

# **CITY OF CHANUTE, KANSAS**

## Zoning Regulations **Part 1**

OFFICIALLY ADOPTED

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**Prepared By:**



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**ARTICLE 1  
TITLE AND INTENT**

1. Title: These regulations shall be known as the Zoning Regulations of the City of Chanute, Kansas and may be cited as “these regulations.”
2. Intent: These regulations, adopted pursuant to the provisions of K.S.A 12-741, et. seq., are intended to serve the following purposes:
  - A. To promote the health, safety, quality of life, comfort and general welfare of the City and its planning area, which includes the area within the City corporate limits and unincorporated territory lying outside the City forming the total community of which Chanute is a part;
  - B. To preserve and protect property values throughout the City and its planning area;
  - C. To restrict and regulate the height, number of stories, and size of structures; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population;
  - D. To divide the City and its planning area into zones and districts; and
  - E. To regulate and restrict the location and use of structures and land within each district or zone.
  - F. Designations of zoning districts on the official zoning map, to the extent they cover areas in the City’s extraterritorial jurisdiction, **are not binding on the City or any landowner, but are intended to guide development** and are subject to change as approved by the Board at such time as any such property is annexed into the City.

**ARTICLE 2  
INTERPRETATION AND DEFINITIONS**

1. Rules of Construction and Interpretation:

A. Rules:

- (1) In the construction of these regulations, the provisions and rules of this chapter shall be preserved and applied, except when the context clearly requires otherwise:
  - (a) Words used in the present tense shall include the future.
  - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
  - (c) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
  - (d) The word “shall” is mandatory.
  - (e) The word “may” is permissive.
  - (f) The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  - (g) The word “Board” means the Board of Zoning Appeals.
  - (h) Unless otherwise specified, all distances shall be measured horizontally.
  - (i) The word “City” means City of Chanute, Kansas.
  - (j) The words “governing body” shall mean the City Commission of the City of Chanute, Kansas.
  - (k) The words “planning commission” shall mean the Chanute Regional Planning Commission.
  - (l) The abbreviation N/A means not applicable.

*Article 2 - Interpretation and Definitions*

- (2) Any word or phrase which is defined in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

B. Interpretation

- (1) Minimum Requirements: In their interpretation and application, the provision of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, quality of life and welfare.
- (2) Overlapping or Contradictory Regulations: Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by other provision of any other law, ordinance, resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.
- (3) Private Agreement: These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
- (4) Unlawful Uses: No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

2. Definitions:

**Accessory building**: A subordinate building having a use customarily incident to and located on the lot occupied by the main building, or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

**Accessory use**: A use of building or land that is customarily incident to and located on the same lot or premises as the main use of the premises.

**Adult**: A person 18 years of age or older.

*Article 2 - Interpretation and Definitions*

***Adult Bookstore:*** An establishment having as a thirty percent or more portion of its stock in trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, or other coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

***Adult Entertainment Facility:*** Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominantly distinguished or characterized by their principal emphasis on matters depicting, describing, or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

***Agricultural Processing:*** The initial processing of crop-based agricultural products that is reasonably required to take place in close proximity to the site where such products are produced. Typical uses include grain mills.

***Agricultural Sales and Service:*** An establishment primarily engaged in the sale, purchase, or rental of farm tools and implements, feed and grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

***Agriculture, General:*** The use of land for the production of livestock, dairy products, poultry or poultry products.

***Agriculture, Limited:*** The use of land for the production of row crops, field crops, tree crops or timber.

***Agriculture:*** The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Neosho County.

***Airport or Airstrip:*** Any public or privately owned or operated ground facility designed to accommodate landing and take off operations of aircraft, including all taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

*Article 2 - Interpretation and Definitions*

***Alley:*** A minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

***Alteration:*** Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

***Animal Care, General:*** A use providing animal care, veterinary services or boarding. See “Animal Care, Limited” and “Kennel.”

***Animal Care, Limited:*** A use providing animal care, boarding and veterinary services for household pets, with no outside animal runs. See “Animal Care, General” and “Kennel.”

***Apartment:*** A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

***Applicant:*** The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

***Asphalt or Concrete Plant:*** An establishment engaged in the manufacture, mixing, batching or recycling of asphalt, asphaltic cement, cement or concrete products.

***Assisted Living:*** Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

***Auditorium or Stadium:*** An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

***Automated Teller Machine (ATM):*** A mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. Automatic Teller Machines (ATM) located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

***Bank or Financial Institution:*** Establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. “Banks and Financial Institutions” also include automated teller machines.

*Article 2 - Interpretation and Definitions*

**Bar or Tavern:** An establishment in which the primary function is the sale and serving of alcoholic and cereal malt beverages for consumption on the premises, including establishments commonly known as cocktail lounges and night clubs.

**Basement:** A story below the first story as defined under “Story,” counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

**Basic Industry:** An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials. Typical uses include distilleries, pulp processing and paper products manufacturing; glass manufacturing; brick manufacturing; steel works; tanneries; acid manufacturing; cement, lime, gypsum, or plaster of paris manufacturing; fertilizer or chemical manufacturing; and petroleum refineries.

**Bed and Breakfast:** A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.

**Board of Zoning Appeals:** That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals, exceptions and variances to the zoning regulation.

**Boarding house or lodging house:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

**Building:** Any structure which is built for the support, enclosure, shelter, or protection of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land; including structures designed and constructed in sections expressly for assembly and placement on a permanent perimeter foundation, with any transport equipment being readily detachable and designed for delivery purposes only, if said structure is placed on such foundation with all transport equipment permanently removed. A trailer as herein defined shall not be classified as a building.

**Car Wash:** An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

*Article 2 - Interpretation and Definitions*

**Catering:** An establishment engaged in the preparation of food and beverages for consumption at another location. Catering shall not include the manufacturing of food as defined in “Food/Bakery Product Manufacturing.”

**Cemetery, Crematory, Mausoleum:** Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

**Churches, Chapels, Temples & Synagogues:** See the definition of “Religious Assembly.”

**City Commission:** The elected Governing Body of the City of Chanute.

**Cluster development:** The arrangement of buildings or structures in groups around common courts, driveways, parks or other unique features of the land permitting more latitude and flexibility in placement and design. The lots, buildings or structures in a cluster development must meet the requirements of the appropriate planned districts.

**College or University:** An institution of higher education offering undergraduate or graduate degrees.

**Common open space:** 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 Tower:** Commercial AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

**Composting Facility:** A facility that is designed and used for transforming food, yard wastes and other organic material into soil or fertilizer by biological decomposition.

**Comprehensive Plan:** A comprehensive plan made and adopted by the Planning Commission and the City Commission which, through a combination of text, charts and maps, sets forth proposals for general locations of various land uses, including streets, parks, schools, public buildings, and utilities.

**Construction Sales and Service:** An establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, and the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction contractors' storage yards and construction equipment rental establishments.

*Article 2 - Interpretation and Definitions*

***Convalescent Care:*** An establishment providing bed care and inpatient services for persons needing regular medical attention, but excluding facilities for the care and treatment of mental illness, alcoholism, narcotics addiction, emergency medical services or communicable disease. Typical uses include nursing homes.

***Correctional Facility:*** A facility providing housing and care for individuals confined for violations of law.

***Court:*** An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

***Cultural Service:*** A facility providing cultural and educational services to the public. Typical uses include museums, art museums, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

***Curb level:*** The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

***Day Care, Commercial:*** A day care conducted in a structure other than a private residence or ten or more children.

***Day Care:*** A day care establishment conducted in a private residence that provides care, protection and supervision for five to ten individuals at any one time, excluding those persons related to and residing in the home of the day care provider. A use that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than 24 hours per day.

***Dedication:*** Intentional transfer by the developer to the public of ownership of, or an interest in, land for public purpose. Dedication may be affected by compliance with statutes relating to dedication of land, by formal deed by conveyance, or by any other method recognized by the laws of the State of Kansas.

***Department of Health and Environment:*** The Kansas Department of Health and Environment (KDHE).

***Director of Community Development:*** The appointed director of the Community Development Department of the City of Chanute.

***District:*** A section or sections of the zoning area for which uniform regulations governing the use of land, open space, the height of buildings, the size of yards and the intensity of use are herein established.

**Duplex:** A single lot used for two dwelling units within a single building, other than a manufactured home.

**Dwelling:** A building or portion thereof, designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, boarding and lodging houses, apartment houses and townhouses, but not hotels or motels.

**Single-family:** A detached building arranged, intended, or designed for occupancy by one family.

**Two-Family or Duplex:** A single building arranged, intended, or designed for occupancy by two families.

**Multifamily:** A building or portion thereof, arranged, intended or designed for occupancy by three or more families on a rental or lease basis and commonly referred to as a triplex, four-plex or apartment building.

**Dwelling Unit:** A building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating and sanitation.

**Easement:** A grant by a property owner to the public, a corporation, or a person(s) of the use of a recorded strip of land for certain specified purposes.

**Exterior Setback:** A required setback that fronts on a public street.

**Family:** One (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than four (4) unrelated individuals living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis. A family shall under no circumstances be construed as a boarding house, fraternity or sorority house, club, lodging house, hotel or motel.

**Fence:** An enclosure or barrier such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

**Fence Height:** The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

*Article 2 - Interpretation and Definitions*

***Final Development Plan:*** A plan submitted for site plan review as required by these regulations for single-family, two-family, multifamily, commercial, and industrial development proposals.

***Floor Area (For computing off-street parking requirements):*** Shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include the following areas:

- The basement floor area.
- The area of each floor of the structure.
- Attic space having headroom of 7' 10" or more.

***Food Store:*** An establishment where food and prepackaged beverages are sold on-site for consumption off-site. A limited amount of food preparation on-site may also be allowed, such as a delicatessen or bakery.

***Food/Bakery Product Manufacturing:*** A use engaged in the manufacture of food and food products, including non-retail bakeries, canning facilities and creameries.

***Freight Terminal:*** A building or area in which freight brought by truck, rail or air is processed for continued shipment by truck, rail or air.

***Frontage:*** The length of the property abutting on one side of a street measured along the dividing line between the property and the street.

***Funeral Home:*** An establishment engaged in preparing the human deceased for burial or cremation and arranging and managing funerals.

***Garage:***

***Public:*** A building or portion thereof, other than a private or repair garage, providing storage for motor vehicles, but no other services.

***Private:*** An accessory building or portion of a main building used for storage only of automobiles.

***Repair:*** A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles and which is operated for commercial purposes.

***Storage:*** A building or portion thereof, except those defined as a private, a repair or a community garage providing storage for motor vehicles, with facilities for washing but no other services.

*Article 2 - Interpretation and Definitions*

**Gas and Fuel Sales/Storage:** The use of a site for bulk storage and distribution and sales of flammable liquid, gas or solid fuel, excluding below-ground storage that is clearly ancillary to an allowed principal use on the site.

**Golf Course:** A facility providing private or public golf recreation services and support facilities. This definition shall exclude miniature golf courses and golf driving ranges except those that are clearly accessory uses. See “Recreation and Entertainment, Outdoor.”

**Governing Body:** That Body having jurisdiction in the zoning area.

**Government Service:** Buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and park and recreation services. Typical uses include administrative offices of government agencies, and utility billing offices.

**Grain Elevator:** A tall building for storing grain.

**Greenhouse, Nursery:** An establishment where flowers, trees, and other products that are commonly used as landscaping in and around buildings are grown and sold.

**Grade:**

For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.

For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in (A) above) of all walls facing each street.

For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

**Gross leasable floor area:** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet measured from the centerline of joint partitions and from the exterior surface of outside walls.

**Group home, general:** A residential home providing 24-hour care in a protected living environment for more than eight persons with physical or mental disabilities and any number of care givers.

**Group home, limited:** A residential home providing 24-hour care in a protected environment for eight (8) or less unrelated persons with mental or physical disabilities; further, and pursuant to KSA 12-736, such home may include two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

*Article 2 - Interpretation and Definitions*

**Group Residential:** The use of a site for occupancy by groups of more than five persons, not defined as a family, on a weekly or longer basis. Typical uses include fraternity or sorority houses, dormitories, residence halls, and boarding or lodging houses. The term “group residential” does not include “group homes.”

**Hard Surfaced Road:** An all weather surface improved with asphalt, concrete, asphaltic concrete or similar material designed to City of Chanute street standards.

**Hazardous Operation:** Activities that present the potential for serious hazards to human life and health. Typical uses include arsenals, atomic reactors, explosives and fireworks manufacture, hazardous waste disposal, medical waste disposal and radioactive waste handling.

**Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental or harmful to the health of any person handling or otherwise coming into contact with such material or substance.

**Health Club:** A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Height of buildings and structures:** The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated by feet, shall be regulated by stories and a story shall be equal to twelve (12) feet for purposes of measuring structures other than buildings.

**Helipad or Helipad:** An area, either on the ground or on a building, used as a landing pad for helicopters to pick up or discharge passengers or cargo.

**Home Occupation:** A business, profession or trade conducted for gain or support entirely within a residential building; except that, day care may conduct recreation activities outdoors. (*Note: standards are removed from the definition and placed in the regulations.*)

**Hospital:** An institution that: (1) offers service more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and (3) regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment of similar extent. Hospitals may include offices for medical and dental personnel, central service facilities such as pharmacies, medical laboratories and other related uses.

*Article 2 - Interpretation and Definitions*

**Hotel, Motel, or Tourist Court:** A structure which contains rooms furnished for the purposes of providing lodging, which may or may not also provide meals, entertainment or various other personal services to transient guests, and which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are sought for pay or compensation by transient guests for periods of not more than 28 consecutive days; and having more than two bedrooms furnished for the accommodation of such guests.

**Institution:** A building occupied by a non-profit corporation or a non-profit establishment for public use.

**Interior Setback:** A required setback that does not front on a public street.

**Kennel:** Any lot on which six (6) or more adult dogs and cats, over the age of four (4) months of age are kept.

**Landfill:** A disposal facility employing an engineered method of disposing of solid waste, including demolition and construction debris.

**Laundry Plant:** An establishment that is primarily engaged in the large-scale washing or cleaning of laundry, rugs and similar materials. This definition does not include laundromats or dry cleaning pick-up stations.

**Library:** A publicly-operated establishment housing a collection of books, magazines, audio and video tapes and other material for borrowing and use by the public.

**Lot:** A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under these Regulations, and having its principal frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tract or tracts as conveyed or parts thereof.

**Lot of Record:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds prior to the adoption of this Regulation.

**Corner:** A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Zoning Administrator, except that a lot as herein defined, when made up of more than one platted lot, shall be deemed to front on the street upon which said platted lots front.

*Article 2 - Interpretation and Definitions*

**Interior:** A lot whose sidelines do not abut upon any street.

**Through:** An interior lot having frontage on two streets.

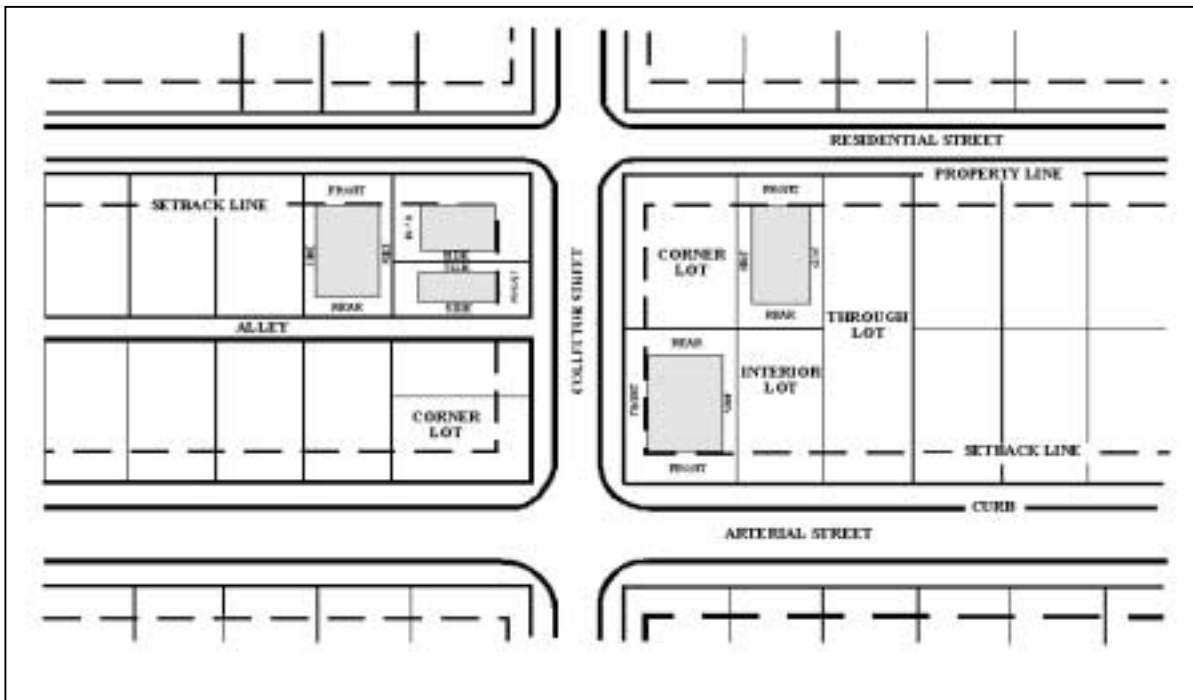
**Lot line:** The line bounding a lot as defined herein.

**Front:** The boundary between a lot and the street on which it fronts. (For clarification of the front lot line location, see the definition of “corner” above.)

**Rear:** The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Zoning Administrator shall determine the rear line.

**Side:** Any lot boundary line not a front or rear line thereof, a sideline may be a party lot line, a line bordering on an alley or place or a side street line.

**Figure 1 - Lot Types & Setbacks**



**Lot depth:** The mean horizontal distance from the front street line to the rear line.

**Lot width:** The horizontal distance between the side boundary lines of a property measured at the front building line.

*Article 2 - Interpretation and Definitions*

**Lot, Zoning:** A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel of tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

**Manufactured Home:** A structure which bears a seal indicating compliance with the federal manufactured home construction and safety standards established pursuant to 42 U.S.C., 5401, and constructed on or after June 15, 1976.

**Manufactured Home Park:** Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all accessory uses thereof. The term “manufactured home park” does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

**Manufactured Home (Factory Built Home) Residential-Design:** A manufactured home which is designed with the same appearance of an on- site, conventionally built, single-family dwelling and satisfies the criteria established in Article 5 Use Regulations.

*Figure 2 - Manufactured Home Residential Design*



**Residential Character:**

Covered Entry  
Front Porch  
Landscaping  
Pitched Roof

**Architectural Details:**

Window Elements

**Manufacturing Home Features:**

Horizontal Lap Siding  
Permanent Masonry foundation  
double-wide Manufactured Home

*Article 2 - Interpretation and Definitions*

***Manufactured Home Sales:*** An establishment primarily engaged in the display and sale of manufactured housing units.

***Manufacturing and Assembly:*** Establishments engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “Basic Industry.”

***Massage Shop, Professional:*** An establishment which has a fixed place of business having a source of income or compensation 60% or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulation of external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided that this term shall not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Kansas.

***Materials Recovery Facility:*** A facility in which source separated co-mingled recyclable materials, such as newspapers, glass, metals and plastic containers, are stored, flattened, crushed and/or bundled prior to shipment to others who will use those materials to manufacture new products.

***Medical Service:*** An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, and the provision of medical testing and analysis services. Typical uses include clinics and offices for doctors of medicine, dentists, chiropractors, osteopaths, optometrists, blood banks and medical laboratories.

***Military Service:*** A facility used or intended to be used by a branch of the U.S. Armed Forces, including military reserves.

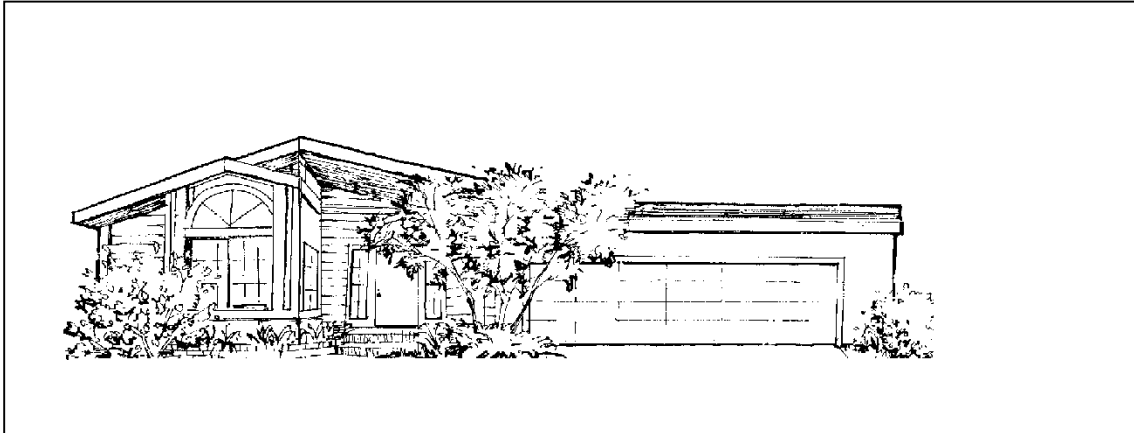
***Mining or Quarrying:*** The extraction of metallic and nonmetallic minerals, excluding oil or natural gas. Typical uses include sand and gravel pit operations, quarries and mines.

***Mobile Home:*** A transportable, factory-built structure designed to be used as a single dwelling unit that was manufactured prior to June 15, 1976 and that does not bear a seal as provided by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401).

*Article 2 - Interpretation and Definitions*

**Modeling Studio:** An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.

**Figure 3 - Modular Home**



<b>Residential Character:</b>	<b>Architectural Details:</b>	<b>Modular Features:</b>	<b>Permanent Features:</b>
Pitched Roof	Eave Projection	Modules for on-site construction	Walkway and Stairs
Covered Entry	Varying Depths		Formal Landscaping
Enclosed Garage	Ornamental Windows		

**Modular Home:** A manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials & Code Administrators International, Inc. (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures, as required of a manufactured home--residential design, and shall be permanently situated on a concrete foundation.

**Multifamily Residential:** The use of a site for three or more dwelling units within a single building. Typical uses include triplexes, four-plexes, apartments and residential condominiums.

**Non-conforming use, building or yard:** A use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated and existed as such on the date of the adoption of Ordinance # 2478 (September 10, 2001) or any amendment thereto.

**Office, General:** An establishment providing executive, management, administrative or professional services, but not medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

*Article 2 - Interpretation and Definitions*

***Oil or Gas Drilling/Refining:*** The subsurface extraction or refining of oil or natural gas.

***Parcel:*** A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

***Parking Lot, Commercial:*** Area used or intended to be used for off-street parking of operable motor vehicles on a temporary basis, other than as accessory parking to a principal use.

***Parking Area, Off-Street:*** A permanently surfaced, dust-free area (concrete, asphaltic concrete, or other comparable surface), enclosed or unenclosed for the short-term storage of automobiles.

***Parking Space:*** An area surfaced for all weather for the purpose of storing one parked automobile.

***Parks and Recreation:*** A park, playground or community facility, owned by or under the control of a public agency or homeowners' association, that provides opportunities for active or passive recreational activities.

***Planning Commission (also, the Chanute Regional Planning Commission):*** The commission appointed by the Governing Body to administer the planning and zoning regulations as stipulated by the Governing Body and the Statutes of the State.

***Post Office:*** A facility used for the collection, sorting and distribution of U.S. mail among several zip code areas and having limited retail services for the public, such as the sale of stamps, postcards and postal insurance.

***Preliminary Development Plan:*** A preliminary site plan that may be submitted at the option of the developer to the Zoning Administrator prior to submission of the final site plan.

***Printing and Publishing:*** The production of books, magazines, newspapers and other printed matter, and record pressing and publishing, engraving and photoengraving, but excluding businesses involved solely in retail photocopying, reproduction, photo developing or blueprinting services.

***Recreation and Entertainment, Indoor:*** An establishment offering recreation, entertainment or games of skill to the public for a fee or charge and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors and video game arcades. Does not include those uses considered as parks and recreation.

*Article 2 - Interpretation and Definitions*

***Recreation and Entertainment, Outdoor:*** An establishment offering recreation, entertainment or games of skill to the public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters and miniature golf courses. Does not include those uses considered as parks and recreation.

***Recreational Vehicle:*** Any of the following vehicles which are licensed for travel on the highway: travel trailer (a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation or vacation, or one permanently identified as a travel trailer by the manufacturer of the trailer); pick-up coach (a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation); motor-home (as a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle); and camping trailer (as a canvas, material or metal folding structure, mounted on wheels, and designed for travel, recreation and vacation use).

***Recreational Vehicle Park:*** Land used or intended to be used for occupancy by recreational vehicles for transient living purposes, including the use of camping spaces for tents.

***Recycling collection center:*** A facility which is not larger than 1,000 square feet in size and is designed for the collection of aluminum and steel cans, glass, plastic containers, papers and other usable materials for their redistribution for sale or reutilization. This definition does not include processing equipment or storage.

***Recycling processing center:*** A facility designed for the purpose of collecting, redistributing and processing recyclable materials. Activities may include the receipt, separation, storage, conversion, bailing and/or processing of paper, iron, metal, glass, newspaper, and other non-biodegradable materials. Hazardous and biodegradable materials, as determined by the Kansas Department of Health and Environment, including, but not limited to, food, beverages, drugs, cosmetics, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other similar materials, shall not be brought into or handled by a recycling processing center.

***Religious Assembly:*** A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place of worship, retreat site or religious camp.

***Repair Service:*** An establishment primarily engaged in the provision of repair services to individuals and households, but excluding "Vehicle Repair" services. Typical uses include appliance repair shops.

***Research Service:*** An establishment engaged in conducting basic and applied research, including production of prototype products when limited to the minimum scale necessary for full investigation of the merits of a product, excluding production of products used primarily or customarily for sale or for use in non-prototype production operations.

*Article 2 - Interpretation and Definitions*

**Restaurant, Fast Food:** A use primarily engaged in the sale of food and non-alcoholic beverages in a ready-to-consume state and where the design or principal method of operation is that of a fast-food or drive-in restaurant offering quick food service, where orders are generally not taken at the customer's table, where food is generally served in disposable wrapping or containers, and where food and beverages may be served directly to the customer in a motor vehicle.

**Restaurant, General:** A building wherein food is prepared and served in ready to eat form to the public for human consumption. The term restaurant shall include cafe, cafeteria, grill, pizza or chili parlor, diner, snack shop, hamburger shop and steak house.

**Retail:** Refers to the sale of commodities and services directly to customers, when such commodities and services are used or consumed by the customer and not purchased primarily for the purpose of resale.

**Retail Sales and Service:** An establishment engaged in the sale or rental of goods and services, including, but not limited to, antique shops, apparel and accessory stores, art and supply stores, bicycle shops, book and stationary stores, barber and beauty shops, candy and ice cream stores, cigar and tobacco stores, dressmakers and tailors, flower and gift shops, hobby shops, interior decorators, jewelry stores, key shops, leather goods and luggage stores, music instrument sales and repair, photocopying services, shoe repair and shoe shine stores, sporting and athletic goods, toy stores and department stores; excluding uses more specifically defined.

**Safety Service:** A facility for conduct of public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

**Salvage Yard:** A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include automobile salvage yards and junk yards.

**School, Elementary, Middle or High:** The use of a site for instructional purposes on an elementary or secondary level.

**Service floor area:** The total floor area of a building exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by visitors, clients, customers, patients, or patrons in their normal everyday use of the building.

**Setback:** The distance that is required by this zoning regulations to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term "setback" refers to a required minimum area, while the term "yard" refers to the actual open area.)

*Article 2 - Interpretation and Definitions*

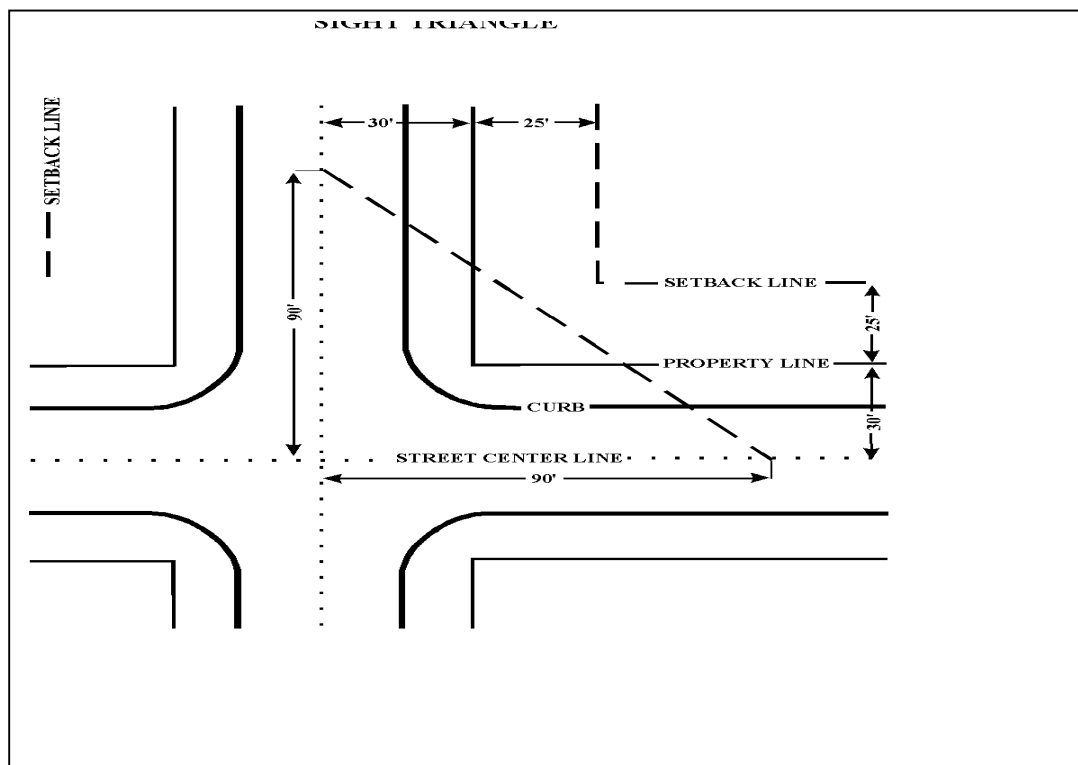
**Service Station, Automotive:** A use primarily engaged in the retail sale of gasoline or other motor fuels primarily to automobiles and passenger vehicles, along with accessory activities such as the sale of lubricants, accessories, or supplies, the lubrication of motor vehicles, and the minor adjustment or repair of passenger motor vehicles. Uses involved primarily in the sale of diesel fuel, gasoline or other fuels to tractor trucks and uses that feature parking, storage or servicing of tractor trucks or semi-trailers shall be classified as “Truck Stop Service Stations.”

**Service Station, Truck Stop:** A use primarily engaged in the sale of diesel fuel, gasoline or other fuels to tractor trucks, along with accessory activities such as the sale of lubricants, accessories or supplies, or the servicing of tractor trucks or semi-trailers. A truck stop service station may include, as an accessory use, the parking and storage of tractor trucks and semi-trailers.

**Shooting Range:** A facility used or intended to be used for the discharge of firearms at targets.

**Sight Triangle:** An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the centerline of the streets, 90 feet in each direction along the centerline of the streets; except that, the City Engineer may establish greater sight triangles based upon standards in the policy manual published by the American Association of State Highway and Transportation Officials (AASHTO)

**Figure 4 - Sight Triangle Minimum Standards**



*Article 2 - Interpretation and Definitions*

**Sign:** Any words, numerals, figures, devices, designs or trademarks by which information is made known to the public outside a building.

**Single-Family Residential, Detached:** The use of a lot for only one principal dwelling unit that is not connected to any other dwelling unit. This definition shall include, as defined by these regulations, “manufactured homes-residential design” and “modular homes” but shall exclude “manufactured homes”.

**Single-Family Residential, Attached:** The use of a site for two or more dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Typical uses include townhouses and twinhomes.

**Solid Waste Collection / Processing:** Recycling collection centers, incinerators, processing facilities, materials recovery facilities, solid waste transfer stations or any facility where municipal solid wastes are salvaged, sorted, processed or treated.

**Solid Waste Transfer Station:** A facility where solid waste or recyclable material is transferred from collection vehicles (some sorting may occur) to long distance hauling vehicles for transportation to a central solid waste management facility for processing, disposal, incineration or resource recovery.

**Special Use Permit:** A Special Use permit is a written permit issued by the Zoning Administrator with the written authorization of the City Commission, after recommendation from the Planning Commission. This Special Use permit provides permission under special conditions to make certain conditional uses of land in certain zoning districts as stipulated in each of the district zoning regulations.

**Specified Sexual Activities:** (1) Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person be a female, her breast; (2) Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) Sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

**Stockyard :** A non-farm-based facility used or intended to be used for selling or holding livestock.

**Story:** That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eave is not above the middle of the interior height of such story. The first story is a half story when between fifty and seventy-five percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

*Article 2 - Interpretation and Definitions*

**Street:** A right-of-way which affords principal means of vehicular access to property abutting thereon.

**Street line:** The dividing line between the street and the abutting property, also commonly known as the front property line.

**Street Network:**

**Expressway:** A street which provides fast and efficient movement of large volumes of traffic between areas and does not provide a land service function.

**Arterial:** A street which provides for through traffic movement between and around areas with direct access to abutting property, subject to necessary control of entrances, exits and curb uses.

**Collector:** A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.

**Local:** A street which provides direct access to abutting land and local traffic movement whether in business, industrial, or residential areas.

**Structure:** Anything constructed or erected, which requires location on or in the ground, or attached to something having a location on the ground; including, but not limited to signs, and excepting customary utility poles, retaining walls and boundary fences.

**Structural Alterations:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**Studio, Radio, Television, Film or Music:** An establishment primarily engaged in the provision of recording or broadcasting services accomplished through the use of electronic mechanisms.

**Temporary Uses:** A use which is only allowed for a specified period of time. Typical temporary uses include, but are not limited to Christmas tree sales, garage sales, road stands, etc.

**Total floor area:** The square foot area of a building, including accessory buildings, measured from outside wall surfaces, and including garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

**Tourist Cabin:** See definition of "hotel / motel".

**Townhouse:** A dwelling unit located in a group of three or more attached townhouse dwelling units with no other dwelling unit located above or below another and with each dwelling unit having at least one interior common wall and a private exterior entrance.

*Article 2 - Interpretation and Definitions*

***Townhouse Structure:*** A grouping of three or more townhouses.

***Townhouse Site:*** A townhouse, the total land area beneath the townhouse and the facilities associated with the townhouse.

***Transit Facility:*** A facility used or intended to be used as an area for loading, unloading and interchange of transit passengers. Typical uses include bus terminals, rail stations and passenger related mass transit facilities.

***Transitional Living Facility:*** A state licensed group-care home for juvenile delinquents, halfway houses providing residence, rehabilitation and counseling to persons on release from a more restrictive custodial confinement, and residential rehabilitation treatment centers which also may provide outpatient rehabilitation for alcohol and other drug abuse.

***Twinhome:*** The use of a site for two dwelling units that are constructed with common or abutting walls and with each dwelling unit located on its own separate lot. Twinhomes are often created by subdividing a single duplex into two separate lots each of which contains one dwelling unit.

***Utility, Major:*** Generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks; and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term “utility” shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses defined in this section.

***Utility, Minor:*** Services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines.

***Variance:*** A variation from a specific requirement in this Regulation, as applied to a specific piece of property, as distinct from rezoning.

***Vehicle and Equipment Sales:*** An establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance activities. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, moving trailer rental, and farm equipment and machinery sales and rental.

***Vehicle/Equipment Storage Yard:*** An outdoor area used or intended to be used for long-term storage of vehicles and equipment, other than a “Commercial Parking Lot” or accessory parking to a principal use.

*Article 2 - Interpretation and Definitions*

**Vehicle Repair, General :** An establishment primarily engaged in painting of or bodywork to motor vehicles or heavy equipment. Typical uses include paint and body shops.

**Vehicle Repair, Limited:** A use providing automobile repair or maintenance services within completely enclosed buildings, but not including “General Vehicle Repair” services.

**Vocational School:** A use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit, and not otherwise defined as a “College or University” or “School.”

**Warehouse, Residential Storage:** An enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for dead storage of their household goods or personal property.

**Warehousing and Wholesale:** An establishment primarily engaged in the storage or sale of materials, equipment, or products or sale to wholesalers or retailers. Typical uses include cold storage, warehousing and dead storage facilities, but exclude “Residential Storage Warehouses,” and sale of goods to the general public.

**Welding or Machine Shop:** A workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops and sheet metal shops.

**Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used.

**Front:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

**Side:** A yard between the main building and the adjacent sideline of the lot, and extending entirely from a front yard to the rear yard.

**Rear:** A yard between the rear lot line and the rear line of the main building and the side lot lines.

**Zone or District:** A section of the Zoning Area for which uniform regulations governing the use, height, area, size, and intensity of use of structures, land, and open space are herein established.

**Zoning Administrator:** The Building Inspector or other staff as designated by the City Manager.

**Zoning Area:** The area to be zoned as set out on the official Zoning Map filed of record.

*Article 2 - Interpretation and Definitions*

***Zoning Regulations:*** The term “zoning regulations” or “these regulations” shall mean the requirements stipulated in the regulations herewith attached, and shall mean the lawfully adopted zoning regulations of the City of Chanute.

**ARTICLE 3  
GENERAL PROVISIONS**

1. Jurisdictional Area: The provisions of these regulations shall apply to all structures and land in the incorporated area of the City of Chanute, Kansas and unincorporated territory located outside of the City in Neosho County which forms the total community of which the City is a part, as shown on the Official Zoning District Map.
2. Establishment of Districts: The jurisdictional area is hereby divided into zoning districts as provided in Article 4.
3. Zoning District Map: The boundaries of the zoning districts are shown on the Official Zoning District Map of the City of Chanute, which shall be filed in the office of the City Clerk. Each of said zoning map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein. Such map shall be marked, “Official Copy of Zoning District Map of the City of Chanute, Kansas Incorporated into these Zoning Regulations by Adoption of an Ordinance by the Governing Body of the City on the 10th day of September, 2001.”
4. Rules Where Uncertainty May Arise: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Maps, incorporated herein, the following rules apply:
  - A. The district boundaries are the centerlines of streets, alleys, waterways, and railroad rights-of-way, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street, alley, waterway, or railroad right-of-way, the centerline of such street, alley, waterway or railroad right-of-way shall be construed to be the boundary line of such district.
  - B. Where the district boundaries do not coincide with the location of streets, waterways, or railroad rights-of-way but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
  - C. Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the zoning map.
5. Exemptions: The following structures and uses shall be exempt from the provisions of these regulations:
  - A. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas, or water, or the collection of sewage or surface water operated or maintained by a public utility but not including substations located on or above the surface of the ground.

- B. Railroad tracks, signals, bridges, and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
  - C. Agriculture as defined by these regulations. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.
  - D. Retaining walls on public property.
  - E. Public signs.
6. Application of Regulations: No structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with these regulations.
7. Separability: It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:
- A. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
  - B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provisions to any other property or structure.
8. Repeal Clause: Upon the adoption of these zoning regulations, Chanutte Municipal Code Title 17 (Mobile Homes), Title 18 (Sub-Divisions), Title 19 (Zoning), and Chapter 16.48 (Signs) as amended, are hereby repealed reserving Chapter 19.54 (Flood Damage Prevention).
9. Lots platted prior to Regulatory Amendments: Any legal lot of record established prior to the adoption of these regulations on September 10, 2001 shall be required to meet the lesser lot area requirements as provided in the previous regulations of Title 19.
10. Vested Rights:
- A. For the purpose of single-family residential development in the “AG”, “R-S”, “R-1”, “R-2”, “R-H” districts, development rights for land shall vest upon recording of the final plat for such land. If construction has not begun within five years of recording the plat, the development rights shall expire unless an extension is granted.

*Article 3 – General Provisions*

- B. For all non-single-family development, development rights for land shall vest upon the recording of a final plat or approval of the site plan or specific construction documents for such land. If all permits required for such development have not been issued and the start of construction and the completion of substantial amounts of work under the validly issued permits has not begun within one year of approval of the site plan, the development rights shall expire unless an extension is granted.
- C. The Planning Commission may for good cause as presented by the applicant grant a single extension of vested rights. Vested rights for single-family development shall not be extended for more than one year. For all non-single-family development, an extension of not more than 6 months may be granted. Applicants seeking an extension shall submit a statement in writing, justifying the extension. In considering an extension, the Planning Commission shall consider the following factors, as well as other relevant considerations:
- (1) Undue or unnecessary hardship placed upon the property owner;
  - (2) The extent to which the current regulations would hinder to complete development;
  - (3) Extent to which the property can be made to conform with current regulations; and
  - (4) Conformance with the general spirit and intent of the zoning and subdivision regulations.
- D. Nothing in this subsection shall be construed to exempt development from the provisions of Zoning and Subdivision Regulations except to the extent that the construction or development is expressly shown on the approved final plat or site plan. For example, the right to complete a building in accordance with previously-approved site plans shall not include the right to erect signs or make other site improvements in accordance with such plan unless such signs or improvements were expressly shown on the plans and cannot, as shown, be revised to conform to the provisions of the Zoning Regulations as amended.

**ARTICLE 4  
DISTRICT REGULATIONS**

1. Establishment of Districts: The jurisdictional area is hereby divided into twelve zoning districts which are designated as follows:

“AG” Agricultural District  
“R-S” Residential – Suburban District  
“R-1” Residential – Single-family District  
“R-2” Residential – Multifamily District  
“R-H” Residential – Historic “Old Town” District  
“MP” Manufactured Home Park Residential District  
“C-1” Business – Central District  
“C-2” Business – General District  
“O-I” Office – Institutional District  
“M-1” Industrial – Light District  
“M-2” Industrial – Heavy District  
“P-D” Planned Development District

- (2) Zoning District Map: The boundaries of the districts are shown on the Official Zoning District Map, which is filed in the office of the City Clerk. Each of the said zoning maps, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

3. Annexed Land: All land which may hereinafter be annexed to the City of Chanute shall be classified “AG” Agricultural District, and shall be re-classified only after a public hearing by the Planning Commission and recommendation to the Governing Body as provided in these regulations for zoning district amendments. The public hearing by the Planning Commission to adopt a recommendation may be held prior to annexation of the subject parcel of land to the City.

**“AG” AGRICULTURAL DISTRICT**

1. Intent: It is the intent of this district to protect agricultural uses through control of density, land use and land coverage.
2. Permitted Uses. Generally, agricultural and rural residential uses are permitted on parcels greater than 20 acres. For a general listing of permitted and special uses, see Article 5 of these regulations. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept is ten acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops. The storage of crops, grains, feeds or other products shall be limited to those raised on or to be consumed on the premises. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special uses. For a specific listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum lot area: 20 acres. A residence shall be permitted on an agricultural tract for those owning or operating the premises or for those employed thereon.
5. Height Regulations: Maximum structure height: 35 feet, except that grain storage facilities are permitted two feet of additional height for each one foot of additional structure setback.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 100 feet.
  - B. Side Yard: 50 feet.
  - C. Rear Yard: 50 feet.

**“R-S” RESIDENTIAL - SUBURBAN DISTRICT**

1. Intent: It is the intent of the “R-S” Residential Suburban District to control subdivision and density of development of land for residential and other non-commercial uses for suburban design purposes; and where such uses are not or cannot be connected to a public sewer supply.
2. Permitted Uses: Single-family residences and related public and semi-public uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations: Except as hereinafter provided, all dwellings hereafter erected, enlarged, or reconstructed shall be located upon lots containing the following areas:
  - A. Every lot served with public sanitary sewers and public water system shall have an area of not less than 7,500 square feet and a lot width of not less than 65 feet measured at the front setback line. (Corner lots shall not be less than 85 feet in width.)
  - B. Every lot not served with a public sanitary sewer shall have an area not less than ten (10) Acres as required by the City of Chanute Subdivision Regulations, and shall be subject to on-site wastewater testing.
5. Height Regulations: No structure shall exceed 35 feet in height, except that public and semi-public structures, public service and institutional structures, hospitals, schools, and religious institutional structures are permitted two feet of additional height for each one foot of additional structure setback.
6. Yard Regulations:
  - A. Front Yard: 50 feet
  - B. Side Yard: 15 feet and all special uses shall provide a 20-foot side yard. Corner lots shall provide a 20-foot setback from the corner side yard.
  - C. Rear Yard: 20 feet.
  - D. Minimum Floor Area: 1,100 square feet of habitable floor area per family.

**“R-1” RESIDENTIAL - SINGLE-FAMILY DISTRICT**

1. Intent: The intent of this district is to provide for low-density residential development, including those uses which reinforce residential neighborhoods, and to allow certain public facilities.
2. Permitted Uses. Generally, single-family dwellings, two-family dwellings, churches and community centers, golf courses, limited agricultural and nursery uses, and related accessory uses are permitted. For a general listing of permitted and special uses, see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special uses: For a specific listing of Special uses, see Article 5.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:
  - A. Minimum lot area: 7,500 square feet for single-family dwellings  
4,000 square feet per dwelling unit for two-family dwellings,  
with a minimum lot size of 8,000 square feet.
  - B. Minimum lot width: 65 feet; corner lots shall not be less than 80 feet.
  - C. Lot coverage: The combined area of the main building and accessory buildings shall not cover more than forty (40) percent of the total area of the lot.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: Side yards shall not be less than 10 percent of the lot width, such setbacks shall be no less than 5 feet and need be no greater than 10 feet. However, for dwellings and accessory structures located on corner lots there shall be side yard setback from the intersecting street of not less than 15 feet, in case such lot is back to back with another corner lot and 25 feet in every other case.
  - C. Rear Yard: 12 feet
7. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.
8. Sign Regulations: See Article 9 Sign Regulations.

**“R-2” RESIDENTIAL - MULTIFAMILY DISTRICT**

1. Intent: The intent of this district is to provide for moderate to high density residential development, including two-family, multifamily and higher density single-family dwellings, in a manner which will encourage a strong residential neighborhood.
2. Permitted Uses: Generally, two-family dwellings, multifamily, single-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special uses: For a specific listing of Special uses, see Article 6.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:
  - A. Minimum lot area: 6,000 square feet for single-family dwellings  
3,000 square feet per dwelling unit for two-family dwellings, with a minimum lot size of 6,000 square feet.  
1,000 square feet per dwelling unit for multifamily, with a minimum lot size of 6,000 square feet.
  - B. Minimum lot width: 50 feet; single-family dwellings located on a corner lot shall not be less than 60 feet and two-family dwellings located on a corner lot shall not be less than 75 feet.
  - C. Lot coverage: The combined area of the main building and accessory buildings shall not cover more than forty (40) percent of the total area of the lot.
5. Height Regulations: Maximum structure height: 35 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: Front yards shall not be less than 20 percent of the lot depth, but need not be more than 20 feet.
  - B. Side Yard: Side yards shall not be less than 10 percent of the lot width, such setbacks shall be no less than 5 feet and need be no greater than 10 feet. However, for dwellings and accessory structures located on corner lots there shall be side yard setback from the intersecting street of not less than 15 feet in case such lot is back to back with another corner lot and 25 feet in every other case.

C. Rear Yard: 12 feet

7. Parking Regulations: See Article 7 Off-Street Parking and Loading Regulations.

8. Sign Regulations: See Article 9 Sign Regulations.

**“R-H” RESIDENTIAL - HISTORIC “OLD TOWN” DISTRICT**

1. Intent: The intent of this district is to allow for moderate density residential development, including two-family and higher density single-family dwellings, in close proximity to neighborhood commercial developments, in a manner that encourages a strong residential neighborhood consistent with the traditional character of “old-town” Chanute.
2. Permitted Uses: Generally, single-family dwellings, two-family dwellings, parks, educational and religious uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations: Except as modified by the provisions of Article 6:
  - A. Minimum Lot Area: 

Single-family-	5,000 square feet for lots platted, split and/or subdivided prior to September 10, 2001.
	7,500 square feet for lots platted, split and/or subdivided after September 10, 2001.
Two-family	-4,000 square feet/dwelling unit.
Other uses	-7,500 square feet.
  - B. Minimum Lot Width: As measured at the front setback line, minimum lot width shall measure 50 feet for lots platted, split and/or subdivided prior to September 10, 2001 and 65 feet for lots platted, split and/or subdivided after September 10, 2001, except as provided in Article 6, Yard Regulations.
  - C. Lot Coverage: Principal and accessory structures shall not cover more than forty (40) percent of the lot.
5. Height Regulations: Maximum Structure Height: 50 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet, except that where a structure is to be erected on a parcel of land that is within 100 feet of existing structures on both sides, the minimum front yard setback shall be the average of the measurements from the edge of pavement of the street on which the structures front to the closest front corners of each adjacent structure. If the structure to be erected is within 100 feet of an existing structure on one side only, such structure may be erected as close to the street as the existing adjacent structure. In addition, for the purposes of establishing the building lines for construction of entrance

steps that are no higher than 3' from grade level or of any handicap access ramp or chair lift, the required front yard setback shall not apply. In no event shall any construction extend into any public right-of-way.

- B. Side Yard: 7 feet.
- C. Rear Yard: 20 feet.
- D. Existing Nonconforming Structures: In addition to those allowances of Article 10, residential dwellings and accessory structures to be reconstructed in the “R-H” district which are located on a lot that does not comply with the above mentioned applicable yard regulations, with the exception of mobile homes, may be reconstructed to the previous setbacks, provided such reconstruction shall not create any additional nonconformity or increase the degree of existing nonconformity. In no event shall any construction extend into any public right-of-way.

7. Use Limitations:

- A. Prior to issuance of a building permit, all new and redeveloped structures in the “R-H” District shall be subject to review by the Zoning Administrator and other staff as applicable according to the following guidelines:
  - (1) Front Entry: Entries and walkways should address the street directly, or in a manner consistent with adjacent properties.
  - (2) Building Orientation: New construction should address the street in a manner consistent with surrounding buildings. In most cases, building facades should be parallel to the street.
  - (3) Parking/Garage Location: Garages should be located and accessed at the rear or side of buildings via an alley or street access drive in order to maintain the residential and pedestrian character of the street. Further, parking located behind new residential dwellings which maintains the pedestrian character, and prevents automobiles from dominating the streetscape is encouraged. On-street parking is also encouraged. See Article 7 for parking facilities requirements.
  - (4) Heating, Ventilation, and Air Conditioning (HVAC) Equipment: HVAC equipment should be located at the rear of buildings, and screened from adjacent properties.

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- (5) Scale and Proportion: New and redeveloped dwellings should use appropriately scaled building mass, height and entry size, and incorporate architectural features such as gables, porches and windows to complement the surrounding buildings while breaking up the structure's street facade.
  - (6) Rooflines and Pitch: Rooflines and pitch similar to surrounding structures are encouraged, as the similarity establishes a pleasing pattern and rhythm for the streetscape, allowing new construction to blend with the established neighborhood.
  - (7) Landscaping: Front facades (both yards in the case of corner lots) should be landscaped in a manner consistent with surrounding buildings. In addition, new and redeveloped dwellings should maintain the established streetscape by preserving existing or establishing new street trees and providing landscaping that is consistent with the pattern established by surrounding buildings.
  - (8) Appeals and Grievances: In the case an applicant should disagree or have other grievances with staff in the application of the above standards, the applicant should be directed to formally appear before the planning commission for review of such disagreement or other grievance.
- B. Minimum Floor Area: 1,100 square feet of habitable floor area per family; except that structures existing prior to September 10, 2001, may be reconstructed to no less than the floor area in existence prior to demolition of such structure; and except that in no case shall any structure be reconstructed with a floor area ratio less than 900 square feet.
- C. Accessory Structures: All accessory structures shall be of a similar architectural design as the associated principal structure.

**“MP” MANUFACTURED HOME PARK RESIDENTIAL DISTRICT**

1. Intent: It is the intent of this district to provide low to medium density manufactured home park development which is compatible with the character of the surrounding neighborhood in which it is located. Manufactured home parks are considered a residential use and should be located in areas where services and amenities are available such as those found in conventional residential areas.
2. Permitted Uses: For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special uses: For a specific listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum park area: 5 acres
  - B. Minimum park width: 225 feet.
5. Height Regulations: Maximum structure height: 20 feet.
6. General Regulations:
  - A. Minimum Design Standards: Each manufactured home park shall be designed in accordance with all city codes and to the following minimum design standards:
    - (1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
    - (2) Manufactured home parks hereafter approved shall have a maximum density of eight (8) manufactured homes per gross acre, and a minimum area of 4,000 square feet shall be provided for each manufactured home space.
    - (3) Each manufactured home space shall be at least 40 feet wide and be clearly defined.
    - (4) All manufactured homes and additions thereto shall be so located to maintain a clearance of not less than 20 feet from another manufactured home; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance shall not be less than 15 feet. In addition, all manufactured homes and additions thereto shall be so located to maintain a clearance of 25 feet from any permanent structure within the park.

- (5) All manufactured home spaces shall front upon a private hard-surfaced roadway of not less than 25 feet in width, provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.
- (6) Off-street parking areas shall be provided in all manufactured home parks. Such off-street parking areas shall provide sufficient parking spaces for a minimum of two cars per manufactured home within the manufactured home park. Off-street parking areas may be provided on individual manufactured home spaces provided that the off-street parking area is improved as required in Article 7, and the off-street parking area surface is not less than 10 feet from the nearest adjacent manufactured home space.
- (7) All roadways and sidewalks within the manufactured home park shall be hard surfaced and shall be adequately lighted at night.
- (8) A community structure may be provided which may include recreation facilities, laundry facilities, and other similar uses.
- (9) The perimeter of all manufactured homes shall be fully skirted.
- (10) Sidewalks shall be required on one side of all streets.
- (11) Landscaping shall be shown on the development plan. The perimeter of each manufactured home space shall be surrounded by a landscaped strip of open space 25 feet wide along all lot lines and streets or highways.
- (12) All roadways shall meet the design standards as adopted by the City for private streets in manufactured home parks.
- (13) Final approval for the park shall be obtained before moving a manufactured home into an MP district.

B. Water Supply:

- (1) Water shall be supplied to the park by a public water system.
- (2) The size, location and installation of water lines shall be in accordance with the requirements of the building codes of the City.

- (3) Individual water service connections shall be provided at each manufactured home space.

C. Required Recreation Areas:

- (1) In all manufactured home parks accommodating or designed to accommodate 25 or more manufactured homes, there shall be one or more recreation areas which shall be easily accessible to all park residents.
- (2) The size of such recreation areas shall be based upon a minimum of 100 square feet for each lot within the manufactured home park. No outdoor recreation area shall contain less than 2,500 square feet.
- (3) Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
- (4) The required recreational area(s) within the manufactured home park shall contain playground equipment or other recreational facilities as approved by the Planning Commission. The cost of purchasing and installing said recreational equipment shall be paid for by the developer of the manufactured home park.
- (5) The maintenance of recreation area(s) and equipment within each manufactured home park shall be paid for by the owner of the manufactured home park.

D. Sewage Disposal: Each manufactured home park shall be connected to the city or county central sanitary sewer system or to another central sewage system as approved by the Kansas Department of Health and Environment. Each manufactured home space within a manufactured home park shall be connected to and served by the central sanitary sewer system serving the manufactured home park.

E. Tie-Downs and Ground Anchors: All manufactured homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code.

F. Electrical: Each manufactured home space shall be provided with an individual electrical outlet supply which shall be installed in accordance with the building codes of the City and requirements of the electric supplier.

G. Gas: Natural gas hookups, when provided, shall be installed in accordance with the Building Codes of the City and the regulations of the gas supplier.

H. Refuse and Garbage Handling: Storage, collection and disposal of refuse in a park shall be in accordance with City code.

- I. Blocking: All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the Manufactured Home and Recreational Vehicle Code and in accordance with the manufacturer's guidelines.
- J. Pad Requirements: Shall be a flexible surface with a minimum of five (5) inch thick gravel, stone or compacted surface, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surfacing materials; or shall be of a hard surface of a minimum of two 18-inch wide concrete ribbons or slabs capable of carrying the weight and of sufficient length to support all blocking points of the manufactured home.

7. Application Requirements:

- A. An applicant for “MP” Manufactured Home Park District shall prepare or cause to be prepared a preliminary Manufactured Home Park Plan, drawn to a scale of not less than 1” = 100’, and three (3) copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the Minimum Design Standards herein and shall include the following:
  - (1) Contours shown at two (2) feet intervals.
  - (2) Elevation drawings of all permanent buildings proposed.
- B. Upon approval of the preliminary Manufactured Home Park Plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the City Commission for their review and final action.
- C. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of these regulations. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and City Commission prior to the occupancy of the Manufactured Home Park.
- D. Construction of an approved Manufactured Home Park shall begin only after final approval has been granted by the City Commission.

**“C-1” BUSINESS - CENTRAL DISTRICT**

1. Intent: The intent of this district is to provide a zone which will accommodate the broad range of retail shopping activities and office uses that are normally found in the core area of a city; and where development is allowed up to the property lot line, with no off-street parking facilities required of the private development.
2. Permitted Uses: Generally, retail uses with no outdoor storage are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: None.
  - B. Minimum Lot Width: None.
5. Height Regulations: Maximum structure height: 100 feet.
6. Yard Regulations:
  - A. Minimum Front Yard: None.
  - B. Minimum Side Yard: 10 feet when adjacent to a residential district: otherwise, none.
  - C. Minimum Rear Yard: 20 feet when adjacent to a residential district: otherwise, none.
7. Use Limitations:
  - A. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted. Any merchandise stored outside which is determined by the Zoning Administrator as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
  - B. 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.
8. Site Plan Review: Development in the “C-1” District shall be subject to site plan review requirements, procedures and design guidelines.

9. Downtown Design Guidelines:

In the "Business - Central District," no building shall be erected that does not meet the following minimum standards:

- A. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Building roof tops shall have at least two of the following features:
  - 1. Parapets concealing flat roofs and roof top equipment;
  - 2. Overhanging eaves;
- B. Roof mounted equipment, including ventilators and satellite dishes shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300') away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.
- C. All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially zoned area shall be screened from view (100% opacity), up to a maximum of three hundred feet (300') away. Such screens and enclosures shall be treated as integral elements of the buildings appearance.
- D. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.
- E. The form and proportion of new buildings or redevelopment shall be consistent or compatible with the scale, form and proportion of existing development in the area.
- F. Pedestrian Access: Pedestrian access shall be an integral part of the overall design of each commercial development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments so as to create an alternative means of transportation for residents of the downtown:
  - 1. Sidewalks at least 5 feet in width shall be provided along all sides of a lot that abut a dedicated public or private street. A continuous internal pedestrian sidewalk shall be provided from the perimeter public sidewalk to the principal customer entrance(s). This internal sidewalk shall feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length.

2. Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at the building facade to provide continuous edges; and shall incorporate planting areas for landscaping along the street.
  3. Internal pedestrian sidewalks shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks.
- G. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes indigenous to the downtown. The use of walls in a single color, with little detailing or completely blank, is strongly discouraged.
- H. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- I. Loading docks, trash enclosures, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets.
- J. Building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length of the building facade, reflecting the archetype of the downtown. Windows, awnings, and arcades must total at least 60 percent of the facade length abutting any public street.
- K. When a building facade 100 feet or greater in length abuts a residential district, an earth berm of at least six feet in height shall be installed between the building facade and the abutting residential district. The earth berm shall be landscaped with evergreen trees at intervals of at least 20 feet on center, or in clusters.
- L. Minimum Exterior Building Material Standards: A minimum of 50% of each exterior wall shall consist of one or more of the following materials:
1. **Masonry:** Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, or similar materials.

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- (a) Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques are acceptable.
  - (b) Brick material used for masonry construction shall be composed of hard fired (kiln fired) all-weather common brick or other all-weather facing brick.
  - (c) Stucco or approved gypsum concrete/plaster materials.
2. Glass Walls: Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall that carries no floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.

**“C-2” BUSINESS - GENERAL DISTRICT**

1. Intent: The intent of this district is to provide a zone for those commercial uses which are intensive in nature and which require large lots and direct access to major streets.
2. Permitted Uses: Generally, automobile and implement sales, lumberyards, contractor's yards, offices, neighborhood retailing and similar uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: 6,000 square feet.
  - B. Minimum Lot Width: 60 feet.
5. Height Regulations: Maximum Structure Height: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 10 feet if abutting a residential district; otherwise, no side yard is required.
  - C. Rear Yard: 20 feet if abutting a residential district; otherwise, no side yard is required.
7. Use Limitations:
  - A. No outdoor storage, except the display of merchandise for sale to the public, shall be permitted. Any merchandise stored outside which is determined by the Zoning Administrator as material which is not for sale to the public shall be screened or enclosed to the extent that it cannot be seen from off the property.
  - B. 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.
8. Site Plan Review: Development in the “C-2” District shall be subject to site plan review requirements and procedures.

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9. Exterior Storage: Except as otherwise permitted by these regulations or during permitted construction on any tract, all exterior storage of equipment, raw materials or finished products shall be fully screened from the view of adjacent parcels and streets by a solid screen fence at least six (6) feet in height.

Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage facilities shall not be considered appropriate screening materials. Outdoor storage shall not interfere with the required and/or approved operation of the site, including but not limited to traffic circulation, parking, open space or aesthetics.

The permitted display of merchandise for sale to the public shall be restricted to a maximum of twenty-five (25) percent of the area of either the front, side or rear yard exclusive of any area of required setback. In no case shall merchandise for sale be displayed in any required set back, or interfere with pedestrian or vehicular access or parking.

10. Exterior lighting: Off-street light 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.

**“O-I” OFFICE - INSTITUTIONAL DISTRICT**

1. Intent: The intent of this district is to provide a zone which will accommodate a broad range of medical and institutional business uses, along with a narrow range of retail shopping activities, as well as moderate-density townhouse and condominium dwellings; and where development is allowed based upon a site plan with setbacks averaged by the neighboring district regulations with off-street parking facilities required of the private development.
2. Permitted Uses: Generally, office and service uses, as well as limited retail uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: 6,000 square feet.
  - B. Minimum Lot Width: 60 feet.
5. Height Regulations: Maximum Structure Height: 100 feet.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 10 feet if abutting a residential district; otherwise, no side yard is required.
  - C. Rear Yard: 20 feet if abutting a residential district; otherwise, no rear yard is required.
7. Use Limitations:
  - A. No merchandise shall be displayed or stored outside a structure unless such merchandise is screened or enclosed to the extent that it cannot be seen from off the property.
  - B. 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.
8. Site Plan Review: Development in the “O-I” District shall be subject to site plan review requirements and procedures.

**“M-1” INDUSTRIAL – LIGHT INDUSTRIAL DISTRICT**

1. Intent: The intent of the district is to permit low-intensity industries which can be made to be generally compatible with residential districts, through buffers and screens, and with office and/or commercial activity. Certain intense uses will require special use permits to locate in this district.
2. Permitted Uses: Generally, light manufacturing, wholesaling, trucking and warehousing uses, as well as research, development, analysis or testing laboratories as a part of product development centers, testing facilities or research centers. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
3. Special Uses: For a general listing of special uses, see Article 5.
4. Intensity of Use Regulations:
  - A. Minimum Lot Area: Subject to site plan review.
  - B. Minimum Lot Width: Subject to site plan review.
5. Height Regulations: Maximum Height of Structure: 45 feet if within 150 feet of a residential district: 150 feet if more than 150 feet from a residential district.
6. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard depths shall be as follows:
  - A. Front Yard: 25 feet.
  - B. Side Yard: 10 feet and no less than 40 feet when abutting a street or residential district.
  - C. Rear Yard: 25 feet or 20% of the lot depth, which ever is smaller, unless said rear yard abuts a residential district in which case the minimum rear yard setback shall not be less than 40 feet.
7. Use Limitations:
  - A. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the commission may make variances as they deem advisable.

- B. A solid or semi-solid screen or wall at least six feet high, but not more than eight feet, and having a density of not less than 70 percent per square foot upon maturity of growth shall be planted or constructed adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the “M-1” District.
- C. No structure shall be used for residential purposes except that a watchman may reside on the premises.
- D. Facilities Used for Agricultural Research, Testing and/or Analysis: In agriculture-related research facilities, the following use limitations shall apply:
  - (1) Operations required to be conducted outside a fully enclosed building shall be conducted in controlled outdoor areas.
  - (2) A private street network shall be allowed where comprehensive control of a large industrial site is required for safety or security reasons, and where no unsecured access to the site is afforded the public.
  - (3) Private roadways for certain agricultural-related research and development activities may be improved with an all weather surface other than asphaltic concrete such as gravel or stone. They shall be designed to permit surface drainage without erosion of adjacent land.
- 8. Site Plan Review: Development in the “M-1” District shall be subject to site plan review requirements and procedures.
- 9. Exterior lighting: Off-street light 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.

**“M-2” INDUSTRIAL - HEAVY INDUSTRIAL DISTRICT**

1. Intent: The intent of the district is to permit basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain obnoxious or hazardous uses will require special permission to locate in this district.
2. Permitted Uses: Generally, light manufacturing, salvage yards, quarrying, wholesaling, trucking and warehousing uses are permitted. For a general listing of permitted and special uses see Article 5 of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with uses listed in Article 5.
  1. Special Uses: For a general listing of special uses, see Article 5.
  2. Intensity of Use Regulations:
    - A. Minimum Lot Area: Subject to site plan review.
    - B. Minimum Lot Width: Subject to site plan review.
  3. Height Regulations: Maximum Height of Structure: 45 feet if within 150 feet of a residential district; 150 feet if more than 150 feet from a residential district.
  4. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:
    - A. Front Yard: 25 feet.
    - B. Side Yard: 20 feet and no less than 40 feet when abutting a street or residential district.
    - C. Rear Yard: 25 feet or 20% of lot depth, whichever ever is smaller, unless said rear yard abuts a residential district in which case the minimum rear yard setback shall not be less than 40 feet
  5. Use Limitations:
    - A. All storage of materials, products or equipment, except those related to or used for agricultural research, testing and/or analysis purposes, shall be within a fully enclosed building or in an open yard so screened that the materials stored are not clearly visible within one thousand (1,000) feet of the property line. Where topographic conditions make effective screening impractical, the commission may make variances as they deem advisable.
    - B. Storage may be maintained outside structures provided the view of said storage area is properly screened from adjacent residential areas and the public right-of-way.

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- C. A solid or semi-solid fence or wall at least six feet high, but not more than eight feet, and having a density of not less than 70 percent per square foot shall be provided adjacent to an adjoining residential district unless the adjacent residential district and the industrial district are separated by a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property.
  - D. No structure shall be used for residential purposes except that a watchman may reside on the premises.
6. Site Plan Review: Development in the “M-2” District shall be subject to site plan review requirements and procedures.
7. Exterior lighting: Off-street light 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.

**“P-D” PLANNED DEVELOPMENT DISTRICT**

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

Although the specific conditions within the “P-D” District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. As such, each application for “P-D” zoning shall include a development plan in accordance with the provisions and conditions that follow.

2. Use of the “P-D” District: With the exception of standard single-family and two-family residential subdivisions, zoning proposals which are intended to be subdivided into multiple lots should seek the “P-D” zoning district classification. Planned developments are groupings of structures or sites that are planned as an integrated unit or cluster on property under unified control at the time of zoning. The sale, subdivision or other partition of the site after zoning approval does not exempt the project or portions thereof from complying with the development standards and other conditions that were committed to at the time of the rezoning.
3. Permitted Uses: All uses may be permitted in the Planned Development District subject to Plan approval; however, each use included in a particular “P-D” must be specified on the Plan.
4. Use Regulations:
  - A. The proposed development shall provide adequate access in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition nor inconvenience in the area.
  - B. Structures and traffic shall be arranged so that all principal structures are accessible to emergency vehicles.
  - C. Parking shall be provided in a manner that reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.

- D. The availability of services and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
- E. A Planned Unit Development shall be consistent with the general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site as set out in these regulations.
- F. In the case of residential Planned Development, the Planning Commission may permit in each unit or phase deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
- G. A minimum of 30% of the net area of that part of a Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half of this open space or 20% of the net area devoted to residential development shall be provided for common open space for the leisure and recreational use of all “P-D” residents and owned and maintained in common by them, generally through a homeowner's association. The common open space shall be developed for appropriate recreational facilities, and a minimum of 50% of the proposed recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
- H. The “P-D” shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing Body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.
- I. Any modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.
- J. Sidewalks shall be built to City specifications along all public and private streets; however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrian access between each use in the Planned Unit Development.
- K. All signs must conform to the City Sign Ordinance.

- L. Approval of the Final Development Plan may be conditioned by the Planning Commission to minimize any negative impact on the community.
5. Application for Rezoning: A petition to change to a “P-D” Planned District shall be filed with the City, along with the filing fee as set forth by separate ordinance. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations. The public hearing and public notice requirements shall be the same as for any rezoning as provided by these regulations.
6. Preliminary Development Plan Approval Procedure:
- A. Action by Planning Commission: After a Preliminary Development Plan per the requirements of this article is filed with the City and has been reviewed by staff and the Site Plan Review Committee and found to contain all of the required information as set out within these regulations, the Planning Commission shall, hold a public hearing on said development after giving public notice. Said public hearing may be adjourned from time to time and, within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant a report with respect to the extent which the Preliminary Development Plan complies with these regulations, together with its recommendations in respect to the action to be taken on the Preliminary Development Plan. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
- B. Action by Governing Body: The Governing Body shall either approve, disapprove, or approve with amendments, conditions or restrictions the Preliminary Development Plan and authorize the submitting of the Final Development Plan. If the Governing Body disagrees with the Planning Commission’s initial recommendation, the application shall be returned to the Planning Commission with written comments for reconsideration.
- C. Substantial or significant changes in the Preliminary Development Plan shall only be made after rehearing and reapproval as required for the initial approval of the Preliminary Development Plan.
- D. For unplatted tracts or tracts being replatted, the approval of the Preliminary Development Plan shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations and may be submitted with or incorporated with the Final Development Plan. The Planning Commission may review the Final Development Plan and the final plat concurrently.

7. Preliminary Development Plan: Copies of the Preliminary Development Plan shall be prepared and submitted in accordance with the City’s Application and Review Schedule at a scale dimension of not more than 1"=100'. In addition to all data required for Preliminary Plats per the City of Chanute Subdivision Regulations, plans shall include:
  - A. Proposed land use patterns within the development;
  - B. Phases of final development;
  - C. Proposed schedule of construction;
  - D. General landscape information including landscaping easements, dedicated open space, pedestrian circulation, buffering and fencing, and general design concepts;
  - E. Conceptual exterior building elevations including materials and color palettes to be used;
  - F. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the structure and landscape materials to be used and other similar development requirements and/or restrictions in the form of the conditions of the Planned Development zoning; and
  - G. A description of any deviations from any other provision of these regulations and the reason for such.
  
8. Final Development Plan Approval Procedure.
  - A. After approval of a Preliminary Development Plan by the Governing Body, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the Governing Body and has been approved and that such Planned Development is applicable to certain specified legally-described land and that copies of said plan are on file with the City. Such statement recorded with the Register of Deeds shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan. The recorded statement shall specify that the Preliminary Development Plan shall become binding upon all successors and assigns unless amended in conformance with this act.
  - B. Prior to the issuance of any building permit or zoning certificate for construction on or use of the property the applicant shall submit an application for final approval. The final application may include the entire Planned Development or may be for a phase thereof as set forth in the approval of the Preliminary Development Plan. The application shall include copies of such drawings, specifications, covenants, easements, conditions and

form of performance bond as set forth in the approval of the Preliminary Development Plan and in accordance with the conditions established in the zoning regulations for Planned Development.

C. The Planning Commission shall approve the Final Development Plan if such plan meets the requirements of this article and is in substantial compliance with the approved Preliminary Development Plan. Final Development Plans shall be deemed to be in substantial compliance with the approved Preliminary Development Plan provided any modification to the plan does not:

- (1) Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, nor;
- (2) Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
  - (a) Pedestrian or vehicular traffic flow.
  - (b) The juxtaposition of different land uses.
  - (c) The relation of open space to residential development.
  - (d) The proposed phasing of construction.
  - (e) The exterior appearance of buildings and/or structures.

D. In the event that the Final Development Plan submitted contains substantial changes from the approved Preliminary Development Plan, the applicant shall submit a revised Preliminary Development Plan for approval per the Preliminary Development Plan Approval Procedure requirements. This resubmittal shall require a new public hearing in the same manner prescribed in this article for original Preliminary Development Plan approval.

9. Final Development Plan: Following Preliminary Development Plan approval and platting, if necessary, copies of the Final Development Plan shall be submitted in accordance with the City's Application and Review Schedule and shall include the following information:

- A. All residential development other than multifamily residential shall include the following:
- (1) All requirements of the Preliminary Development Plan (updated to show final sizes, dimensions and arrangement);

*Article 4 – District Regulations*

- (2) Contour lines showing finished grading only;
  - (3) A landscaping plan per Article 8, Landscaping and Buffering, in addition to any additional requirements of the Preliminary Development Plan approval; and
  - (4) The location, height, size, materials and design of all proposed signage; and
  - (5) Conceptual exterior building elevations including materials and color palettes to be used.
- B. All non-residential or multifamily development shall include all information required per Article 12, Site Plan Review with the exception of any approved deviation. Approval of each phase of the Final Development Plan shall also constitute site plan approval for that phase.
10. Amendments: A Planned Development District ordinance or an approved preliminary or Final Development Plan may be amended in the same manner prescribed in this article for approval of a preliminary or Final Development Plan. Application for amendment may be made by the homeowner's association or 51% of the owners of property within the "PUD".
11. Building Permits: On final approval by the Planning Commission, the owner shall provide copies of the approved Final Development Plan to the City. Building permits shall be issued only in accordance with the approved Final Development Plan.

**ARTICLE 5  
USE REGULATIONS**

1. Use Table: The use table of this section provides a tabular summary of the land use types allowed within each base-zoning district. The table is intended for reference and does not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between the use regulations of Article 5 and the zoning district regulations of Article 4, the text of the zoning district regulations shall prevail.
  - A. Permitted (by-Right): Uses identified in a zoning district column of the Use Table with a “P” are “permitted by-right” and shall be permitted in such zoning district, subject to such special use regulations as may be indicated in the “conditions” column and all other requirements of this Zoning Ordinance.
  - B. Special Uses: Uses identified in a zoning district column of the Use Table with a “S” are “special uses” and shall be permitted in such zoning district if reviewed and approved in accordance with the standards of Article 11. Special uses shall be subject to such special use regulations as may be indicated in the “use standards” column and all other requirements of this Zoning Ordinance.
  - C. Not Permitted: Uses not identified in a zoning district column of the Use Table as permitted by-right or by special use are not allowed in such zoning district unless otherwise expressly permitted by other regulations of this Zoning Ordinance.
  - D. Use Standards: A letter in the final “use standards” column of the Use Table refers to special use standards applicable to a particular use in one or more of the districts in which such use is allowed. The referenced regulations appear in Section 2 of this Article.

**CITY OF CHANUTE, KANSAS - ZONING REGULATIONS**

*Article 5 – Use Regulations*

USE REGULATIONS	ZONING DISTRICTS											Use Standards
	RESIDENTIAL						NON-RESIDENTIAL					
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1	M-2	
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	A
Home Occupations	P	P	P	P	P	P		P		P	P	L
Temporary Uses	P	P	P	P	P	P	P	P	P	P	P	Y
<b>AGRICULTURAL USES</b>												
Agricultural Processing	P	P								S	P	
Agriculture, General	P											B
Agriculture, Limited	S									S		
<b>RESIDENTIAL USES</b>												
Apartment				P	P							R
Assisted Living		P		P			S	P	S			
Boarding House			P	P	P							
Duplex			P	P	P			P				
Group Home, Limited (1 - 8)		S	S	P		S						K
Group Home, General (9+)		S	S	S			S					K
Group Residential				S			S		S			
Manufactured Home - Residential Design	P	P	P	P		P						P
Manufactured Home						P						Q
Mobile Home												
Modular Home		P	P	P		P						
Manufactured Home Park						P						Q

**CITY OF CHANUTE, KANSAS - ZONING REGULATIONS**

*Article 5 – Use Regulations*

USE REGULATIONS	ZONING DISTRICTS										Use Standards	
	RESIDENTIAL					NON-RESIDENTIAL						
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1		M-2
Multifamily				P								R
Single-Family, Attached				S	P	P						W
Single-Family, Detached	P	P	P	P	P	P		P				
Transitional Living Facility								S				
<b>COMMERCIAL USES</b>												
Adult Book Store										S	S	C
Adult Entertainment Facility										S	S	C
Agricultural Sales and Service								P		P	P	
Animal Care, General							S	S		P	P	N
Animal Care, Limited							P	P		P	P	
Bank or Financial Institution							P	P				
Bar or Tavern							P	P				
Bed and Breakfast	S	S	S	S	S	S	S	S				D
Car Wash							S	P		P	P	
Construction Sales and Service							P	P		P	P	
Day Care, Limited (1 - 6 individuals)		P	P	P	P	S		P				I
Day Care, General (7 - 10 individuals)		S	S	S	S							I
Day Care, Commercial							P	P	S			I
Catering							S	P				
Food Store							P	P				
Greenhouses, Nurseries	P							P		P	P	
Health Club							P	P	P			

**CITY OF CHANUTE, KANSAS - ZONING REGULATIONS**

*Article 5 – Use Regulations*

USE REGULATIONS	ZONING DISTRICTS										Use Standards	
	RESIDENTIAL					NON-RESIDENTIAL						
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1		M-2
Hotel, Motel or Tourist Court							P	P		P		
Manufactured Home Sales										P	P	
Massage Shop, Professional							P	P				
Office, General							P	P		P	P	
Parking Lot, Commercial							P	P	P	P	P	
Print Shop							P	P		P	P	
Recreation and Entertainment, Indoor		S	S	S	S		S	P				
Recreation and Entertainment, Outdoor		S	S	S	S		S	S				S
Repair Service							P	P		P	P	
Research Service							S	P	P	P	P	
Restaurant, Fast Food							P	P		S	S	Z
Restaurant, General							P	P		S	S	
Retail Sales and Service							P	P	S			
Safety Service	S	S	S	S	S	S	S	S	S	S	S	
Service Station, Automotive							P	P		P	P	
Service Station, Truck Stop							S	S		P	P	
Studio, Television, Film, Radio, Music								P		S	S	
Vehicle and Equipment Sales								P		P	P	AA
Vehicle/Equipment Storage Yard								S		P	P	AA
Vehicle Repair, General							S	S		P	P	AA
Vehicle Repair, Limited							S	P		P	P	AA

**CITY OF CHANUTE, KANSAS - ZONING REGULATIONS**

*Article 5 – Use Regulations*

USE REGULATIONS	ZONING DISTRICTS											Use Standards
	RESIDENTIAL						NON-RESIDENTIAL					
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1	M-2	
Warehouse, Residential Storage								S			P	
<b>PUBLIC, QUASI-PUBLIC, AND RECREATION</b>												
Airport or Airstrip	S									S	S	
Auditorium or Stadium							S	P	S	S	S	U
Cemetery, Crematory, Mausoleum	S	S	S	S		S	S	S		S	S	E
Churches, Chapels, Temples, Synagogues	S	S	S	S		S	S	S	S	S	S	
College or University									P			A
Communication Tower	S						S	S	S	P	P	F
Convalescent Care				S			S	S	P			H
Correctional Facility										S	S	
Cultural Service		P			P		P	P		S	S	
Funeral Home							S	S				
Golf Course	S	S	S	S		S		S				J
Government Service							P	P	P		P	
Heliport or Helipad								P	P	P	P	
Hospital		P	P	P			P	P	P			M
Library		S	S	S		S	S	P				
Medical Service							P	P	P			
Military Service							S	S	S	S	S	
Parks and Recreation	S	S	S	S	S	S	S	S	S	S	S	
Post Office							P	P				
Recreational Vehicle Park								S		S	S	T

**CITY OF CHANUTE, KANSAS - ZONING REGULATIONS**

*Article 5 – Use Regulations*

USE REGULATIONS	ZONING DISTRICTS											Use Standards
	RESIDENTIAL						NON-RESIDENTIAL					
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1	M-2	
Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	
School, Elementary, Middle or High	S	S	S	S	S	S	S	S	S	S	S	
Shooting Range								S		S	S	
Vocational School							S	P	P	P	P	
<b>MANUFACTURING, INDUSTRIAL AND EXTRACTIVE USES</b>												
Asphalt or Concrete Plant										S	P	
Basic Industry										S	P	
Composting Facility										S	S	G
Food/Bakery Product Manufacturing								S		P	P	
Freight Terminal							S			P	P	
Gas and Fuel Sales/Storage								S		P	P	
Grain Elevator	P									P	P	
Hazardous Operation										S	S	
Landfill										S	S	O
Laundry Plant										P	P	
Manufacturing and Assembly										P	P	
Mining or Quarrying										S	S	O
Oil or Gas Drilling	P	P	P	P			P	P	P	P	P	CC
Printing and Publishing										P	P	
Salvage Yard										S	P	V
Solid Waste Collection/Processing										S	S	X
Solid Waste Transfer Station										P	P	

USE REGULATIONS	ZONING DISTRICTS											Use Standards	
	RESIDENTIAL						NON-RESIDENTIAL						
	A-G	R-S	R-1	R-2	R-H	M-P	C-1	C-2	O-I	M-1	M-2		
Stockyard											S	S	
Transit Facility							S	P			P	P	
Utility, Major		S	S	S		S	S	S			S	S	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	
Warehousing and Wholesale											P	P	
Welding or Machine Shop											P	P	

2. Use Standards: The special use standards of this section shall apply to permitted, special uses and accessory uses as noted.

A. Accessory Uses

Permitted uses and approved special uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise stated in this zoning ordinance.

(1) Residential Accessory Uses

Residential uses shall include, but not be limited to, the following accessory uses, activities and structures:

- (A) Dormitory style residences, when associated with a college or medical facility.
- (B) Fences and walls,
- (C) Garages, carports and off-street parking and loading areas, provided that a detached garage or carport shall not cover more than ten percent of the total lot area, with a maximum of 1000 square feet;

- (D) Gardens, provided that they meet the required setbacks of the district in which they are located.
- (E) Gates and guard houses;
- (F) Guest house or guest rooms, neither of which may include kitchen facilities, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units;
- (G) Home occupations, subject to the sub-section L of this Article.
- (H) Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings, provided that such buildings shall not cover more than five (5) percent of the total lot area;
- (I) Radio and television receiving antennas and support structures.
- (J) Recreational and play facilities for residents;
- (K) Storage of recreational equipment such as boats, boat trailers, camping trailers, converted buses or trucks, house trailers, provided that storage shall be limited to private garages, side or rear yards of private homes, and in the driveways of private homes. Stored vehicles or equipment shall not protrude onto public property or obstruct any sidewalks. Recreational vehicles or equipment shall not be stored within required off-street parking spaces. No recreational vehicle shall be used for living or sleeping purposes while stored on the premises for a period exceeding 14 days in a calendar year;
- (L) Storm shelters and fallout shelters; and
- (M) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator to ensure land use compatibility.
- (N) Swimming pools subject to a setback of no less than four (4) feet from a protective fence no less than six (6) feet in height around the perimeter of the pool.

(2) Nonresidential Accessory Uses

Nonresidential uses shall include, but not be limited to, the following accessory uses, activities and structures:

- (A) Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors to the principal use;
- (B) Dwelling units, other than manufactured homes, when used or intended to be used for security or maintenance personnel;
- (C) Dwelling Units, when located on the second story of a commercial structure located in the “C-1” district.
- (D) Fences and walls,
- (E) Gates and guard houses;
- (F) Offices for allowed business and industrial uses when the office is located on the same site as the principal use;
- (G) Parking garages and off-street parking areas;
- (H) Radio and television receiving antennas and support structures.
- (I) Restaurants, news stands, gift shops, swimming pools, tennis courts, clubs and lounges when in a permitted hotel, motel or office building;
- (J) Sales of goods produced as a part of allowed industrial activities when on the same site as the principal industrial use;
- (K) Recycling Collection Stations, subject to the provisions of sub-section 2.A.(4)(E) of this Article.
- (L) The storage of merchandise when located within the same building as the principal business; and
- (M) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standard imposed by the Zoning Administrator to ensure land use compatibility.

(3) Accessory Use Development and Operational Standards

The following standards shall apply to all accessory uses and structures unless otherwise specifically provided.

- (A) Exterior Setback: No accessory structure shall be located within a required exterior setback.
- (B) Interior (Rear) Setback: Accessory structures shall not be required to comply with the interior rear setback standard that applies to principal uses. Accessory structures shall, however, be set back at least eight feet from rear lot lines and shall not be closer to the side lot line than the applicable minimum interior setback.
- (C) Interior (Side) Setbacks: No accessory structure shall be located within a required interior side setback.
- (D) Setbacks from Easements: No accessory structure, other than a fence or wall, shall be located within any platted or recorded easement, or over any known utility.
- (E) Height: No accessory structure shall exceed the maximum height standards of the underlying district unless specifically authorized.
- (F) Building Separation: Unless attached to the principal structure, accessory structures shall be located at least six (6) feet from any other structure.
- (G) Building Coverage: No detached accessory structure shall cover more than ten (10) percent of the total lot area. Accessory buildings and structures shall be included in the calculation of total building coverage.

(4) Recycling Collection Stations

Recycling Collection Stations shall be allowed as an accessory use in accordance with the following standards.

- (A) Maximum Size and Approval Required: Recycling collection stations shall be allowed as an accessory use only if it does not exceed 1,000 square feet in area and only if shown on a Site Plan that has been reviewed and approved in accordance with Article 12.
- (B) Screening: All collection stations shall be screened from public view of adjoining properties or any street right-of-way with a six (6) foot tall, 100 percent opaque, solid screen or be wholly contained within a structure.

- (C) Separation from Residential: Recycling collection station structures shall be located at least 150 feet from adjacent property zoned AG, R-S, R-1, R-2, R-H or MP.
- (D) Reverse Vending Machines: Reverse vending machines shall be located or soundproofed such that the noise of operation is imperceptible from the property line of property zoned or used for residential purposes.
- (E) Maintenance: An employee, business owner or property owner shall be responsible for keeping the recycling sites in a clean and safe condition and shall pick up any recycled materials that have blown around the site or adjacent area. All materials shall be stacked properly within a recycling bin and be monitored on a frequent basis.
- (F) Hours of Operation: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.
- (G) Signs: A sign shall be posted on the recycling enclosure stating the hours when collection of materials may be conducted. Collection hours of recyclables shall be determined by the Zoning Administration.

B. Concentrated Feeding Operation Standards

The site plan review procedures should be used to assure compliance with all KDHE requirements to protect against water contamination from feedlots. All proposed Concentrated Feeding Operations that are designed to accommodate Class I and Class II concentrations of animal units should be subject to site plan review. The site plan submittal should demonstrate how the following conditions are met:

- (1) All wastes from a concentrated animal feeding operation should be controlled so that there is no discharge of waste (including stormwater runoff that comes in contact with animal waste) from the property; and no discharge of wastes, directly or indirectly, to surface or subsurface waters, including sinkholes, dry stream beds, flowing streams, wet weather tributaries, and drainage ditches.
- (2) The no-discharge requirements of the KDHE, Division of Environmental Quality, under the Kansas Clean Water Law, should be met.

- (3) A copy of the KDHE “Letter of Approval”, if required, should be submitted with the Site Plan Review.
- (4) Separation requirements of the KDHE for Concentrated Feeding Operations should be met.

Such reviews should be placed as an item on the regular meeting schedule of the Planning Commission. A notice of the meeting should be sent to landowners in the notification area as prescribed by the KDHE rules.

C. Adult Entertainment Establishment

- (1) Separation From Other Uses: No adult entertainment establishment shall be permitted within 1,200 feet of any AG, R-S, R-1, R-2, R-H or MP zoned lot or with 1,200 feet of any religious assembly, school or park and recreation use. This separation distance shall be measured as a straight line, without regard to intervening properties, from the nearest exterior wall of the adult entertainment establishment to the nearest lot line of the lot that is zoned AG, R-S, R-1, R-2, R-H or MP or that contains a religious assembly, school or park and recreation use.
- (2) Separation From Other Adult Entertainment Establishments: No adult entertainment establishment shall be allowed to locate or expand within 1,000 feet of any other adult entertainment use or within 1,000 feet of any bar or tavern.
- (3) Access: All access to and from the adult entertainment establishment shall be provided from a thoroughfare street.
- (4) Frontage: The lot on which such use is located shall have at least 100 feet of street frontage.
- (5) Screening: The lot on which the use is located shall be screened by solid masonry wall, at least six feet in height along all interior lot lines.
- (6) Building and Parking Area Setbacks: The building in which the establishment is located and the off-street parking serving the establishment shall be set back at least 20 feet from the front lot line and at least 10 feet from all side and rear lot lines.
- (7) Windows and Doors: The building in which the adult entertainment establishment is located shall be designed in such a fashion that all openings, entries and windows prevent views into such establishments from any sidewalk, walkway, street or other public area. Further, no merchandise or pictures of products or entertainment on the premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in

front of the building. No adult entertainment activity shall take place outside the building containing the adult entertainment establishment.

- (8) Signs: Adult entertainment establishments shall be limited to one wall-mounted sign no greater than one square foot of sign per linear foot of wall length, not to exceed a total of fifty square feet. The sign shall not flash, blink or move by mechanical means and shall not extend above the roofline of the building. No flashing lights or lighting that gives the impression of motion or movement shall be permitted.
- (9) Parking Area Lighting: Lighting of parking areas that serve an adult entertainment establishment shall provide a minimum light level of 0.25 foot candles over the entire parking area, but in no point shall the light level exceed 3.0 foot candles, nor shall any increase in light levels or visible glare be permitted at the lot line.
- (10) Site Plans: Adult entertainment establishments shall be subject to site plan review, pursuant to Article 12.

D. Bed and Breakfast

Bed and Breakfast facilities shall be allowed by special use permit. The following requirements shall apply to all bed and breakfast facilities:

- (1) The structure in which the bed and breakfast facility is located shall contain no less than 2,000 square feet of habitable floor area, and shall comply with standards for minimum dwelling size as required in the District Regulations.
- (2) The establishment is located in a dwelling unit permanently occupied by the owner or manager, wherein as an accessory use to the residential use, rooms are rented to the public for not more than fourteen (14) consecutive nights.
- (3) Two (2) off-street parking spaces with one (1) additional off-street parking space per lodging room shall be provided, and said spaces shall be adequately screened from neighboring property.
- (4) A time period may be established by the City Commission for each bed and breakfast establishment.
- (5) No more than four bedroom units may be provided to guests. The City Commission may, however, further limit the number of lodging rooms allowed in order to maintain the character of the neighborhood in which the bed and breakfast facility is located.

E. Cemeteries, Crematories and Mausoleums

The following standards shall apply to cemeteries, crematories and mausoleums.

- (1) Entrances: All cemeteries, crematories and mausoleums shall provide entrances on an arterial or collector street with ingress and egress so designed as to minimize traffic congestion.
- (2) Landscape Buffer: A landscape buffer shall be provided along all property lines abutting any AG, R-S, R-1, R-2, R-H or MP zoned property, pursuant to Article 8.

F. Communication Towers

Communication towers shall be subject to the following standards.

- (1) Principal Use: Communication towers shall always be considered a principal use. They may be located on lots occupied by another principal use.
- (2) Setbacks:
  - (A) The minimum setback between communication towers and all property lines shall be equal to 20 percent of the height of the tower.
  - (B) Communication towers shall be setback a minimum of 50 feet from any existing or planned right-of-way.
  - (C) Communication towers shall be set back a minimum of 100 feet from the lot line of any AG, R-S, R-1, R-2, R-H or MP zoning district.
  - (D) Peripheral supports and guy anchors for communication towers may be located within the required setbacks, provided that they shall be located entirely within the boundaries of the property in which the tower is located and shall be located no closer than five feet from any lot line, and no closer than 10 feet from the lot line of an AG, R-S, R-1, R-2, R-H or MP zoning district.
- (3) Height: The principal support structure for communication towers shall be permitted to exceed the height limit of the zoning district in which it is located, provided that the setback standards of this section are complied with.

- (4) Security Fences and Walls: A fence or wall not less than seven feet in height from finished grade shall be constructed around each communication tower and around each guy anchor and peripheral support. The fence or wall shall comply with the following standards.
  - (A) Access to the tower shall be through a locked gate in the required fence or wall.
  - (B) If the communication tower is adjacent to a residential zoning district or a lot occupied by a residential dwelling unit, the required fencing shall consist of a masonry wall or solid fence with trees and shrubs planted along the exterior of the fence or wall. At least one tree and one shrub shall be required for each 30 linear feet of fence or wall line.
  - (C) If high voltage is necessary for the operation of the communication tower and it is present in a ground grid or in a tower, signs located every 20 feet and attached to the fence or wall shall display in large bold letters the following: “HIGH VOLTAGE - DANGER”
- (5) Airport Approach Paths: Communication towers shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA).
- (6) Removal of Obsolete and Unused Towers: All obsolete or unused communication towers shall be removed within 12 months of cessation of use.
- (7) Electromagnetic Radiation: Communication towers shall comply with all applicable Federal Communication Commission (FCC) standards for non-ionizing electromagnetic radiation (NER).

G. Composting Facility

The following standards shall apply to all Compost Facilities.

- (1) Landscape Buffer: Compost Facilities shall have a landscape buffer around its perimeter, pursuant to Article 8. The decision-making body may require a greater buffer to protect adjacent property from adverse visual and other impacts associated with a specific compost facility.
- (2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. No more than one vehicle entrance shall be allowed for each 660

feet of lot frontage on a public street. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. The Zoning Administrator may require a traffic report to be submitted with the Special Use Permit application.

- (3) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be completely screened from view from off-site.
- (4) Setbacks: Structures shall be set back at least 100 feet from all lot lines and at least 300 feet from the lot line of any property zoned AG, R-S, R-1, R-2, R-H or MP.
- (5) Hours of Operation: Uses shall not operate before sunrise or after sunset. When located within 1,000 feet of an AG, R-S, R-1, R-2, R-H, or MP zoning district the use shall not operate after 7:00 p.m. or before 8:00 a.m.
- (6) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and improved with all weather material.
- (7) Storm Water Management: A storm water management plan may be required at the discretion of the City Engineer.
- (8) Litter Control: The operation shall be attended on days of operation to maintain the property in a clean, litter-free condition.
- (9) Hazardous Material: Operations shall not involve the on-site holding, storage or disposal of hazardous substances, except for such substances used for the operation of the facility such as fuel and pesticides.
- (10) Material: No food scraps (except for vegetable scraps) or other vermin-attracting materials shall be processed, stored or disposed of on the site of the compost facility. Only yard/garden wastes are allowed as compost material.
- (11) Other Regulations: All operations shall be licensed if required, have proper permits from the Kansas Department of Health and Environment and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.

H. Convalescent Care

At least 70 square feet of usable open space shall be provided for each patient bed. This required open space may be designed to provide outdoor space for recreational activities or landscaped outdoor sitting areas.

I. Day Care (Limited, General and Commercial)

(1) Day Care, Limited:

Limited Day Care uses shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the day care provider. The use will be considered a Home Occupation and shall be subject to the Home Occupation provisions of sub-section L of this Article.

(2) Day Care, General:

- (A) State Licensing: General Day Care uses shall be licensed by the State of Kansas and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.
- (B) Residential Districts: In the “R-S”, “R-1”, “R-2”, “R-H” and “MP” residential districts, General Day Care uses shall be conducted in a single-family or two-family dwelling unit that is occupied as a permanent residence by the licensed day care provider, except that an assistant may provide care during necessary absences of the regular day care provider.

(3) Day Care, Commercial:

- (A) State Licensing: Commercial Day Care uses shall be licensed by the State of Kansas and shall meet all City, County and State Health Department requirements pertaining to facilities, equipment, and other features.
- (B) Vehicle Drop-Off Area: An off-street loading zone capable of holding one car per ten individuals cared for shall be provided, in addition to the required parking area, in order to provide for easy pickup and discharge of passengers.

J. Golf Courses

- (1) Location of Restaurants: Facilities such as restaurants and bars shall be allowed when an integral part of a principal club house building, provided there is no exterior display or advertising for the restaurant or bar.

- (2) Location of Recreation Facilities: Buildings, swimming pools, tennis courts, and similar recreational facilities shall be set back at least 25 feet the property line of any R-S, R-1, R-2 or R-H zoning district.

K. Group Home (Limited or General)

Group Homes shall be subject to the following standards only when located in an R-S, R-1, R-2, R-H or MP district.

- (1) Spacing: A Group Home to be located within a residential zoning district shall not be located within 1,320 feet of another Group Home, measured as the shortest distance between any portion of the structure in which persons reside.
- (2) Exterior Appearance: There shall be no alteration of the exterior of the Group Home that shall change the character thereof as a single-family residence. There shall be no alteration of the property on which the Group Home is located that will change the character thereof as property within a single-family dwelling district.
- (3) Neighborhood Character: A Group Home constructed in an R-S, R-1, or R-2 district shall be constructed to be compatible with the architectural character of the neighborhood in which it is located.

L. Home Occupations

Home occupations shall be permitted in all districts permitting dwellings.

- (1) Restrictions and Limitations:
  - (A) The home occupation shall be incidental and subordinate to the principal residential use of the premises and not more than 25 percent of the floor area of any one floor of a dwelling unit shall be utilized for a home occupation.
  - (B) All materials or equipment used in the home occupation shall be stored within an enclosed structure.
  - (C) No alteration of the exterior of the principal residential structure shall be made which changes the character thereof as a dwelling.
  - (D) No sign shall exceed four (4) square feet, shall not be illuminated and shall be placed flat against the main wall of the principal residential structure.

- (E) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence, and not more than one full-time equivalent, non-resident employee.
  - (F) No equipment shall be utilized that creates a nuisance due to noise, odor, emissions or electrical interference.
  - (G) No traffic shall be generated by the activity of the home occupation that is abnormal to a residential neighborhood.
- (2) Particular Home Occupations Permitted: Customary home occupations include, but are not limited to certain occupations that do not depend upon on-site commerce, and include the following list of occupations; provided, however, that each listed occupation is subject to the requirements of (A) through (G) above:
- (A) Art, dancing, and music schools provided that instruction is limited to five pupils at one time.
  - (B) Barber Shops and Beauty Parlors, but not more than two chairs per residence.
  - (C) Ministers, rabbis, priests and other religious leaders.
  - (D) Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
  - (E) Offices for Realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
  - (F) Watch, clock, and jewelry repair services.
  - (G) Radio, television, phonograph, recorder, and small appliance repair services.
  - (H) Music teachers, provided that instruction shall be limited to five pupils at a time.
  - (I) General Day Care uses and Limited Day Care uses subject to the provisions of sub-section I of this Article.
  - (J) Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc..
  - (K) Tailoring, alterations, and seamstresses.

- (L) Tool sharpening and filing.
- (M) Services not dependent on client visits to the site, such as computer-assisted services and graphic design.
- (3) Particular Home Occupations Prohibited: Permitted home occupations shall not in any event include the following:
  - (A) Antiques - retail.
  - (B) Funeral services.
  - (C) Groceries - retail.
  - (D) Second-hand merchandise - retail.
  - (E) Equipment rental.
  - (F) Automobile and other motor vehicle repair services.
  - (G) Physicians.
  - (H) Dentists.
  - (I) Chiropractors.
  - (J) Restaurants.
  - (K) Stables or Kennels.
  - (L) Tourist Home.
  - (M) Renting of trailers or equipment.

M. Hospitals

Hospitals and charitable institutions shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion.

N. Kennel

A kennel shall be located no closer than fifty (50) feet to another dwelling, including outside runs, and shall contain at least one (1) fully enclosed shelter for each animal or animals and provide an exercise area.

O. Landfills and Mining and Quarrying

Landfills and Mining and Quarrying uses shall be subject to the following standards.

- (1) Minimum Site Area: A minimum site area of 35 acres shall be required
- (2) Entrances: There shall be no more than one entranceway from a public street for each 660 feet of street frontage. A traffic study shall be required.
- (3) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an AG, R-S, R-1, R-2, R-H, or MP zoned property.
- (4) Separation from Residential: No digging or excavating shall occur within 100 feet of any lot line or within 300 feet of the lot line of an AG, R-S, R-1, R-2, R-H, or MP zoned property.
- (5) Paving: All roads, driveways, parking lots and loading and unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.
- (6) Slopes: The slope of material in any excavation shall not exceed the normal angle of repose of 55 degrees, whichever is less.
- (7) Buffers and Fences: When any open excavation will have a depth of ten feet or more and create a slope of more than 30 degrees, there shall be erected a fence of not less than six feet in height with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fences shall be located 50 feet or more from the edge of the excavation. Fences shall be adequate to prevent trespass and shall contain warning signs spaced no more than 100 feet apart to be visible along the entire length of said fences. A buffer shall be provided around the site, pursuant to Article 8.
- (8) Storm Water Management: A storm water management plan shall be required.
- (9) Site Restoration: The following restoration requirements shall apply to all excavation uses, provided that landfills shall, instead, be subject to state and federal requirements.
  - (A) Restoration Plan: Before approval of a special use permit for an excavation use, the operation shall submit to the Zoning Administrator a detailed plan for restoration of the site, including information on the

anticipated future use of the restored land, existing and proposed final contours with an interval of no more than five feet. The plan shall include type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.

- (B) The restoration plans shall be filed with and approved by the Planning Commission before quarrying or removal operations begin. The plans shall be prepared by a soil or geological engineer.
  - (C) Bonds: Before the issuance of any special use permit, the owner shall execute a bond sufficient to ensure restoration of the site in accordance with the approved restoration plan. Such bonds shall also be approved by the City Commission as to form, sufficiency and manner of execution, and shall run for the same term as the term of the special use permit and any renewals.
  - (D) Water Quality: In restoration, no filling operations shall be permitted which will likely result in contamination of ground or surface water, or soils, through seepage of liquid or solid waste or which will likely result in the seepage of gases into surface or sub-surface water or into the atmosphere.
  - (E) Appearance: The restoration plan shall provide that all areas within any single development be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural or they shall be restored pursuant to an approved restoration plan.
  - (F) Top Soil and Fills: Where topsoil is removed, sufficient arable soil shall be set aside for reclamation of the premises and shall be re-spread over the premises after the operation. The area shall be brought to final grade by a layer of earth of two feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the Planning Commission. Fill shall be of a suitable material approved by the Planning Commission.
- (10) City, County, State and Federal Standards: All operations shall be licensed if required, have proper permits from the Kansas Department of health and Environment and shall meet all City, County and Federal Health Department requirements pertaining to facilities, equipment and other features.

P. Manufactured Home Residential-Design

The following standards shall apply to all manufactured home residential-design dwellings.

- (1) The manufactured home shall have minimum dimensions of 22 feet in width and 40 feet in length;
- (2) The pitch of the roof of the manufactured home shall have a minimum vertical rise of four feet for each 12 feet of horizontal run and the roof finished with a type of shingle that is commonly used in standard residential construction in the City;
- (3) All roof structures shall provide an eave projection of no less than 12 inches, exclusive of any guttering;
- (4) The exterior siding shall consist of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of low luster white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
- (5) The manufactured home shall be 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, 1987” (NCS BCS A225.1), and a continuous, permanent masonry foundation or masonry curtain wall, or poured concrete wall, unpierced except for required ventilation and access, is installed under the perimeter of the Residential-Design Manufactured Home;
- (6) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the building code and attached firmly to the primary structure and anchored securely to the ground; and
- (7) A Manufactured Home Residential-Design, when installed, shall have substantially the same appearance of an on-site, conventionally built, single-family dwelling.

Q. Manufactured homes

All manufactured homes in the MH-Overlay district shall be attached and anchored to a permanent foundation in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended.

Manufactured homes meeting the following additional requirements shall be permitted on lots zoned R-1 and contained within the manufactured home overlay district as designated on the City of Chanute official zoning map.

1. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (the reflectivity of which does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction in the City;
2. The manufactured home is set up in accordance with the recommended installation procedures of the manufacturer; is installed and constructed in accordance with the standards prescribed by the Chanute Building Code; and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home, installed so that the finished floor elevation is not more than 24 inches above finished grade;
3. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City building code and attached firmly to the primary structure and anchored securely to the ground; and
4. The moving hitch, wheels and axles, and transporting lights have been removed.

R. Multifamily

All multifamily development shall be subject to the following design guidelines and standards:

- (1) Site Plan Review: Multifamily development shall be subject to site plan review requirements and procedures of Article 12.
- (2) Natural Features and Environment: Each site should be designed to preserve natural features and environmental resources, such as:
  - (A) Flood plains and drainage ways.
  - (B) Bodies of water.
  - (C) Prominent ridges and rock ledges.
  - (D) Existing tree cover including tree masses, wind rows and significant individual trees.

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- (3) Cut and Fill: Excessive cut and fill are unacceptable. The site plan should preserve the natural topography of the site.
- (4) Pedestrian Circulation: Pedestrian circulation systems (sidewalks, walkways, and paths) shall be located and designed to provide physical separation from vehicles along all public and private streets and within any parking area.
- (5) Building Separation: All buildings shall be separated by a minimum distance of 15 feet.
- (6) Lot Coverage: Each site plan should be designed to reflect unique site characteristics and strong neighborhood environments without overcrowding the site.
- (7) Access: All multifamily residential developments must have direct vehicular access to collector, arterial or higher classification streets. Multifamily residential development shall not take access to local streets.
- (8) Open Space: Open space should be provided to meet active and passive use requirements of the neighborhood.
  - (A) At least ten (10) percent of the total site area shall be set aside as common open space. The common open space shall be suitable for active or passive recreational use. Common open space areas should be centrally placed within the neighborhood. Common open space may include pools, tennis courts, and tot lots. Common open space may not be counted toward nor located in required zoning district setbacks.
  - (B) A minimum of 60 square feet of private open space shall be provided for each ground-level dwelling unit and each dwelling unit that is accessible from a walk out basement. Private areas should allow only limited access and be enclosed to ensure privacy. Private areas typically include yards, balconies and patios.
- (9) Building Clustering: Unusable and unassigned open space surrounding buildings should be reduced by clustering buildings. Buildings should be clustered around a central common area, and not have the primary orientation directed toward the parking area.
- (10) Building Orientation
  - (A) Individual Buildings: Individual buildings should be oriented in a way that established neighborhoods and sub-neighborhoods.

- (B) Reduction of Unusable Open Space: Unusable open space should be reduced through building orientation, the use of low walls, fencing, landscaping and entry design.

(11) Vehicular Circulation and Parking

- (A) Street Layout: The layout of streets should provide for safe operation of vehicles within the neighborhood. Excessively straight and wide streets encourage high-speed traffic and should be avoided. Curvilinear designs, reduced street widths and cul-de-sacs create stronger neighborhood environments.
- (B) Parking Area Layout: Double loaded parking areas along private streets or drives are generally not acceptable. Parking areas should be clustered and separated from the street.
- (C) Parking Enclosures: Parking enclosures should be designed and sited so as to compliment the primary structures and to provide visual relief from extensive pavement area.

(12) Pedestrian Circulation

- (A) Pedestrian Linkages: Pedestrian access should be designed to provide reasonable linkages of dwelling units to neighborhood facilities such as recreation, services, mail and parking.
- (B) Landscaping Details: Pedestrian systems should incorporate landscaping details to increase the visual interest and character of the neighborhood.
- (C) Landscaping: Landscaping should be designed in sufficient form, quantity and location to reduce, to the greatest extent possible, negative impacts affecting the site and adjacent properties and to increase the sense of neighborhood scale, character and identify.
- (D) Architectural Design: The architecture of multifamily housing is a key element in determining the character of a neighborhood. The architecture should create a strong feeling of identity through design principles of scale, harmony, rhythm and balance.
- (E) Elongated sites with rectangular, double-loaded building footprints should be avoided. These design typically lack interest and fail to create a strong sense of neighborhood.

- (F) The architectural design of each unit or building should impart a feeling of neighborhood scale. Units should be designed with vertical and horizontal offsets to break up roof lines, define private outdoor areas, allow greater views, and admit light and air to unit interiors. Large, blank wall surfaces should be avoided. Windows and projecting wall surfaces should be used to break up larger wall surfaces and establish visual interest.
- (G) The same level of architectural design and quality of materials should be applied to all sides of the building. The side and rear elevations, garages, carports, and all accessory structures should maintain the same level of design, aesthetic quality, and architectural compatibility.
- (H) Screening from the street of all outdoor refuse areas, ground mounted mechanical equipment, utilities, and banks of meters shall be provided. The screening of these items is to be architecturally compatible with the major building components and may include landscaping.

S. Recreation and Entertainment, Outdoor

- (1) Outdoor recreation and entertainment uses shall be located on arterials or collectors. Public activity areas shall be located at least 200 feet from any adjacent AG, R-S, R-1, R-2, R-H or MP zoning district.

T. Recreational Vehicle Parks

Recreational Vehicle Parks shall be permitted subject to the following conditions:

- (1) The site selected for recreational vehicle parks shall be well drained and primarily designed to provide space for short-term occupancy to the traveling public. Location of the site may not necessarily front on a major roadway or thoroughfare, but it shall be directly accessible to the major roadway by means of a private road or public road that it has frontage on. Short-term occupancy shall not exceed 30 days, except as approved by the Zoning Administrator.
- (2) Minimum tract size shall be two (2) acres and shall be in one (1) ownership.
- (3) The maximum number of recreational vehicle spaces allowed within the permitted districts shall not be more than 20 per acre. Consideration shall be given to whether the recreational vehicle park and the density level are designed accordingly. The densities of overnight use may be higher than destination type since it primarily serves as a short stopping point while the destination type recreational vehicle park located at or near a scenic historical or outdoor recreational area provides for longer and extended stays of several days or weeks.

- (4) Minimum width of a recreational vehicle space shall be 25 feet. The space shall be so designed to provide space for parking both a travel trailer and towing vehicle off the roadway. No travel trailer unit shall be closer than 10 feet to any other adjacent unit, structure or roadway, and all spaces shall have direct access to the roadway. No unit shall be placed closer than 30 feet to any of the development property lines, and the 10 feet nearest the property line shall be permanently maintained as a sodded and/or landscaped area.
- (5) A central office or convenience establishment with an attendant shall be provided within the recreational vehicle park to register guests and provide service and supervision to the camp for camps in excess of 5 acres.
- (6) The applicant for a recreational vehicle park shall submit a development plan to the Planning Commission for approval. Such plan shall contain the information as required below and any other information the Board reasonably shall deem necessary to fully evaluate the proposed development. The applicant shall submit the information on a sheet size not to exceed 24” x 36” dimensions as a proposed development plan showing:
  - (A) General layout of development with dimensions, depths, number of spaces and related sanitation accommodations.
  - (B) Parking area location, sizes and capacity.
  - (C) Ingress and egress points for the project.
  - (D) Use of structures.
  - (E) General layout of typical recreational vehicle space showing size of space and proposed improvements.
  - (F) Layout of roadway within the camp.
  - (G) Net density of proposed project, expressed in terms of units per acre.
  - (H) General landscaping plan indicating all new and retained plant material to be incorporated within the new development and layout of outdoor lighting system.
  - (I) Plan and method of sewage disposal and water supply.
  - (J) Location plan and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries and utility areas.

(K) The development shall provide a general refuse storage area or areas that shall be provided with a paved concrete surface and shall be enclosed to screen it from view.

(7) The recreational vehicle parks shall be planned and constructed in accordance with the minimum standards as established in this section and as outlined below:

(A) All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material.

(B) All camps shall be provided with general outdoor lighting with a minimum of 0.3-foot candles of general illumination.

(C) All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained.

U. Auditorium or Stadium

(1) Any parking area used for the overnight parking of buses and vehicles shall be located at least 100 feet from the lot line of a lot zoned AG, R-S, R-1, R-2, R-H or MP. Any such parking area shall be screened from view of adjacent R-S, R-1, R-2, R-H or MP districts by a landscape buffer as approved by the Planning Commission.

V. Salvage Yards

The following standards shall apply to salvage yards, scrap and waste material storage yards, auto wrecking and junk yards.

(1) Separation from Residential: No salvage yard shall be located within 300 feet of an AG, R-S, R-1, R-2, R-H or MP zoning district.

(2) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least six feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. Scrap, junk or other salvaged materials shall be piled or stored so that they are not visible from outside the fenced in area and do not exceed the height of the enclosing fence or wall.

(3) Loading/Unloading: No junk shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.

W. Single-family Attached

Single-family Attached development shall be subject to the standards of the underlying zoning district, as modified by the following standards.

- (1) Lot Width: Each Single-family Attached dwelling unit shall be located on an individual lot having a minimum width of 20 feet.
- (2) Building Coverage; Single-family Attached dwelling units shall be exempt from the Building Coverage standards of the underlying zoning district.
- (3) Setbacks: No interior side setback shall be required on the “attached” side of a lot containing a Single-Family Attached dwelling unit. The interior setback standards of the underlying zoning district shall apply to “end” units in a Single-Family Attached development. End units are those that are attached to other dwelling units on only one side.

X. Solid Waste Collection/Processing Facilities

The following standards shall apply to Solid Waste Collection/Processing Facilities.

- (1) Screening: The operation shall be conducted wholly within a non-combustible building or within an area surrounded on all sides by a fence or wall at least eight feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be so maintained by the proprietor as to insure maximum safety to the public, obscure the junk from normal view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in a way that retains all scrap, junk, or other materials within the yard. No scrap, junk or other salvaged materials may be piled so to exceed the height of this enclosing fence or wall.
- (2) Traffic Circulation: The operation shall provide entrances on arterial or collector streets only with ingress and egress so designed as to minimize traffic congestion. There shall be enough room on-site to accommodate peak traffic volume and company vehicles. A traffic analysis shall be required.
  - (A) Storage Bins: Storage bins or trailers will be allowed to be stored on-site as an ancillary use, providing they are durable, covered and meet the same setbacks required for the structure on the site. The bins shall be screened as part of the operation.

- (B) Loading/Unloading: No solid waste or junk shall be loaded, unloaded or otherwise placed either temporarily or permanently outside an enclosed building, fence or screened area or within the public right-of-way, except the use of storage bins placed on the outside an enclosed building for recycling. The operation shall be attended on days of operation to maintain the property in a clean, litter free condition.
  - (C) Separation for Residential: No structures shall be located within 300 feet an AG, R-S, R-1, R-2, R-H or MP zoned property.
  - (D) Hours of Operation: Uses shall not operate before sunrise or after sunset if located within 1,000 feet of an AG, R-S, R-1, R-2, R-H or MP zoned property.
  - (E) Paving: All roads, driveways, parking lots and loading/unloading areas within 500 feet of any lot line shall be graded and paved with an approved concrete or asphalt/concrete surface.
  - (F) Storm Water Management: A storm water management plan may be required at the discretion of the City Engineer.
  - (G) Other Regulations: All operations shall be licensed if required, have proper permits from the Kansas Department of Health and Environment and shall meet all City, County, State and Federal Health Department requirements pertaining to facilities, equipment and other features.
  - (H) Time Limit and Renewal of Special Use Permit: The Special Use Permit shall be effective for one year, at which time it may be renewed in accordance with procedures applicable to the original approval. If renewed, a new time limit on the Special Use Permit shall be established at the public hearing. The Special Use Permit shall be revoked by the Zoning Administrator it is determined by the Zoning Administrator that the use is creating a nuisance for nearby residents or businesses or is failing to comply with the conditions imposed on the operation.
- Y. Temporary Uses Permitted. The following uses shall be allowed on a lot for which the vendor has a property interest.
- (1) Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations, provided that no trees shall be displayed within 30 feet of the intersection of the curb line of any two streets.

- (2) Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
  - (3) Real Estate Office: Real estate office (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
  - (4) Seasonal Sales: Seasonal sale of farm produce grown on the premises, in an AG District. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are not located within the sight triangle of an intersection, as defined by these regulations, and are removed or moved back of the required front yard setback line at the end of the season during which they are used.
  - (5) Carnivals and Circuses: A carnival or circus, but only in a commercial or industrial district, and then only for a period that does not exceed three weeks. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements of the sight triangle as defined by these regulations.
  - (6) Garage or Porch Sales: The sale of used or second-hand merchandise shall be permitted in any residential district providing that such use shall not exceed three consecutive days in duration, nor occur more than four-times, excluding city-wide sales, during a 12 month period at one residence.
- Z. Fast Food Restaurant proposals shall present a site plan that allows adequate stacking of traffic on-site at any drive-through window to prevent conflicts with vehicular movement on public streets.
- AA. Vehicle/Equipment Sales, Vehicle/Equipment Storage Yards and Vehicle Repair (Limited and General)
- BB. All vehicle and equipment storage areas and parking areas must be hard-surfaced and dust free.
- CC. Oil and gas drilling shall comply with Chanute Municipal Code Section 16.44 whether located within the City Limits or outside of the City Limits.

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