the time and place for such hearing,
 - B. Shall give the name address of the applicant, and
 - C. Shall contain a statement regarding the proposed changes in the regulations or restrictions, or in the boundary or classification of any zone or district.
 - D. If the application is not a general amendment, revision or change to the Zoning Ordinance, but is for a rezoning affecting specific property, the property affected shall be designated by legal description and a general description sufficient to identify the property under consideration.
 - E. In addition to such publication notice, written notice of such proposed rezoning shall be mailed by certified mail with return receipt at least 20 days before the public hearing to all owners of record of lands located within at least 1000 feet of the area proposed to be altered; provided, said notice shall extend only 200 feet in those areas where the notification area extends within the incorporated limits of the City of Ellis, Kansas.
 - F. The applicant shall pay costs of all certified mailing notices to said owners of record.
 - G. All notices shall include a statement that a complete legal description is available for public inspection in the office of the Zoning Administrator.
 - H. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body.
 - I. The applicant shall provide a certified list of the owners of record of said lands at the time of the filing of the application.
8. In the case of an application by the Planning Commission or the Governing Body, all the above stated requirements shall be followed except:
 - A. No fee shall be required.

- B. If the application is for an amendment or revision to the text of the Zoning Ordinance, notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.
 - C. The Planning Commission shall hold the public hearing at the place and time so stated within the legal notice.
 - D. The hearing may be adjourned from time to time, and at the conclusion of the same, the Planning Commission shall act on the request by preparing a recommendation either to approve, approve with conditions as authorized by these regulations, or disapprove the application by a majority of the members of the Planning Commission present and voting at the hearing.
 - E. When the Planning Commission fails to make a recommendation on an application, the Planning Commission shall be deemed to have made a recommendation for disapproval.
 - F. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.
 - G. No member of the Planning Commission shall take part in any discussion or action if he holds an interest in the land under consideration (or has ever held an interest in the property in question) or holds an interest in the property which is adjacent to the subject property.
 - H. When the Planning Commission submits a recommendation of approval or disapproval of such amendment, revision or change and the reasons therefor, the Governing Body may:
 - 1) adopt such recommendation by Ordinance; or,
 - 2) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove,
 - 3) If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation.
 - 4) Upon receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt, may revise, or amend and adopt, or may disapprove such recommendation by Ordinance, or it need take no further action thereon.
 - 5) The proposed amendment, revision, or change, if approved with or without conditions, shall become effective upon publication of the adopting Ordinance.
 - I. If such amendment affects the boundaries of any zone or district:
 - 1) the Ordinance shall describe the boundaries as amended, or
 - 2) if provision is made for the fixing of the same upon the Official Zoning Map which has been incorporated by reference:
 - a) the amending Ordinance shall define the change, or the boundary as amended.
 - b) shall order the Official Zoning Map changed to reflect such amendment.
 - c) shall amend the section of the Ordinance incorporating the same; and
 - d) shall reincorporate such map as amended.
9. Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment, supplement or change, if a protest is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of record of 20% or more of any property proposed to be rezoned, or by the owners of record of 20% or more of the total area required to be notified of the proposed amendment, supplement or change of a specific property, excepting public streets and highways, the Ordinance of approval shall not be passed except by 3/4 majority vote of the Governing Body.

Section 13.03 Traffic and/or Other Studies

In the case of an application for rezoning of land or for a Conditional Use Permit for a use which may, in the opinion of the Planning Commission or Governing Body, substantially change traffic patterns, create traffic congestion, and/or have a perceived impact on the community of such magnitude warranting special study, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional consultant or expert for the purpose of preparing such traffic and/or other studies deemed necessary.

A traffic study must address how the traffic generated by the proposed development will be handled on the site; how vehicular ingress and egress from the site onto public streets will function; and, show that no undue burden will be placed upon the existing public street system. The study shall include recommendations for the on-site and off-site improvements necessary to achieve appropriate levels of traffic safety.

The other studies shall address the substance of the concern and/or impacts and shall identify the extent of such impacts and all mitigation remedies possible to lessen those impacts on the neighborhood and/or citizens and taxpayers of Ellis, Kansas.

The results of the traffic study and/or other studies shall be used in determining the impact of the proposed rezoning or conditional use permit and guide the development of a recommendation or decision regarding the same, including requirements of construction and/or installation of the recommended improvements outlined with the traffic study.

Section 13.04 Factors to be Considered

1. When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:
 - A. Whether the change in classification would be consistent with the intent and purpose of these regulations.
 - B. The character and condition of the surrounding neighborhood and its effect on the proposed change.
 - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and if so, the nature of such changed or changing conditions.
 - D. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification.
 - E. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity.
 - F. The suitability of the applicant's property for the uses to which it has been restricted.
 - G. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as a viable use of land and not be considered as allowing the land to be vacant or undeveloped.
 - H. Whether adequate sewer and water facilities, and all other needed public services including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified.
 - I. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such land available or not available for development.
 - J. The recommendations of public and private staff.
 - K. Whether the proposed amendment would be in conformance to and further enhance the implementation of the Comprehensive Plan.
 - L. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such a reclassification; and
 - M. Such other factors as may be relevant from the facts and evidence presented in the application.
2. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public.

The Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

- A. Whether approval of the Conditional Use would be consistent with the intent and purpose of this Code.
- B. Whether the location of the proposed use is compatible with other land uses in the surrounding neighborhood.
- C. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
- D. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.
- E. The length of time the subject property has remained vacant or undeveloped as zoned.
- F. Whether the applicant's property is suitable for the proposed use.
- G. The recommendations of permanent or professional staff.
- H. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan.
- I. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use; and,
- J. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 11 of this Code), will not adversely affect the property in the area affected.
- K. Such other factors as may be relevant from the facts and evidence presented in the application.

Section 13.05 Limitations on Reapplication for Amendments

Whenever an application for amendment, supplement, change, rezoning or conditional use permit has been denied by the Governing Body or withdrawn after newspaper publication notice for public hearing, such application or one substantially similar shall not be reconsidered sooner than one year after said denial or from the date the application was withdrawn. The Governing Body may waive the limitation for good cause if there is a substantial change in the application as proposed. All requests for waiver of the limitation shall be made in writing, stating the basis for the request and the change that is felt to warrant such waiver, at least 14 days prior to the meeting of the Governing Body at which such request is to be heard. If the request is granted, then the application shall begin again as a new request and meet all requirements of this Code for hearing.

Article 14: Legal Status Provisions

Section 14.01 Severability

Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 14.02 Purpose of Catch Heads

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this Ordinance.

Section 14.03 Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 14.04 Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND APPROVED by the Governing Body of Ellis, Kansas,

This _____ day of _____, 2024.

(Seal)

ATTEST: _____
City Clerk

Mayor